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Book 1:
Pages 13435-14284
Book 2:
Pages 14285-14974

Federal Register

Book 1 of 2 Books
Monday, April 21, 1986

Briefings on How To Use the Federal Register—
For information on briefings in Dallas, TX, and Washington, DC, see announcement on the inside cover of this issue.

Selected Subjects

Agendas
Unified Agenda of Federal Regulations—Parts II through LVIII

Aid to Families With Dependent Children
Social Security Administration

Air Pollution Control
Environmental Protection Agency

Aviation Safety
Federal Aviation Administration

Banks, Banking
Federal Reserve System

Disaster Assistance
Federal Emergency Management Agency

Foods
Transportation Office, Agriculture Department

Government Procurement
Defense Department

Government Property Management
General Services Administration

Grant Programs—Legal Services
Legal Services Corporation

Loan Programs—Agriculture
Farmers Home Administration

Radio Broadcasting
Federal Communications Commission

Supplemental Security Income
Social Security Administration

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How To Cite This Publication: Use the volume number and the page number. Example: 51 FR 12345.

THE FEDERAL REGISTER: 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 2 1/2 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.

DALLAS, TX

WHEN: April 23; at 1:30 pm.

WHERE: Room 7A23,
Earl Cabell Federal Building,
1100 Commerce Street, Dallas, TX.

RESERVATIONS: local numbers:

Dallas	214-767-8585
Ft. Worth	817-334-3624
Austin	512-472-5494
Houston	713-229-2552
San Antonio	512-224-4471, for reservations

WASHINGTON, DC

WHEN: May 15; at 9 am.

WHERE: Office of the Federal Register,
First Floor Conference Room,
1100 L Street NW., Washington, DC.

RESERVATIONS: Laurence Davey 202-523-3517

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Correction (Editorial note: For a document on this subject see entry under Labor Department)

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Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

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Presidential Documents

Title 3—

The President

Proclamation 5461 of April 17, 1986

National Mathematics Awareness Week, 1986

By the President of the United States of America

A Proclamation

Since the time of its beginnings in Egypt and Mesopotamia some 5,000 years ago, progress in mathematical understanding has been a key ingredient of progress in science, commerce, and the arts. We have made astounding strides since from the theorems of Pythagoras to the set theory of Georg Cantor. In the era of the computer, more than ever before, mathematical knowledge and reasoning are essential to our increasingly technological world.

Despite the increasing importance of mathematics to the progress of our economy and society, enrollment in mathematics programs has been declining at all levels of the American educational system. Yet the application of mathematics is indispensable in such diverse fields as medicine, computer sciences, space exploration, the skilled trades, business, defense, and government. To help encourage the study and utilization of mathematics, it is appropriate that all Americans be reminded of the importance of this basic branch of science to our daily lives.

The Congress, by Senate Joint Resolution 261, has designated the week of April 14 through April 20, 1986, as "National Mathematics Awareness Week" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of April 14 through April 20, 1986, as National Mathematics Awareness Week, and I urge all Americans to participate in appropriate ceremonies and activities that demonstrate the importance of mathematics and mathematical education to the United States.

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

Ronald Reagan

[FR Doc. 86-9030
Filed 4-18-86; 10:43 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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Monday, April 21, 1986

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

Farmers Home Administration

7 CFR Parts 1809, 1903, 1910, 1924, 1941, 1943, 1944, 1945, 1951, 1955, 1962 and 1965

Implementation of Additional Provisions of the Food Security Act of 1985, Emergency Loans, Farm Operating Loans, etc.

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations to: (1) Provide for insured loans to joint operations, (2) provide for the use of proceeds from income from mineral rights for loan payments and require mineral rights be appraised when taken for security, (3) provide for record keeping training for farm borrowers with emphasis on limited resource borrowers, (4) provide assurance that a portion of loan funds be made available for discretionary use by the borrower and release of proceeds of normal income security for family living and farm operating expenses, (5) provide for restricting Emergency (EM) loans to family farms and restrict the making of EM loans when Federal Crop Insurance is available, (6) provide for timely approval and closing of farmer program loans, (7) provide for loans to entities of larger than family farms provided each individual interest does not exceed a family farm and all the members are related blood or marriage. Provide for specific requirements for its handling and leasing of inventory farm property. These amendments are necessary to implement the applicable provisions of the "Food Security Act of 1985" (Pub. L. 99–198). The major effects will be to ensure that the agency provides prompt service to applicants and borrowers, reduce the need and size of the emergency loan program, assist borrowers with their family living and farm operating expenses, expand the size of operation an entity may have when the members are related by blood or marriage.

DATE: Interim rule effective April 21, 1986. Comments must be submitted on or before May 21, 1986.

ADDRESSES: Submit written comments, in duplicate, to the Office of the Chief, Directives Management Branch, Farmers Home Administration USDA, Room 6348, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250. All written comments will be available for public inspection during regular working hours at the above address.

FOR FURTHER INFORMATION CONTACT: William Krause, Director, Emergency Loan Division, Farmers Home Administration, USDA, Room 5420, Washington, DC 20250, Telephone: (202) 382–1632.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1, which implements Executive Order 12291, and has been determined to be nonmajor, because there will not be an annual effect on the economy of $100 million or more; a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or 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.

Intergovernmental Consultation

1. For the reasons set forth in the final rule related to Notice 7 CFR 3015, Subpart V (48 FR 29115, June 24, 1983) and FmHA Instruction 1940–J, "Intergovernmental Review of Farmers Home Administration Programs and Activities" (December 23, 1983), Emergency Loans, Farm Operating Loans, Farm Ownership Loans and Low Income Housing Loans are excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

2. The Soil and Water Loans Program is subject to the provisions of Executive Order 12372 and FmHA Instruction 1940–J.

Programs Affected

These changes affect the following FmHA programs as listed in the Catalog of Federal Domestic Assistance:

10.404—Emergency Loans
10.406—Farm Operating Loans
10.407—Farm Ownership Loans
10.410—Low Income Housing Loans (Section 502 Rural Housing Loans)
10.416—Soil and Water Loans

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that the proposed 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, Pub. L. 91–190, an Environmental Impact Statement is not required.

Discussion of Interim Rule

FmHA is implementing this interim rule immediately with a 30 day comment period. It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. The "Food Security Act of 1985" (Pub. L. 99–198) amended FmHA's statutory loan making authorities, and these amendments must be implemented as soon as possible to provide immediate assistance to financially stressed farmers. Field offices are already receiving requests for those provisions that were effective upon enactment of the law. The Agency must provide immediate guidance by revising the regulations. It is urgent that these regulations become effective on publication so that Farmers can plan for spring planting. It is necessary to implement these regulations for those farmers that have suffered severe losses due to bad weather and other natural disasters. The Act requires changes in

the emergency loan regulations related to the size of the farming operation. Certain applications for these loans are being held in abeyance until the regulations are issued. Any delay could make these farmers late with their spring planting. Other farmers have lost or are losing their farms and need the new regulations immediately to be able to lease back their farms for this year's season. Immediate implementation of these regulations will enhance existing regulations in assisting farmers to continue farming and assist in protecting the nation's food supply. It is the government's social responsibility to provide immediate assistance to farmers as provided in the Act. Other changes in the regulations are administrative management changes and some changes are due to court-imposed requirements. The court-imposed requirements must be implemented immediately to avoid being in contempt of the court order.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this interim rule action are impractical, and good cause is found for making this interim rule effective less than 30 days after publication in the **Federal Register.**

Background

The loan making, supervision, and servicing of FmHA farm borrowers is governed mainly by the Consolidated Farm and Rural Development Act (CONACT) (7 U.S.C. 1921 et seq.). The major purpose for revising the FmHA regulations at this time is to implement various sections of the Food Security Act of 1985 (Pub. L. 99–198) as it applies to certain farmer program loans. The sections are as follows:

Section 1301—Joint operations.
Section 1303—Family Farm Restriction (Blood and Marriage).
Section 1305—Mineral rights as collateral.
Section 1306—Farm Recordkeeping Training for borrowers.
Section 1307—Non-supervised Accounts.
Section 1308—Eligibility for EM loans.
Section 1310—Oil and Gas Royalties.
Section 1312—Prompt Approval of loans.
Section 1314—Disposition and leasing of farm land.
Section 1315—Release of Normal Income Security.
Section 1325—Prohibiting Coordinated Financial Statement.

Due to the urgent need of the farmers for credit for spring planting, FmHA has expedited the implementation of these changes.

Background—Recreation Loans

This is a minor program. Since 1969 only 460 insured loans and three guaranteed loans for a total of $20,527,880 were made. As of October 21, 1985, on 210 loans for a total of $13,325,000 remain outstanding. The program has not been funded since Fiscal Year 1981. Indications are that it will not receive funding in the foreseeable future. Therefore, the Agency is not amending the recreation loan regulations due to the expense.

Highlights

The Farmers Home Administration amends its farmer program insured loan making and servicing regulations to implement changes required by the "Food Security Act of 1985" and where applicable certain other program regulations to update certain references and forms, to correct certain inconsistencies, to delete obsolete material, and to clarify the wording in a few paragraphs in various regulations. Such changes are mainly for administrative purposes and are published at this time for convenience. The major changes are as follows:

1. Amend FmHA farmer program insured loan making and servicing regulations to provide for loans to joint operations as required by section 1301 of Pub. L. 99–198. The changes provide for an FmHA definition of a joint operation and deal with applicants/borrowers that farm as joint operations the same as other types of farming entities such as partnerships, corporations and cooperatives.

2. Amend FmHA farmer program insured loan making and servicing regulations to provide for loans to farm entities that are larger than a family farm when all of the members are related by blood or marriage, all the members operate the farm, and none of the individual member's interest exceed that of a family farm. The change also provides for an FmHA definition of related by blood or marriage. This change is required by section 1303 of Pub. L. 99–198.

3. Amend FmHA farmer program insured loan making, servicing and farm appraisal regulations to require that mineral rights must be included in the appraisal when mineral rights are taken for FmHA security for loans. The change also provides that regular payments may be made on FmHA loans from the proceeds from oil and gas royalties. These changes are required by sections 1305 and 1310 of Pub. L. 99–198. It is also necessary to amend the farm appraisal regulations to add a provision for a method for determining the value of mineral rights. The amendment will allow the FmHA State Director to contract for appraisals and appraisal training in accordance with the agency's contracting regulations. Several references and other changes are made to clarify and conform to other regulations which includes updating material for the Code of Federal Regulations.

4. Amend FmHA operating loan regulations to add a provision for providing loan funds to borrowers for farm recordkeeping training with emphasis on this training for limited resource loan borrowers. This provision is required by section 1306 of Pub. L. 99–198.

5. Amend FmHA farmer program insured loan making regulations to allow $5,000 or 10 percent of the loan whichever is less, to be released to the borrower for use at the borrower's discretion for purposes agreed upon in the farm operating plan. This change is required by section 1307 of Pub. L. 99–198.

6. Amend FmHA farmer program insured servicing regulations to require the release of FmHA chattel security for essential family living and/or farm operating expenses. A feasible plan of operation is not necessary for such releases if the only reason for developing the plan is for the use in determining the need for the release. This is provided for in section 1315 of Pub. L. 99–198.

7. Amend FmHA farmer program insured loan making regulations to require prompt approval of loans. Completed applications must be approved or disapproved within 60 days as required by section 1312 of Pub. L. 99–198.

8. Amend FmHA emergency (EM) loan insured regulations to repeal the authority to make EM loans to applicants for larger than family farm operations, repeal the authority to make EM annual production loans, repeal the authority to make EM loans to applicants able to obtain credit elsewhere, prohibit EM loans to applicants when Federal crop insurance is available, and to restrict the availability of EM Subtitle A funds to owner-operators. These changes are provided for in section 1308 of Pub. L. 99–198.

9. Amend FmHA insured servicing regulation to:

(1) Provide for assistance with the Agriculture Stabilization and Conservation Service (ASCS) for maintaining allotments, marketing quotas or acreage bases assigned to inventory property; (2) provide that the

State Director consider subdividing surplus inventory property into family farms for resale to eligible applicants, (3) provide that the Soil Conservation Service (SCS) be requested to identify highly erodible land on inventory property and SCS recommend specific conservation practices for such land, and such practices be made a requirement of the lease or sale; (4) provide for the opportunity to small business to bid for management contracts for inventory property; (5) provide for leasing back and purchase to previous owner of farm inventory property at the capitalization value of the property and provide that the approval of a sale must not have a detrimental effect on the value of farms in the area; (6) provide for requirements for public notice of the availability of inventory property for lease; (7) provide the requirements for the County Committee to certify the eligibility of applicants for a credit sale of inventory property and select the applicant for the sale if more than one applicant is eligible; (8) provide for the authority to grant or sell easements, or the equivalent for conservation purposes and the authority to sell development rights for their market value; (9) remove references to the "Coordinated Financial Statement." These changes are provided for in section 1314 and section 1325 of Pub. L. 99-198.

10. In addition to the above amendments FmHA is amending the EM regulations as follows:

Several revisions to Subpart D of Part 1945 are not required by the Food Security Act of 1985 but are necessary to delete provisions no longer authorized by law, to provide continuity with other FmHA loan program regulations and to clarify provisions identified as misleading or inconsistent by FmHA Coordinated Assessment Reviews or Office of Inspector General (OIG) audits. This action is therefore necessary to strengthen FmHA's internal controls to minimize losses to the Government and to eliminate confusion regarding the types of FmHA emergency loans available.

It is urgent that FmHA have current regulations in place prior to the spring planting season to assist those farmers affected by late fall and winter disasters. The following sections of Subpart D of Part 1945 contain revisions or deletions in addition to those required by the Food Security Act of 1985.

Section 1945.154—Contains changes and clarifications to several definitions.

Section 1945.161—Deletes references to EM major adjustment loans. The authority to make these loans was repealed by Pub. L. 96-438. Minor clarifications are also included.

Section 1945.162—Deletes obsolete references to application deadlines for major adjustment and annual production loans that are no longer authorized by law.

Section 1945.163—Contains several clarifications regarding the calculation of losses. These changes are necessary as a result of OIG audit findings and FmHA field reviews, and changes in the law regarding Agricultural Stabilization and Conservation Service (ASCS) established yield definitions.

Section 1945.166—Contains several clarifications on the use of EM loan funds and also deletes references to EM major ajustment loans.

Section 1945.168—Contains clarifications on the rates and terms for EM loans. OIG audits have cited cases where loans were scheduled for longer periods of time than necessary and these changes are necessary to address those findings.

Section 1945.169—The security requirements for FmHA loans have been partially revised to remove obsolete references and to clarify provisions that were poorly worded and subject to different interpretations by the field offices. Changes are needed to clarify this section and to protect the interest of the Government.

Section 1945.175—Is revised to provide additional guidance for FmHA appraisal methods for EM loans. Guidelines for FmHA EM chattel appraisals have been temporarily implemented through the use of Agency Administrative Notices (AN), and it is necessary to incorporate these guidelines into the regulations.

Section 1945.183—Provides guidelines for avoiding duplication of benefits with the Small Business Administration (SBA). These changes are necessary due to previous amendments to the Small Business Act.

11. Additional changes in the regulations for Subpart B of Part 1924 and Subpart A of Part 1962 of this chapter are included for compliance with the court order filed March 3, 1986 in the United States District Court of North Dakota. These changes provide for giving the borrower the opportunity to appeal when the borrower and County Supervisor disagree on the release of sale proceeds from FmHA chattel security and to clarify the requirements for such releases.

List of Subjects

7 CFR Part 1809

Loan programs—Agriculture, Real property—Appraisals, Rural areas.

7 CFR Part 1903

Accounting, Loan programs—Agriculture, Rural areas.

7 CFR Part 1910

Applications, Credit, Loan programs—Agriculture.

7 CFR Part 1924

Agriculture, Construction and repair, Loan programs—Agriculture.

7 CFR Part 1941

Crops, Livestock, Loan programs—Agriculture.

7 CFR Part 1943

Credit, Loan programs—Agriculture, Recreation, Water resources.

7 CFR Part 1944

Home improvement, Low and moderate income housing—Rental, Mobile homes, Mortgages, Rural housing, Subsidies.

7 CFR Part 1945

Agriculture, Disaster assistance.

7 CFR Part 1951

Accounting servicing, Credit, Loan programs—Agriculture, Loan programs—Housing and community development, Mortgages.

7 CFR Part 1955

Foreclosure, Government acquired property, Government property management, Sale of government acquired property, Surplus government property.

7 CFR Part 1962

Crops, Government property, Livestock, Loan programs—Agriculture, Rural areas.

7 CFR Part 1965

Foreclosure, Loan programs—Agriculture, Rural areas.

Accordingly, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1809—APPRAISALS

1. The authority citation for Part 1809 is revised to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Appraisal of Farm and Leasehold Interests

2. Section 1809.1 is amended by revising the introductory paragraph and by revising paragraphs (b) and (c) to read as follows:

§ 1809.1 General.

This subpart prescribes the policies and procedures for appraisal of farms securing Farm Ownership (FO) loans, Operating (OL) loans, Soil and Water (SW) loans to individuals, Recreation (RL) loans, Land Conservation and Development (LCD) loans, Labor Housing (LH), And Rural Housing (RH) loans other than nonfarm tracts or small farms. All farms, except small farms appraised for RH loans, will be appraised for their market value under this subpart.

* * * * *

(b) *Appraisal reports.* Form FmHA 422–1, "Appraisal Report (Farm Tract)," Form FmHA 422–3, "Map of Property," and Form FmHA 1922–11, "Appraisal for Mineral Rights," will be used in recording appraisals except as modified by Subpart A of Part 1941, Subparts, A, B, and C of Part 1943 and Subpart D of Part 1945 for loans of $10,000 or less. The forms will be prepared in accordance with Exhibits A, B and G of this subpart (available in any FmHA office). When applicable, Form FHA 422–2, "Supplement Report (Irrigation, Drainage, Levee, and Minerals)," will be prepared in conjunction with an appraisal. In no case will Form FmHA 1922–8, "Residential Appraisal Report," be used to appraise a farm under this subpart.

(c) *Administrative responsibility.* The State Director will authorize qualified county employees to make appraisals under this subpart. Employees must be given intensive appraisal training to establish an acceptable level of competence before they are granted authorization to make appraisals. Job descriptions for these employees will include appraisal duties. Exceptions to this policy must have prior approval of the Administrator. The State Director will designate qualified members of the State Office staff only to provide appraisal training. State Directors are authorized to contract for appraisals and appraisal training in the manner prescribed by FmHA Instruction 2024–A (available in any FmHA office).

* * * * *

3. Section 1809.2 is revised to read as follows:

§ 1809.2 Definitions of values.

There are different kinds of values used in farm appraisals which may be considered in arriving at the Recommended Market Value for farm properties.

(a) *Agricultural value.* The agricultural value of a farm is the amount a typical purchaser would, under usual conditions, be willing to pay and be justified in paying for the farm, as improved, for customary agricultural uses, including farm-home advantages, with the expectation of receiving typical net earnings from the farm, This value is based upon agricultural assets only and assumes an informed typical purchaser.

(1) The amount the purchaser would be justified in paying for a farm for farming purposes depends in a large measure on the earning ability of the farm. In determining the ability of a farm, the appraiser will assume that:

(i) The farm will be operated by a typical operator for the area.

(ii) The cropping system used is typical for the farm under consideration and will maintain the anticipated productivity. In determining the proper cropping system, the appraiser will take into account acreage allotments for the basic crops.

(iii) Crop yields used for the farm under consideration are representative of yields generally being obtained in the area.

(iv) Approved commodity prices and farm expenses are employed in estimating net income.

(v) The property will be improved as shown in Form FHA 424–1, "Development Plan."

(vi) The share of farm operating expenses, the cost of necessary farm repairs and replacements customarily paid by the landowner will be deducted from the landowner's share of income in determining net rental farm income.

(2) The appraiser will also consider the value of the farm as a home and will take this into account along with the amount that could safely be invested in the farm, based on the capitalization of the net rental farm income in arriving at its agricultural value.

(b) *Market value.* The market value is the amount a typical purchaser would be willing to pay and justified in paying for the property considering agricultural uses and nonagricultural assets the property may have. It is assumed that the property would sell for this amount with a reasonable sales effort and that the purchaser would be a willing but not anxious buyer, and the seller would be a willing but not forced seller. A market value determination will be made for the acquisition of individual tracts of security servicing for the following:

(1) Security servicing actions required by Subpart A of Part 1965 of this chapter.

(2) Rural Renewal Loans.

(3) Emergency Loans.

(4) Resource Conservation and Development Loans.

(5) Community Services Loans and Grants.

(6) Cooperative Association Loans.

(7) Timber Development Loans. (Appalachian Region only.)

4. Section 1809.3 is amended by revising paragraphs (b)(1)(i), (b)(1)(vi), and (c) to read as follows:

§1809.3 Basic farm valuation principles.

* * * * *

* * *

(1) * * *

(i) The distance to market and trading centers in which applicant will conduct business.

* * * * *

(vi) Location value is difficult to measure on the basis of a formula. It can be established by analysis of sales data. When location causes the property to have more value than justified on the basis of customary agricultural use, the appraiser should determine and include an estimate of what the better features will be worth to a typical buyer.

* * * * *

(c) *Home desirability.* This is an important factor in farm appraisals since the farm business provides an operator with an occupation and a home. An appraiser should consider those features which relate to family living and the satisfaction of a comfortable home. An appraiser's opinion should be based on the various home features of a farm and how they will appeal to a typical purchaser. Home use advantages have a bearing on the kind of typical buyer or operator attracted to the farm under consideration. This will affect the quality of management which will be assumed by the appraiser. The basic elements considered for home use value are the house and yard, location, all weather accessibility, water and other utilities, neighborhood, churches, schools, and recreational and scenic features. Properties with antiquated, poorly arranged and obsolete buildings will have less than improved properties.

* * * * *

5. Section 1809.4 is amended by revising the title, the introductory paragraph, by revising the introductory paragraph (a), by revising paragraph (b)(1)(i), by revising the introductory paragraph (c), and paragraphs (c)(1), (d), and (e) to read as follows:

§ 1809.4 The three-way approach to market value.

Farm appraisals made under this subpart will be based to the extent

applicable on a three-way approach, using market data of prices of comparable properties, capitalization, and summation of all resources and facilities. This combination will provide a means of arriving at a market value for the full range of farm properties, which the Farmers Home Administration (FmHA) is now authorized to finance.

(a) *Market data approach.* Using sale prices of comparable properties sold during the most recent period is a sound and acceptable means of arriving at market value. The appraiser should observe, study, and record pertinent facts for as many sales of comparable property as possible. He should be certain the properties selected as comparable are so similar to the property being appraised that a prospective purchaser would likely pay an equivalent price for the farm. The objective is to deduce from sale data on comparable property the price which the property being appraised would attract on the market. If there is a lack of similarity between the property being appraised and the properties on which sales data is being used, appropriate compensating adjustments will have to be made. If the differences are numerous or pronounced, sales data on more nearly comparable property should include those in which the terms and conditions of the sale are representative of true sale transactions occurring in the community. Form FHA 422–9, "Real Estate Sales Data," will be used to record sales information.

* * * * *

(b) * * *

(1) * * *

(i) Determine the rate of return received on comparable or nearly comparable properties or investments. When the sale price of a comparable farm has been determined and confirmed, the rate of return can be established by working an earnings statement for that farm. The net income thereby obtained will reflect the rate of return to the investment in the farm. If the exact annual income can be ascertained from the owner, a more precise capitalization rate can be determined. Several determinations in this manner can provide a good indication of a reliable capitalization rate for an area. Exhibit F is an example of a technique for determining the capitalization rate for an area. The capitalization rate will be determined annually.

* * * * *

(c) *Summation approach.* An indication of value under this approach is obtained by adding the value of essential buildings to the market value of the land. Depreciation must recognize functional and economic obsolescence as well as physical deterioration in determining building value. This approach is used for checking purposes in making the appraisal.

(1) The market value of land will be the value of the land without buildings. It will include land development of a permanent nature. A value per acre for the land resources will be determined by analyzing the sale prices of comparable land.

* * * * *

(d) *Market value.* The appraiser will consider the results of these three approaches and make needed adjustments to these findings before reaching the final conclusion for the Recommended Market Value. The adjustments will usually be for unusual location and economic use features not otherwise recognized, and for home use features which contribute to family living satisfaction not previously reflected. After an indication of value reflected by each approach has been determined, the appraiser should re-examine the calculations and the adequacy of the data analyzed in each approach. The appraiser should give further consideration to the strong points and the weakness of each approach used. As a general rule the value indicated by the market data approach is the most reliable indicator of value. The final step is the correlation of the indications of value reflected by the three approaches. The appraiser will examine the spread between the minimum and maximum figures. The appraiser will determine which approach appears to be the most reliable answer to the appraisal problem. The appraiser will temper this determination of value by the degree of reliance to be placed on the other indication of value.

(e) *Recommended market value.* The appraiser's conclusion using the three approaches is the Recommended Market Value recorded in Part 7 of Form FmHA 422–1. The appraised value for mineral rights from Part VI of Form FmHA 1922–11, "Appraisal of Mineral Rights," will be added to Part 7 of Form FmHA 422–1 to arrive at the Recommended Market Value.

6. Section 1809.8 is revised to read as follows:

§ 1809.8 Preparation of Appraisal Report.

Directions for completing Form FmHA 422–1 are given on the attached Exhibits A and G (available in any FmHA office).

PART 1900—GENERAL

7. The authority citation for Part 1900 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart B—Farmers Home Administration Appeal Procedure

8. Section 1900.55 is amended by revising paragraph (d) to read as follows:

§ 1900.55 FmHA actions to limit the need for appeals.

* * * * *

(d) Farmer program loan borrowers who are sent Form FmHA 1924–25 and who complete Part I, II A, II B, II C, or II D of Form FmHA 1924–26 are entitled to a conference with the decision maker before the appeals process begins. The conference cannot be waived by FmHA. If the borrower or the borrower's representative fails to schedule or attend the conference or if the borrower fails to bring the information requested, the borrower is still entitled to a hearing. If the borrower or the borrower's representative attends the conference but their request for servicing relief cannot be granted, Exhibit B–3 with attachment B–4 will be used to notify the borrower of their appeal rights. If the borrower or borrower's representative fails to attend the conference Exhibit B–2 with attachment B–4 will be used.

* * * * *

9. Section 1900.56 is amended by revising paragraph (a) to read as follows:

§ 1900.56 Appeal from an initial FmHA decision.

(a) Farmer program loan borrowers who are sent Forms FmHA 1924–25 and FmHA 1924–26 (in accordance with Subpart A of Part 1965, Subpart B of Part 1924, Subpart A of Part 1962, or Subpart C of Part 1950 of this chapter) are given an opportunity to appeal before the adverse action is taken unless Part II E or Part III or IV of Form FmHA 1924–26 was completed. If the borrower requested servicing relief and such relief cannot be granted, the borrower will be sent Exhibit B–3 with attachment Exhibit B–4. If an appeal is taken and the decision to take adverse action is upheld, the final letter upholding the initial decision will contain the following statement:

This review concludes the administrative appeal of your case. FmHA will proceed to take the adverse action noted on Form FmHA 1924–25, "Notice of Intent to Take Adverse

Action." You are not entitled to any further appeal in connection with the adverse action.

* * * * *

10. Exhibit B–3 to Subpart B of Part 1900 is revised to read as follows:

Exhibit B–3 to Subpart B—Letter for Notifying Applicants and Borrowers of Unfavorable Decision Reached at the Pre-Hearing Meeting or Conference

UNITED STATES DEPARTMENT OF AGRICULTURE

Farmers Home Administration

(Insert address)

Date: _____

Dear _____: _____

We appreciated the opportunity to review the facts relative to [your application/request for FmHA services] [the assistance you are presently receiving]. We regret that our [meeting] [conference] with you did not result in a satisfactory conclusion.

(Insert here the adverse decision and all the specific reasons for the adverse action).

See attachment for your appeal rights.

The hearing officer will be (name and title) _____. A request for a hearing should be sent to the hearing officer in care of this office (address) _____.

(The following paragraph for individual applicants only):

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, handicap, or age (provided that the applicant has the capacity to enter into a binding contract), because all or part of the applicant's income derives from any public assistance program, or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with the law concerning this creditor is the Federal Trade Commission, Equal Credit Opportunity, Washington, D.C. 20580.

Sincerely,

(Decision Maker)_____

(County Supervisor for County Committee)

Title: _____

PART 1903—VOLUNTARY DEBT ADJUSTMENT

11. The authority citation for Part 1903 is revised to read as follows:

Authority: 7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Voluntary Debt Adjustment

12. Section 1903.1 is revised to read follows:

§ 1903.1 General.

This subpart prescribes the policies, responsibilities, and procedures in the voluntary adjustment of debts of applicants for loans from the Farmers Home Administration (FmHA), borrowers, and other farmers, ranchers, farm cooperatives, private domestic corporations, partnerships, and joint operations that will manage and operate not larger than family farms, who request such services.

PART 1910—GENERAL

13. The authority citation for Part 1910 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; Sec. 10 Pub. L. 93–357, 88 Stat. 392; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Receiving and Processing Applications

14. Section 1910.1 is amended by revising the introductory paragraph to read as follows:

§ 1910.1 General.

This subpart prescribes the policies and procedures for receiving and processing Section 502 and 504 Rural Housing (RH), Farm Ownership (FO), Soil and Water (SW), Recreation (RL), Operating (OL), Emergency (EM), Rural Rental Housing (RRH), Rural Cooperative Housing (RCH), Rural Housing Site (RHS) and Labor Housing (LH) loan and grant applications except as modified by program regulations. It also prescribes policies for informing applicants and other interested individuals about the services of the Farmer Home Administration (FmHA).

* * * * *

15. Section 1910.3 is amended by revising paragraph (e) and the introductory paragraph (j) to read as follows:

§ 1910.3 Receiving applications.

* * * * *

(e) Signature requirements on the Promissory Note will be as needed to assure repayment of the indebtedness and as set out in the loan making regulations. Signature requirements on the Mortgage or Deed of Trust will be sufficient to obtain the required lien, and to make the property being offered as security available to satisfy the debt in the event of default. FmHA State Supplements will be issued to outline the requirements in accordance with State real property law. The State Director will obtain the advice of OGC prior to issuance of the State Supplement.

* * * * *

(j) For all loans and credit sales secured by a first mortgage and involving the purchase of an existing 1 to 4 family unit, or purchase of a building site and construction of 1 to 4 family residential units, or FO loans involving tracts of 25 acres or less, whether made to an individual, corporation, partnership, joint operation, cooperative, association, or other entity, the booklet entitled "Settlement Costs" will be hand-delivered to the applicant when the completed application is received, or mailed to the applicant within three (3) business days after receipt of the application in the County Office.

* * * * *

16. Section 1910.4 is revised to read as follows:

§ 1910.4 Processing applications.

When obtaining information concerning applicants and evaluating their qualifications, FmHA personnel will be covered by the provisions of ECOA and the established policies for the various types of assistance offered by FmHA. In the processing of applications for Farm Ownership, Farm Operating and Soil and Water loans received from family size operators, the County Supervisor may recommend the applicant for the additional services of the "New Full-Time Family Farmer and Rancher Development Committee." See Exhibit A of Subpart B of Part 1924 of this chapter for the policies governing those additional services. If a farm is situated in more than one State, County or parish, the loan will be processed in the State, County or parish where the applicant's principal residence on the farm is located. If the applicant's residence is not located on the farm or if the applicant is a corporation, cooperative, partnership or joint operation, the loan will be processed by the County Office serving the County in which the farm or a major portion of the farm is located, unless otherwise approved by the State Office.

(a) *Incomplete applications.* Applicants who submit incomplete applications for EM, FO, OL, and SW loans will be sent a letter within 20 working days after receipt of their applications. The letter will state clearly the additional information needed, and that the application cannot be processed until all required information is received in the FmHA County Office.

(b) *Completed applications.* Completed applications are those for which all information necessary to determine eligibility has been received, and they will be processed in the order received, except as modified by veteran's preference policies. The County Supervisor will verify the information furnished by the applicant and record and assemble additional information needed to properly evaluate the applicant's qualifications and credit

needs. Information may be obtained and verified by:

(1) County Office records.

(2) Form FmHA 410–4.

(3) Credit reports as provided in Subparts B and C of Part 1910 of this chapter. (Subpart C available in any FmHA office.)

(4) Personal contacts.

(5) Visits of supervisory personnel to the applicant's residence or business.

(6) Form FmHA 410–8, "Applicant Reference Letter," to inform sources such as creditors, bankers, merchants, employers, and landlords. The information obtained as a result of personal inquiries and observations will be recorded in the running record. The information obtained by correspondence will be attached to the related application, Form FmHA 410–1 or Form FmHA 410–4, as appropriate.

(i) Form FmHA 410–8 includes printed notification to financial institutions that FmHA is in compliance with the Right to Financial Privacy Act of 1978, Title XI of P.L. 95–630. This notification must be given to any financial institution to which FmHA makes a direct request for financial records regarding an applicant who is an individual, a joint operation or a partnership of 5 or fewer members. When not using Form FmHA 410–8, the notification will read as follows:

I certify that the United States Department of Agriculture, acting through the Farmers Home Administration, has complied with the applicable provisions of Title XI, "The Right to Financial Privacy Act of 1978," Public Law 95–630 in seeking financial information regarding (applicant) .

Date

County Supervisor

(ii) Under no circumstances may financial information obtained under this regulation be disseminated to any other department or agency of the Federal Government (other than the Office of the Inspector General (OIG) or the Department's Office of Advocacy and Enterprise (OAE)) without express approval of the Office of General Counsel (OGC).

(7) Form FmHA 1910–5, "Request for Verification of Employment." This form may be used to verify employment and income.

(c) *Notifying applicants (including presently indebted borrowers) about Limited Resource loans.* Immediately after a completed application for OL, FO, SW, or EM assistance is received, and prior to County Committee action, the County Supervisor will send a letter similar to FmHA Guide Letter No. 1924–B–1 to the applicant telling the applicant about Limited Resource loans.

(d) *Determining eligibility.* The County Committee will be used to determine eligibility of RH applicants who are also applying for a Farmer Program loan, or who are already indebted for a Farmer Program loan. The County Supervisor will determine eligibility for all other RH applicants. All farmer program applications are to be submitted to the County Committee for eligibility. The County Supervisor must obtain and present to the County Committee sufficient information concerning an applicant for the Committee to determine eligibility for the type of assistance requested.

(e) *County Committee actions.* All actions by the Committee regarding applicant eligibility will be taken in Committee meetings attended by at least two Committee members. If the County Committee is unable to reach a decision based on the information available, they may request the County Supervisor to obtain further information or may request a personal interview with the applicant. The County Committee will act on the application after considering all pertinent information. This action will be taken in the absence of the applicant. County Committee members are required to adhere to all applicable provisions of this regulation when determining eligibility of applicants. Applicants may not be interviewed for reasons unrelated to proper eligibility considerations.

(f) *Timeliness.* Written notice of eligibility or ineligibility will be sent to each applicant, not later than 30 days after receipt of a completed application; and for farmer program loan applications, each application must be approved or disapproved and the applicant notified, in writing, of the action taken, not later 60 days after receipt of a completed application. If an application is disapproved, the applicant will be given appeal rights for any decision that is appealable under Subpart B of Part 1900 of this chapter. If a determination of eligibility cannot be made within 30 days from the date of receipt of the completed application, the applicant will be notified, in writing, of the circumstances causing the delay, and the approximate time needed to make a decision. The letter will contain the ECOA paragraph set forth in § 1910.6(b)(1) of this subpart.

(g) *Recording action taken.* The County Committee minutes or the running case record (whichever is appropriate) will show what action was taken on each application. The specific reason for unfavorable decisions of eligibility on application will be shown on the Committee Certifications. In those cases not involving County Committee action, this information will be recorded in the running case record.

(h) *Active applications.* An applicant may voluntarily withdraw an application at any time. When an applicant has been determined eligible, but further processing is delayed due to an apparent lack of interest, the applicant will be advised by letter that the application will be considered withdrawn unless the County Office receives a notice within 30 days that further consideration is desired. The letter will contain the ECOA paragraph set forth in § 1910.6(b)(1) of this subpart. Applications for FO, SW, OL, RL, RH, RRH, RCH, RHS, and LH loans received during any fiscal year will remain active during the remainder of that fiscal year in which they were received, plus the subsequent fiscal year, unless withdrawn or disapproved, or unless the loan is closed. However, an expiring application for which a loan has been approved, but not closed, will be considered active until the loan is closed or canceled. All withdrawn or rejected applications will be retained in an inactive file for 25 months after the date of withdrawal or notice of adverse action. If notice has been received by FmHA that an adverse action is under investigation or in litigation, that application and all related material will be retained until final disposition of the matter.

17. Section 1910.5 is amended by revising paragraph (c)(1) and by adding paragraph (c)(5) to read as follows:

§ 1910.5 Evaluating applications.

* * * * *

(c) * * *

(1) Foreclosures, judgments, or delinquent payments of the applicant which occurred more than 36 months before the application, if no recent similar situations have occurred.

* * * * *

(5) Bankruptcies must never be used as an indication of unacceptable credit history. However, nonpayment of a debt may be used as an indication of unacceptable credit history, in accordance with § 1910.5(c)(1) of this section.

18. Section 1910.6 is amended by adding the introductory paragraph, adding paragraph (b)(3), redesignating paragraphs (c) through (e) to paragraphs (d) through (f), adding a new paragraph (c) and revising newly redesignated paragraph (d) to read as follows:

§ 1910.6 Notification of applicant.

The time frames established in § 1910.4(f) of this subpart must be met.

* * * * *

(b) * * *

(3) If a decision to deny an EM, OL, FO or SW loan(s) is overturned or modified in the appeal process or by a court, the case will be returned to the local FmHA County Supervisor for further processing. The County Supervisor or the County Committee must take action within 15 days, as set out in § 1910.59(c) of Subpart B of Part 1900 of this chapter.

(c) *Available funds.* After EM, OL, FO and SW loans are approved, loan funds will be made available to the applicants within the time frames established in the loan making regulations.

(d) *Lack of funds.* Applications received when funds are not available will be processed and a decision on eligibility will be made. Applicants who are ineligible will be so advised, in accordance with § 1910.6(b)(1) of this subpart. If no funds are available within 15 days of loan approval, eligible applicants will be notified that their applications will be held until funds are available. When funds become available for the requested loan, eligible applicants will be notified immediately by letter. Funds must be provided to the applicant within 15 days of they when become available, unless the applicant agrees to a longer period. The letter should tell the applicant to notify the County Office immediately if the applicant is still interested in obtaining the assistance originally applied for. If the applicant does not respond within 10 days of the date of the first letter, a second notice will be sent requesting the applicant to contact the County Office within 15 days or the application will be considered withdrawn. The letter will contain the ECOA Notice set forth in § 1910.6(b)(1) of this subpart. If the applicant indicates a desire to obtain assistance, the County Supervisor will review the application with the applicant and, if there have been any significant changes that would affect eligibility, the County Supervisor will obtain necessary current information to determine eligibility, or when appropriate, present the application to the County Committee for reconsideration. If, after reconsideration, the application is rejected, adverse action has occurred, and the proper notification will be sent as outlined in § 1910.6(b)(1) of this subpart.

* * * * *

§ 1910.7 [Amended]

19. Section 1910.7(a) is amended by removing from the first sentence the words "Household Financial Statement and Budget" and inserting a period after the phrase "Form FmHA 431–3."

Subpart B—Credit Reports (Individuals)

20. Section 1910.52 is amended by revising paragraph (b) to read as follows:

§ 1910.52 General.

* * * * *

(b) Whenever Exhibit A does not list a contractor for a particular town or area, the local FmHA official should request, through the State Director, the address of other contractors from the Director, Directives and Administrative Services Division, National Office. If the Director, Directives and Administrative Services Division, informs the State Director that there are no other contractors for that particular area, the local FmHA official should follow the procedures outlined in Exhibit A, Credit Report Contracts, (a). In the meantime, § 1910.4(b) (1), (2), (4), (5), (6) and (7) of Subpart A of Part 1910 of this chapter will be followed in obtaining and verifying the applicant's qualifications and credit needs.

* * * * *

PART 1924—CONSTRUCTION AND REPAIR

21. The authority citation for Part 1924 is revised to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart B—Management Advice to Individual Borrowers and Applicants

22. Section 1924.51 is revised to read as follows:

§ 1924.51 General.

This subpart sets forth policies for providing management advice to farmer program loan individual applicants and borrowers. The term "individual" as used in this subpart applies to individuals and to farming partnerships, joint operations, corporations and cooperatives. The term "farmer program loan" as used in this subpart includes Farm Ownership (FO), Soil and Water (SW), Operating (OL), Emergency (EM), Economic Emergency (EE), Recreation (RL), Special Livestock (SL), and Economic Opportunity (EO) loans, and/or (RHF) Rural Housing loans for farm service buildings. This subpart applies to insured farmer program loan applicants/borrowers who depend on farm income for loan repayment. It also includes Rural Housing (RH) borrowers who are also indebted for a farmer program loan that is not collection-only or a judgment account, and those FO, SW and/or OL loan applicants and borrowers who use the services of a "New Full-Time Family Farmer and Rancher Development Committee." (See Exhibit A of this subpart.) This subpart does not apply to individuals who owe non-program loans (defined in § 1965.7(h) of Subpart A of Part 1965 of this chapter).

23. Section 1924.57 is amended by revising the introductory text of paragraph (b)(1), and revising paragraph (b)(1)(iv), adding a new paragraph (b)(1)(viii), revising paragraphs (b)(2), (b)(3), (c)(4), (c)(5) and (d)(2), and adding paragraph (c)(6) to read as follows:

§ 1924.57 Planning.

* * * * *

(b) * * *

(1) Form FmHA 1962–1 must be completed once each year and revised as needed in accordance with the Forms Manual Insert (FMI) for all borrowers with FmHA loans secured by chattels. There must always be a current Form FmHA 1962–1 in the file of a borrower with loans secured by chattels. Form FmHA 1962–1 should be filled out and signed at the same time as a Form FmHA 431–2 is signed if a Form FmHA 431–2 is required. The figures on the two forms must be consistent. For example, if the Form FmHA 431–2 shows the borrower plans to spend $10,000 on equipment and no FmHA loan funds are being advanced for that purpose and the borrower has no income except from the farm operation, the Form FmHA 1962–1 should show where the $10,000 will come from. (Example—Wheat, 3000 Bushels, Sold, August, $10,000, Purchase Equipment.) Form FmHA 431–2 will be required for those borrowers.

* * * * *

(iv) Who are requesting servicing options on Form FmHA 1924–26, "Borrower Acknowledgment of Notice of Intent to Take Adverse Action," while any appeal is pending. This may be an interim plan for determining the release of proceeds on Form FmHA 1962–1 for essential family living and farm operating expenses in accordance with § 1962.17 of Subpart A of Part 1962 of this chapter. Such a plan does not have to meet the requirements of a feasible plan in paragraph (c)(5) of this section.

* * * * *

(viii) Who have FmHA loans secured by crops, livestock, and livestock products marketed in the regular course of business.

(2) If the County Supervisor and the borrower cannot reach an agreement on the planned uses of proceeds on Forms FmHA 431–2 and 1962–1 when a new or subsequent loan is involved, the loan will not be made and any appeal will be handled in accordance with Supbart B of Part 1900 of this chapter. When a new

or subsequent loan is not involved, the borrower will be given the opportunity to appeal in accordance with Subpart B of Part 1900 of this chapter. The notice to the borrower must identify the items on which the County Supervisor and the borrower cannot agree and must explain why the County Supervisor does not agree with the borrower's planned use of proceeds. While any appeal is pending, FmHA must make releases for essential family living and farm operating expenses. In addition, FmHA may make releases for other items on which the borrower and the County Supervisor agree. After the appeal is concluded, the County Supervisor and borrower will sign a Farm and Home Plan, when applicable, and a Form FmHA 1962–1 which complies with the hearing (or any review) officer's decision. If the borrower refuses, the County Supervisor will give the borrower a copy of the Farm and Home Plan, when applicable, and Form FmHA 1962–1 and will explain that those documents are considered binding by FmHA. Borrowers who do not abide by those documents will be handled under § 1962.18 of Subpart A of Part 1962 of this chapter. If the borrower does not appeal, the County Supervisor will mail the borrower a copy of the completed form along with a cover letter explaining that FmHA considers the form binding.

(3) In certain cases the borrower may not indicate any disagreement with the planned use of proceeds on the Form FmHA 1962–1 but may refuse to sign the form. For these cases the County Supervisor will sign the form and mail it to the borrower with a cover letter explaining that FmHA considers the document binding unless the borrower disagrees with the planned use of proceeds and wishes to appeal in accordance with Subpart B of Part 1900 of this chapter. Borrowers that do not abide by the document will be handled in accordance with § 1962.18 of Subpart A of Part 1962 of this chapter.

* * * * *

(c) * * *

(4) Plan for the appropriate use of income with the applicant in accordance with § 1962.17 of Subpart A of Part 1962 of this chapter. Form FmHA 1962–1 *must* provide for the release of sufficient income to pay essential farm operating and family living expenses.

(5) Determine the feasibility of the Farm and Home Plans. A feasible plan is necessary if a loan is being made or a servicing action is being taken. A feasible plan is not necessary if the only reason for developing the plan is to complete a Form FmHA 1962–1 in accordance with paragraph (b)(1)(iv) of this section. Feasible plans must show the borrower will be able to:

(i) Pay for operating expenses and taxes.

(ii) Meet necessary payments on debts.

(iii) Maintain necessary livestock, farm and home equipment, and buildings to the extent that such items have not been provided for in the operating expenses.

(iv) Have a reasonable standard of living for the borrower or the farm operator in the case of a corporation, partnership, joint operation or cooperative.

(v) Provide for any essential capital purchases or improvements.

(6) Will contact borrowers with loans secured by chattels 60 days prior to the expiration date for Form FmHA 1962–1 and obtain a new completed form for the upcoming year. A list will be maintained in the management systems box in the miscellaneous division in accordance with § 1905.5(d) of Subpart A of Part 1905 of this chapter (available in any FmHA office). The list will include the borrower's name, the expiration date of the form, and the date for follow-up by the County Supervisor.

* * * * *

(d) * * *

(2) Initial and subsequent plans and Form FmHA 1962–1 will be revised whenever changes in the borrower's operation occur during the year. It is the borrower's responsibility to notify FmHA of any changes which occur. The plan and Form FmHA 1962–1 will be marked "Revision" and changes noted by crossing out any original estimates and inserting new estimates immediately above. The borrower and the County Supervisor will initial and date revisions to the plan and Form FmHA 1962–1. If the borrower and the County Supervisor cannot agree on a revision, the borrower will be given the opportunity to appeal in accordance with Subpart B of Part 1900 of this chapter. The notice to the borrower must identify the items on which the County Supervisor and the borrower cannot agree and must explain why the County Supervisor does not agree with the borrower's planned use of proceeds. While any appeal is pending, FmHA must make releases for essential family living and farm operating expenses. In addition, FmHA may make releases for other items on which the borrower and the County Supervisor agree. After the appeal is concluded, the County Supervisor and borrower will sign a Form FmHA 1962–1 which complies with the hearing (or any review) officer's decision. If the borrower refuses, the County Supervisor will give the borrower a copy of the form and will explain that it is considered binding by FmHA. Borrowers who do not abide by the form will be handled under § 1962.18 of Subpart A of Part 1962 of this chapter. If the borrower does not appeal, the County Supervisor will mail the borrower a copy of the completed form along with a cover letter explaining that FmHA considers the form binding.

24. The introductory text of paragraph VIII of Exhibit A to Part 1924, Supbart B is revised to read as follows:

Exhibit A of Subpart B—New Full-Time Family Farmer and Rancher Development Projects

* * * * *

VIII. *Criteria for selection of Candidates.* A candidate may be an individual, family partnership, a family joint operation, or a family corporation conducting or proposing to conduct a full-time family size farming or ranching operation and having strong agricultural background, training and/or experience, and resources other than the availability of necessary capital on suitable terms.

* * * * *

PART 1941—OPERATING LOANS

25. The authority citation for Part 1941 continues to read as follows:

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Operating Loan Policies, Procedures, and Authorizations

26. Section 1941.1 is revised to read as follows:

§ 1941.1 Introduction.

This subpart contains regulations for making initial and subsequent insured Operating (OL) and Youth (OL–Y) loans. OL loans may be made to eligible farmers and ranchers and farm cooperatives, private domestic corporations, partnerships, and joint operations that will manage and operate not larger than family farms. Youth loans may be made to rural youth to conduct modest projects in connection with their participation in 4–H, Future Farmers of America, and similar organizations. See Exhibit A of Subpart A of Part 1943 of this chapter for making OL loans to entrymen on unpatented public lands.

27. Section 1941.4 is amended by revising paragraphs (d)(3)(ii), (d)(4)(ii), redesignating paragraphs (m) through (o) as (o) through (q), redesignating paragraph (l) as (n), redesignating paragraphs (g) through (k) as (h) through (l), and adding new paragraphs (g) and (m) to read as follows:

§ 1941.4 Definitions.

* * * * *

(d) * * *

(3) * * *

(ii) The members, stockholders, partners, or joint operators responsible for operating the farm when a loan is made to a cooperative, corporation, partnership, or joint operation.

(4) * * *

(ii) The members, stockholders, partners, or joint operators responsible for operating the farm, along with the families of these individuals, for a loan made to a cooperative, corporation, partnership, or joint operation.

* * * * *

(g) *Joint operation.* A farming entity in which two or more farmers work together sharing equally or unequally land, labor, equipment, expenses, and/or income. The joint ownership of land and/or equipment or the exchange of labor and equipment in separate farming operations does not constitute a joint operation. They are two separate individual operations.

* * * * *

(m) *Related by blood or marriage.* As used in this subpart, individuals who are connected to one another as husband, wife, parent, child, brother or sister.

* * * * *

28. Section 1941.11 is amended by revising paragraph (b) to read as follows:

§ 1941.11 Applications.

* * * * *

(b) If the applicant is a cooperative, corporation, partnership, or joint operation, the following information will be obtained and included in the loan docket:

(1) A complete list of all members, stockholders, partners, or joint operators showing the address, citizenship, principal occupation, and the number of shares and percentage of ownership or stock held in the cooperative or corporation by each, or the percentage of interest held in the partnership or joint operation by each.

(2) A current personal financial statement from each of the principal members of a cooperative, partners of a partnership, joint operators of a joint operation, or stockholders of a corporation. For this purpose, a principal is one owning or controlling as much as 10 percent of the ownership, stock or interest of a farming entity. If no member, partner, joint operator or stockholder owns or controls as much as 10 percent, each member, partner, joint operator or stockholder will be considered as a principal. Any other member, partner, joint operator or stockholder having an ownership interest whose financial statement, in the judgment of the loan approval official, would be pertinent to a consideration of the financial strength of the applicant entity will also be required to provide personal financial statements.

(3) A current financial statement from the cooperative, corporation, partnership, or joint operation itself.

(4) A copy of the cooperative's or corporation's charter, or any partnership or joint operation agreement, any articles of incorporation and bylaws, any certificate or evidence of current registration (good standing) and a resolution(s) adopted by the Board of Directors or members or stockholders authorizing specified officers of the cooperative, corporation, partnership or joint operation to apply for and obtain the desired loan and execute required debt, security and other instruments and agreements.

(5) A copy of any written lease, contract, or agreement entered into by the cooperative, corporation, partnership, or joint operation which may be pertinent to consideration of its application.

29. Section 1941.12 is amended by revising paragraphs (a)(1), (a)(8), the introductory text of paragraph (b), (b)(1), and (b)(3), the introductory text of paragraph (b)(4), paragraphs (b)(4)(i), (b)(4)(v), (b)(5), and (b)(6), and by adding paragraph (b)(7) to read as follows:

§ 1941.12 Eligibility requirements.

(a) * * *

(1) Be a citizen of the United States (see § 1941.4(q) of this subpart for the definition of "United States") or an alien lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act. Aliens must provide Forms I–151 or I–551, "Alien Registration Receipt Card." Indefinite parolees are not eligible. If the authenticity of the information shown on the alien's identification document is questioned, the County Supervisor may request the Immigration and Naturalization Service (INS) to verify the information appearing on the alien's identification card by completing INS Form G–641, "Application for Verification of Information from Immigration and Naturalization Records," obtainable from the nearest INS District. (See Exhibit B of Subpart A of Part 1944 of this chapter.) Mail the completed form to INS. The payment of a service fee by FmHA to INS is waived by inserting in the upper right hand corner of INS Form G–641, the following: "INTERAGENCY LAW ENFORCEMENT REQUEST."

* * * * *

(8) Be the owner-operator or tenant-operator of not larger than a family farm after the loan is closed (except for rural youths). In the case of a limited resource applicant see § 1941.4(h) of this subpart.

(b) A cooperative, corporation, partnership, or joint operation must:

(1) Be unable to obtain sufficient credit elsewhere to finance actual needs at reasonable rates and terms, taking into account prevailing private and cooperative rates and terms in or near the community for loans for similar purposes and periods of time. This applies to the entity and *all* of its members, stockholders, partners, or joint operators, as individuals.

* * * * *

(3) Consist of members, stockholders, partners, or joint operators who do not, as individuals, have an individual FO, SW, RL or OL loan; and are not members of another entity or have an interest in another entity that has an FO, SW, RL or OL loan.

(4) If the members, stockholders, partners, or joint operators holding a *majority interest* are related by blood or marriage, they must meet the following requirements:

(i) They must be citizens of the United States (see § 1941.4(q) of this subpart for the definition of "United States") or aliens lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act. Aliens must provide Forms I–151 or I–551, "Alien Registration Receipt Card." Indefinite parolees are not eligible. If the authenticity of the information shown on the alien's identification document is questioned, the County Supervisor may request the Immigration and Naturalization Service (INS) to verify the information appearing on the alien's identification card by completing INS Form G–641, "Application for Verification of Information from Immigration and Naturalization Records," obtainable from the nearest INS District. (See Exhibit B of Subpart A of Part 1944 of this chapter.) Mail the completed form to INS. The payment of a service fee by FmHA to INS is waived by inserting in the upper right hand corner of INS Form G–641, the following: "INTERAGENCY LAW ENFORCEMENT REQUEST."

* * * * *

(v) At least one member, stockholder, partner, or joint operator must operate the family farm.

* * * * *

(5) If the members, stockholders, partners, or joint operators holding a majority interest are not related by blood or marriage:

(i) The requirements of paragraphs (b)(4) (i) through (iv) and (vi) of this section must be met.

(ii) They and the entity itself must operate the family farm.

(6) If applying as a limited resource applicant, as defined in § 1941.4(h) of this subpart:

(i) The requirements of paragraphs (b)(4) (i) through (iv) and (vi) of this section must be met by the entity and all its members, stockholders, partners, or joint operators.

(ii) The entity and all the members, stockholders, partners or joint operators must own or operate a small or family farm and at least one member, stockholder, partner, or joint operator must operate the farm.

(7) If each member's, partner's stockholder's or joint operator's ownership interest does not exceed the family farm definition limits, their collective interests can exceed the family farm definition limits only if: (i) All of the members of the entity are related by blood or marriage;

(ii) All of the members are or will be operators of the entity, and

(iii) The majority interest holders of the entity meet the requirements of paragraphs (b)(4) (i) through (iv) and (vi) of this section.

30. Section 1941.16 ia amended by revising the introductory paragraph and adding paragraph (l) to read as follows:

§ 1941.16 Loan purpose.

Except for entity borrowers, 10 percent or $5,000, whichever is less, of any OL loan will be placed in a non-supervised bank account of the borrower's choosing at loan closing. These funds will be used at the borrower's discretion for family living needs or other purposes agreed upon in the farm plan(s) of operation. Loans may be made for farm, forestry, recreation and nonfarm enterprises or modest rural youth projects for the following purposes, when such purposes are essential to the operation:

* * * * *

(l) Payment of costs for training farmer program borrowers, particularly limited resource borrowers, in recordkeeping for farming and ranching operations. The loan approval official must determine that the training will meet the objectives of the loan program, assist the borrower in his/her recordkeeping and management responsibilities, and that costs are reasonable.

31. Section 1941.19 is amended by revising the introductory paragraph and paragraph (b) to read as follows:

§ 1941.19 Security.

Ordinarily, the security must be adequate in the opinion of the loan approval official to assure repayment of the loan. If the security alone is inadequate, then the applicant's repayment ability will also be considered by the loan approval official in determining whether the loan should be made, except that the amount refinanced may not exceed the value of the security. Except as shown in paragraph (a) of this section, the loan must be secured by a first lien on all property or products acquired, produced, or refinanced with loan funds and by any additional security needed. Such additional security may consist of the best lien obtainable on chattels, real estate or other property. In unusual cases, the loan approval official may require a cosigner or a pledge of security from someone other than the borrower(s). Generally, a pledge of security is preferable to a cosigner.

* * * * *

(b) *Real estate.* The loan approval official may require a lien on all or part of the applicant's real estate as security. When the amount of the loan exceeds the equity in chattel security by more than $10,000, the best lien obtainable will be taken on real estate having sufficient collateral equity to fully secure the loan(s) being made. Real estate security may be taken for a portion of a loan when a separate advance and promissory note evidences such portion. Form FmHA 427–1 (State), "Real Estate Mortgage for _____," will be used to obtain such a lien, unless a State supplement requires a different form.

* * * * *

32. Section 1941.25 is amended by revising the introductory paragraph to read as follows:

§ 1941.25 Appraisals.

Real estate appraisals will be completed by an FmHA employee authorized to make farm appraisals. Chattel and real estate appraisals will be made on Forms FmHA 440–21, "Appraisal of Chattel Property," FmHA 422–1, "Appraisal Report (FARM TRACT)," and FmHA 1922–11, "Appraisal for Mineral Rights," respectively, to determine market value and borrower equity in the following instances:

* * * * *

33. Section 1941.29 is amended by revising the title and paragraphs (a) through (d) to read as follows:

§ 1941.29 Relationship between FmHA loans, insured and guaranteed.

(a) An eligible emergency loan (EM) applicant's total credit needs will be satisfied under the EM loan authorities, to the extent possible, before OL loan assistance is considered.

(b) An insured OL will not be made to a borrower with an outstanding guaranteed OL loan.

(c) An insured OL loan will not be made to refinance a guaranteed OL loan, except when the following conditions are met:

(1) The circumstances resulting in the need to refinance were beyond the borrower's control.

(2) Refinancing is in the best interest of the Government and the borrower.

(d) New applicants and borrowers indebted to FmHA and/or an FmHA guaranteed lender(s) for an EE loan may be considered for an OL loan(s) provided their total outstanding principal indebtedness to FmHA and/or the FmHA guaranteed lender(s) for the EE loan and any FO, SW, RL, and/or OL loans will not exceed $650,000.

* * * * *

34. Section 1941.30 is revised to read as follows:

§ 1941.30 Committee Certification.

The County Committee will certify an applicant's eligibility on Form FmHA 440–2 "County Committee Certification or Recommendation," before each loan is approved. In some instances the committee may want to interview the applicant or see the farm before making any recommendations.

35. Section 1941.33 is amended by revising the introductory paragraph of (b)(1), paragraph (b)(2)(i), (b)(2)(vi), (c), and (d) to read as follows:

§ 1941.33 Loan approval or disapproval.

* * * * *

(b) *Loan approval action.* (1) The loan approval official must approve or disapprove applications within the deadlines set out in § 1910.4 of Subpart A of Part 1910 of this chapter. The loan approval official is responsible for reviewing the docket to determine whether the proposed loan complies with established policies and all pertinent regulations. When reviewing the docket and before approving the loan, the loan approval official will determine that:

* * * * *

(2) * * *

(i) Indicate on all copies of Form FmHA 1940–1, "Request for Obligation of Funds," any conditions not required

by FmHA regulations that must be met for loan closing;

* * * * *

(vi) Sign the original and one copy of Form FmHA 1940–1 and insert the title of the approval official.

(c) *Distribution of forms after loan approval.* The applicable docket forms will be distributed as outlined below by the loan approval official after a loan is approved.

(1) These forms will be sent to the Finance Office:

(i) Form FmHA 1940–1 (copy).

(ii) When funds have been obligated, the Finance Office will send to the County Office the original and one copy of Form FmHA 440–57, "Acknowledgement of Obligated Funds/Check Request."

(iii) Form FmHA 492–19, "Characteristics of Approved Applicants," (original) for initial loans only. If an initial FO or SW loan is approved at the same time, only one set of forms is required.

(2) The original of Form 1940–1 and the remainder of the loan docket will be sent to the County Office.

(3) These forms will be sent to the State Office:

(i) Form FmHA 1940–1 (copy).

(ii) Form FmHA 492–19 (copy) for initial loans only. If an initial FO or SW loan is approved at the same time, only one set of forms is required.

(4) A signed copy of Form FmHA 1940–1 will be sent to the borrower on the date of loan approval.

(d) *Loan disapproval.* The loan approval official must approve or disapprove applications within the deadlines set out in § 1910.4 of Subpart A of Part 1910 of this chapter. The following action will be taken when a loan is disapproved:

(1) The reasons for disapproval will be indicated on Form FmHA 1940–1 by the loan approval official. The reasons may be in a letter or the running record if this form has not been completed. Suggestions of how to remedy the disapproval should be included.

(2) The County Supervisor will notify the applicant in writing of the action taken and include any suggestions that could result in favorable action. The applicant will be advised of the opportunity to appeal (see Subpart B of Part 1900 of this chapter).

(3) Items furnished by the applicant during docket processing will be returned.

(4) The County Supervisor will notify any other interested parties of the disapproval.

36. Section 1941.35 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1941.35 Actions after loan approval.

(a) *Requesting check.* If the County Supervisor is reasonably certain that the loan can be closed within 20 working days from the date of the check, loan funds may be requested at the time of loan approval through the state office terminal system. If funds are not requested when the loan is approved, advances in the amount needed will be requested through the state office terminal system. Each advance will be limited to an amount which can be used promptly, usually within sixty days from the date of the check. Loan funds must be provided to the applicant(s) within 15 days after loan approval, unless the applicant(s) agrees to a longer period. If no funds are available within 15 days of loan approval, funds will be provided to the applicant as soon as possible and within 15 days after funds become available, unless the applicant agrees to a longer period. If a longer period is agreed upon by the applicant(s), the same will be documented in the case file by the County Supervisor.

(b) Cancellation of loan check and/or obligation. If, for any reason, a loan check or obligation will be cancelled, the County Supervisor will notify the State Office and the Finance Office of loan cancellation by using Form 1940–10, "Cancellation of U.S. Treasury Check and/or Obligation." If a check received in the County Office is to be cancelled, the check will be returned to the Finance Office with an original and one copy of Form FmHA 1940–10. (See FmHA Instruction 102.1, a copy of which may be obtained in any FmHA office.)

* * * * *

Subpart B—Closing Loans Secured by Chattels

37. Section 1941.54 is amended by revising paragraph (b)(3) to read as follows:

§ 1941.54 Promissory note.

* * * * *

(b) * * *

(3) *Partnerships or joint operations.* The note will be executed by the partnership as well as by each of the partners or joint operators, as individuals.

38. Section 1941.57 is amended by revising paragraph (a)(2) to read as follows:

§ 1941.57 Security instruments.

* * * * *

(a) * * *

(2) Appropriate partners or joint operators on behalf of a partnership or joint operation; and the instruments will also be executed by all partners, or all joint operators, who will sign as individuals.

* * * * *

39. Section 1941.84 is revised to read as follows:

§ 1941.84 Title clearance and closing requirements.

(a) For loans over $10,000 (or EM loans over $25,000), title clearance is required when real estate is taken as security.

(b) For loans of $10,000 or less (or EM loans of $25,000 or less), and loans for which real estate is taken as security, a certification of ownership and verification of equity in real estate is required. Certification of ownership may be in the form of a notarized affidavit which is signed by applicant, names the record owner of the real estate in question and lists the balances due on all known debts against the real estate. Whenever the County Supervisor is uncertain of the record owner or debts against the estate security, a title search will be required.

(c) When real estate is taken as security, title clearance and loan closing requirements will be carried out in accordance with Part 1807 of this chapter (FmHA Instruction 427.1).

(d) If any prior liens against the real estate offered as security contain provisions (such as future advance clauses not limited to a specific amount) that could jeopardize either the security position of the Government or the applicant's ability to meet the obligations of the prior liens and FmHA loan, the prior lienholders involved must agree in writing, before the loan is closed, to modify, waive, or subordinate such objectionable provisions.

(e) If a lien is to be taken on real estate which is already subject to a lien, and if State law allows a prior lienholder to foreclose on a loan (under power of sale or otherwise) without notifying a junior lienholder of the foreclosure proceedings, the prior lienholders must agree, in writing, to give FmHA advance notice of all foreclosure proceedings and of any assignment of the mortgage.

(f) Each real estate lien will be taken on Form FmHA 427–1 (State), "Real Estate Mortgage for _____," unless a State supplement requires the use of another form.

(g) If the real estate offered as security is held under a purchase contract, the following conditions must exist:

(1) The applicant must be able to provide a mortgageable interest in the real estate.

(2) The applicant and the purchase contract holder must agree, in writing,

that any insurance proceeds received to compensate for real estate losses will be used only to replace or repair the damaged real estate. If necessary, the applicant will negotiate with the purchase contract holder to arrive at a new contract without any provisions objectionable to either FmHA or the lender.

(3) If a satisfactory contract of sale cannot be negotiated or if the purchase contract holder refuses to agree to apply the insurance proceeds toward the repair or replacement of the real estate and wants to retain some of the proceeds as an extra payment on the balance owned, the applicant will make every effort to refinance the existing purchase contract.

(4) The purchase contract must not be subject to summary cancellation on default and must not contain any other provisions which might jeopardize either the Government's security position or the borrower's ability to repay the loan.

(5) The contract holder must agree, in writing, to give the Government notice of any breach by the purchaser, and must also agree to give the Government the option to rectify the conditions which amount to a breach within 30 days. The 30 days begin to run on the day the Government receives the written notice of the breach.

PART 1943—FARM OWNERSHIP, SOIL AND WATER AND RECREATION

40. The authority citation for Part 1943 continues to read as follows:

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Insured Farm Ownership Loan Policies, Procedures and Authorizations

41. Section 1943.4 is amended by revising paragraphs (d)(3)(ii) and (d)(4)(ii), current paragraphs (g) through (l) and (m) and (n) are redesignated as (h) through (m) and (o) and (p), respectively, new paragraphs (g) and (n) are added, and redesignated paragraph (i) is revised to read as follows:

§ 1943.4 Definitions.

* * * * *

(d) * * *

(3) * * *

(ii) The members, stockholders, partners, or joint operators responsible for operating the farm when a loan is made to cooperative, corporation, partnership, or joint operation.

(4) * * *

(ii) The members, stockholders, partners, or joint operators responsible for operating the farm, along with the families of these individuals, for a loan made to a cooperative, corporation, partnership or joint operation.

* * * * *

(g) *Joint operation.* A farming entity in which two or more farmers work together sharing equally or unequally land, labor, equipment, expenses, and/or income. The joint ownership of land and/or equipment or the exchange of labor and equipment in separate farming operations does not constitute a joint operation. They are two separate individual operations.

* * * * *

(i) *Majority interest.* Any individual or a combination of individuals owning more than a 50 percent interest in a cooperative, corporation, joint operation or partnership.

* * * * *

(n) *Related by blood or marriage.* As used in this subpart, individuals who are connected to one another as husband, wife, parent, child, brother or sister.

* * * * *

42. Section 1943.6 is amended by revising paragraph (d) to read as follows:

§ 1943.6 Credit elsewhere.

* * * * *

(d) Property and interests in property owned and income received by an individual applicant, a cooperative and its members, as individuals; a corporation and its stockholders, as individuals; a partnership and its partners, as individuals; and a joint operation and its joint operators, as individuals; will be considered and used by an applicant in obtaining credit from other sources.

43. Section 1943.11 is amended by revising paragraph (b) to read as follows:

§ 1943.11 Receiving and processing applications.

* * * * *

(b) If the applicant is a cooperative, corporation, partnership, or joint operation, the following information will be obtained and included in the loan docket:

(1) A complete list of all members, stockholders, partners, or joint operators showing the address, citizenship, principal occupation, and the number of shares and percentage of ownership or of the stock held in the cooperative or corporation, by each; or the percentage of interest held in the partnership or joint operation, by each.

(2) A current personal financial statement from each of the principal members of a cooperative, stockholders of a corporation, partners of a partnership, or joint operators of a joint operation. For this purpose, a principal is one owning or controlling as much as 10 percent of the ownership, stock or interest of a farming entity. If no member, stockholder, partner or joint operator owns or controls as much as 10 percent, each member, stockholder, partner, or joint operator will be considered a principal. Any other member, stockholder, partner or joint operator having an ownership interest, whose financial statement in the judgment of the loan approval official would be pertinent to a consideration of the financial strength of the applicant entity, will be required to provide a personal financial statement.

(3) A current financial statement from the cooperative, corporation, partnership, or joint operation itself.

(4) A copy of the cooperative's or corporation's charter, or any partnership or joint operation agreement, any articles of incorporation and bylaws, any certificate or evidence of current registration (good standing) and a resolution(s) adopted by the Board of Directors or members or stockholders authorizing specified officers of the cooperative, corporation, partnership, or joint operation to apply for and obtain the desired loan and execute required debt, security and other instruments and agreements.

(5) A copy of any written lease, contract, or agreement entered into by the cooperative, corporation, partnership, or joint operation which may be pertinent to a consideration of its application.

44. Section 1943.12 is amended by revising paragraph (a)(1), (a)(8), the title and the introductory paragraph (b), paragraphs (b)(1), (b)(2), (b)(3), the introductory paragraph (b)(4), and paragraphs (b)(4)(i), (b)(4)(v), (b)(5), (b)(6) and a new paragraph (b)(7) is added to read as follows:

§ 1943.12 Farm ownership loan eligibility requirements.

(a) * * *

(1) Be a citizen of the United States (see § 1943.4(p) of this subpart from the definition of "United States") or an alien lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act. Aliens must provide Forms I–151 or I–551, "Alien Registration Receipt Card." Indefinite parolees are not eligible. If the authenticity of the information shown on the alien's identification document is questioned, the County Supervisor may request the Immigration and Naturalization Service (INS) to verify the information appearing on the alien's identification card by completing INS

Form G–641, "Application for Verification of Information for Immigration and Naturalization Records," obtainable from the nearest INS District. (See Exhibit B of Subpart A of Part 1944 of this chapter.) Mail the completed form to INS. The payment of a service fee by FmHA to INS is waived by inserting in the upper right hand corner of INS Form G–641, the following: "INTERAGENCY LAW ENFORCEMENT REQUEST."

* * * * *

(8) Be the owner-operator of not larger than a family farm after the loan is closed (in the case of a limited resource applicant see § 1943.4(h) of this subpart).

* * * * *

(b) A cooperative, corporation, partnership, or joint operation must:

(1) Be unable to obtain sufficient credit elsewhere to finance actual needs at reasonable rates and terms, taking into account prevailing private and cooperative rates and terms in or near the community for loans for similar purposes and periods of time. This applies to the entity and *all* of its members, stockholders, partners, or joint operators as individuals.

(2) Be controlled by farmers or ranchers engaged primarily and directly in farming or ranching in the United States, after the loan is made.

(3) Consist of members, stockholders, partners, or joint operators who do not, as individuals, have an individual FO, SW, RL or OL loan; and are not members of another entity or have an interest in another entity that has an FO, SW, RL or OL loan.

(4) If the members, stockholders, partners, or joint operators holding a majority interest are related by blood or marriage, they must meet the following requirements:

(i) They must be citizens of the United States (see § 1943.4(p) of this subpart for the definition of "United States") or aliens lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act. Aliens must provide Forms I–151 or I–551, "Alien Registration Receipt Card." Indefinite parolees are not eligible. If the authenticity of the information shown on the alien's identification document is questioned, the County Supervisor may request the Immigration and Naturalization Service (INS) to verify the information appearing on the alien's identification card by completing INS Form G–641, "Application for Verification of Information from Immigration and Naturalization Records," obtainable from the nearest INS District. (See Exhibit B of Subpart A of Part 1944 of this chapter.) Mail the completed form to INS. The payment of a service fee by FmHA to INS is waived by inserting in the upper right hand corner of INS Form G–641, the following: "INTERAGENCY LAW ENFORCEMENT REQUEST."

* * * * *

(v) At least one member, stockhoder, partner, or joint operator must operate the family farm.

* * * * *

(5) If the members, stockholders, partners, or joint operators holding a majority interest are not related by blood or marriage:

(i) The requirements of paragraphs (b)(4) (i) through (iv) and (vi) of this section must be met.

(ii) They and the entity itself must own and operate the family farm.

(6) If applying as a limited resources applicant, as defined in § 1943.4(h) of this subpart:

(i) The requirements of paragraph (b)(4) (i) through (iv) and (vi) of this section must be met by the entity and all its members, stockholders, partners, or joint operators.

(ii) The entity and all the members, stockholders, partners or joint operators must own or operate a small or family farm; and at least one member, stockholder, partner, or joint operator must operate the farm.

(7) If each member's, partner's, stockholder's or joint operator's ownership interest does not exceed the family farm definition limits, their collective interests can exceed the family farm definition limits only if:

(i) All of the members of the entity are related by blood or marriage;

(ii) All of the members are or will be operators of the entity; and

(iii) The majority interest holders of the entity meet the requirements of paragraphs (b)(4) (i) through (iv) and (vi) of this section.

45. Section 1943.25 is amended by revising paragraph (c)(2) to read as follows:

§ 1943.25 Options, planning and appraisals.

* * * * *

(c) * * *

(2) Real estate appraisals will be completed as provided in Subpart A of Part 1809 of this chapter (FmHA Instruction 422.1). The rights to mining products, gravel, oil, gas, coal or other minerals will be considered a portion of the security for farmer program loans and will be specifically included as a part of the appraised value of the real estate securing the loans.

* * * * *

46. Section 1943.29 is revised to read as follows:

§ 1943.29 Relationship with other FmHA loans, insured and guaranteed.

(a) Insured FO loans may be made simultaneously with other FmHA loans, and to borrowers presently indebted to FmHA, when the loan limits will not be exceeded and all requirements of the loans involved will be met.

(b) An insured FO loan will not be made to a borrower with an outstanding guaranteed FO, SW, or RL loan and paragraph (c) of this section is not intended to override this policy.

(c) New applicants and borrowers indebted to FmHA and/or an FmHA guaranteed lender(s) for an EE loan may be considered for an FO loan(s) provided their total outstanding principal indebtedness to FmHA and/or the FmHA guaranteed lender(s) for the EE and any SW, RL, OL and FO loans will not exceed $650,000.

47. Section 1943.32 is amended by adding at the end of the table: "1922–11" in the FmHA Form No. column, "Appraisal for Mineral Rights" in the Name of form column, "1" in the Total number of copies of columns, and "1–O" in the Loan docket column.

48. Section 1943.33 is amended by revising the introductory paragraph (b)(1), by revising paragraphs (b)(2)(i), (b)(2)(iv), (b)(2)(vi), (c)(1), (c)(2), (c)(3), (c)(4), by revising the introductory paragraph (d) and by revising paragraphs (d)(1) and (d)(2) to read as follows:

§ 1943.33 Loan approval or disapproval.

* * * * *

(b) * * *

(1) The loan approval official must approve or disapprove applications within the deadlines set out in § 1910.4 of Subpart A of Part 1910 of this chapter. The loan approval official is responsible for reviewing the docket to determine whether the proposed loan complies with established policies and all pertinent regulations. When reviewing the docket, the loan approval official will determine that:

* * * * *

(2) * * *

(i) Indicate on all copies of Form FmHA 1940–1, "Request for Obligation of Funds," any conditions not required by FmHA regulations that must be met for loan closing;

* * * * *

(iv) Indicate that satisfactory title evidence has been obtained;

* * * * *

(vi) Sign the original and one copy of Form FmHA 1940–1 and insert the title of the approval official.

(c) * * *

(1) These forms will be sent to the Finance Office:

(i) Form FmHA 1940–1 (copy). When funds have been obligated, the Finance Office will send to the County Office the original and one copy of Form FmHA 440–57, "Acknowledgement of Obligated Funds/Check Request."

(ii) Form FmHA 443–12, "Farm Ownership Individual Soil and Water Fund Analysis," (original).

(iii) Form FmHA 492–19, "Characteristics of Approved Applicants," (original) for initial loans only. If an initial Operating (OL) or SW loan is approved at the same time, only one set of forms is required.

(2) The original of Form FmHA 1940–1 and the remainder of the loan docket will be sent to the County Office.

(3) These forms will be sent to the State Office:

(i) Form FmHA 1940–1 (copy).

(ii) Form FmHA 443–12 (copy).

(iii) Form FmHA 492–19 (copy) for initial loans only. If an initial OL or SW loan is approved at the same time only one set of forms is required.

(4) A signed copy of Form FmHA 1940–1 will be sent to the borrower on the date of loan approval.

(d) *Loan disapproval.* The loan approval official must approve or disapprove applications within the deadlines set out in § 1910.4 of Subpart A of Part 1910 of this chapter. The following action will be taken when a loan is disapproved:

(1) The reasons for disapproval will be indicated on Form FmHA 1940–1 by the loan approval official. The reasons may be in a letter or the running record if this form has not been completed. Suggestions of how to remedy the disapproval should be included.

(2) The County Supervisor will notify the applicant in writing of the action taken and include any suggestions that could result in favorable action. The applicant will be advised of the opportunity to appeal. (See Subpart B of Part 1900 of this chapter.)

* * * * *

49. Section 1943.35 is amended by revising the introductory paragraph (a), by revising paragraphs (a)(2) and (b)(2) and the introductory paragraph (c) to read as follows:

§ 1943.35 Action after loan approval.

(a) *Requesting check.* If the County Supervisor is reasonably certain that the loan can be closed within 20 working days from the date of the check, loan funds may be requested at the time of loan approval through the state office terminal system. If funds are not requested when the loan is approved, advances in the amount needed will be requested through the state office terminal system. Loan funds must be provided to the applicant(s) within 15 days after loan approval, unless the applicant(s) agrees to a longer period. If no funds are available within 15 days of loan approval, funds will be provided to the applicant as soon as possible and within 15 days after funds become available, unless the applicant agrees to a longer period. If a longer period is agreed upon by the applicant(s), the same will be documented in the case file by the County Supervisor.

* * * * *

(2) When loan funds cannot be disbursed as outlined in paragraph (a)(1) of this section, the amount needed to meet the immediate needs of the borrower will be requested through the state office terminal system. The amount of each advance should meet the needs of borrowers as much as possible, so that the amount in the supervised bank account will be kept at a minimum. The Finance Office will continue to supply Form FmHA 440–57 until the entire loan has been disbursed. The County Supervisor should tell the borrower to notify the County Office of amounts needed on a timely basis to avoid delays in receiving loan checks.

(b) * * *

(2) If a loan check is received and the loan cannot be closed within 20 working days from the date of the check, the County Supervisor will take appropriate action in accordance with FmHA Instruction 102.1, a copy of which may be obtained from any FmHA Office. The applicant must agree to a delayed loan closing and the same will be documented in the case file by the County Supervisor.

* * * * *

(c) *Cancellation of loan.* If, for any reason a loan check or obligation will be cancelled:

* * * * *

50. Section 1943.38 is amended by revising paragraph (g)(4)(iii) to read as follows:

§ 1943.38 Loan closing actions.

* * * * *

(g) * * *

(4) * * *

(iii) When a loan is made to a partnership or joint operation by all partners in the partnership of all joint operators in the joint operation.

* * * * *

Subpart B—Insured Soil and Water Loan Policies, Procedures and Authorizations

51. Section 1943.54 is amended by redesignating current paragraphs (g) through (l) to paragraphs (h) through (m), respectively, adding new paragraph (g) and by revising new paragraph (i) to read as follows:

§ 1943.54 Definitions.

* * * * *

(g) *Joint operation.* A farming entity in which two or more farmers work together sharing equally or unequally land, labor, equipment, expenses, and/or income. The joint ownership of land and/or equipment or the exchange of labor and equipment in separate farming operations does not constitute a joint operation. They are two separate individual operations.

* * * * *

(i) *Majority interest.* Any individual or a combination of individuals owning more than a 50 percent interest in a cooperative, corporation, partnership or joint operation.

* * * * *

52. Section 1943.56 is amended by revising paragraph (d) to read as follows:

§ 1943.56 Credit elsewhere.

* * * * *

(d) Property and interests in property owned and income received by an individual applicant; a cooperative and its members, as individuals; a corporation and its stockholders, as individuals; a partnership and its partners, as individuals; and a joint operation and its joint operators, as individuals, will be considered and used by an applicant in obtaining credit from other sources.

53. Section 1943.61 is amended by revising paragraph (b) to read as follows:

§ 1943.61 Receiving and processing applications.

* * * * *

(b) If the applicant is a cooperative, corporation, partnership, or joint operation, the following information will be obtained and included in the loan docket:

(1) A complete list of members, stockholders, partners, or joint operators showing the address, citizenship, principal occupation, and the number of shares and percentage of ownership or of stock held in the cooperative or corporation by each, or the percentage of interest held in the partnership, or joint operation, by each.

(2) A current personal financial statement from each of the principal members of a cooperative, stockholders of a corporation, partners of a partnership, and joint operators of a joint operation. For this purpose, a principal is one owing or controlling as much as 10 percent of the ownership, stock or interest of a farming entity. If

no member, stockholder, partner or joint operator owns or controls as much as 10 percent, each member, stockholder, partner, or joint operator will be considered a principal. Any other member, stockholder, partner or joint operator having an ownership interest, whose financial statement in the judgment of the loan approval official would be pertinent to a consideration of the financial strength of the applicant entity, will also be required to provide a personal financial statement.

(3) A current financial statement from the cooperative, corporation, partnership, or joint operation, itself.

(4) A copy of the cooperative or corporation's charter, or any partnership or joint operation agreement, any articles of incorporation and bylaws, any certificate or evidence of current registration (good standing) and a resolution(s) adopted by the Board of Directors, members of stockholders authorizing specified officers of the cooperative, corporation, partnership, or joint operation to apply for and obtain the desired loan and execute required debt, security and other instruments and agreements.

(5) A copy of any written lease, contract, or agreement entered into by the cooperative, corporation, partnership, or joint operation which may be pertinent to a consideration of its application.

54. Section 1943.62 is amended by revising paragraph (a)(1), the introductory paragraph (b), by revising paragraphs (b)(3), (b)(5), (b)(7), and (b)(9) to read as follows;

§ 1943.62 Soil and Water loan eligibility requirements.

(a) * * *

(1) Be a citizen of the United States (see § 1943.54(m) of this subpart for the definition of "United States") or an alien lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act. Aliens must provide Forms I–151 or I–551, "Alien Registration Receipt Card." Indefinite parolees are not eligible. If the authenticity of the information shown on the alien's identification document is questioned, the County Supervisor may request the Immigration and Naturalizaion Service (INS) to verify the information appearing on the alien's identification card by completing INS Form G–641, "Application for Verification of Information from Immigration and Naturalization Records," obtainable from the nearest INS District. (See Exhibit B of Subpart A of Part 1944 of this chapter.) Mail the completed form to INS. The payment of a service fee by FmHA to INS is waived by inserting in the upper right hand corner of INS Form G–641, the following: "INTERAGENCY LAW ENFORCEMENT REQUEST."

* * * * *

(b) A cooperative, corporation, partnership or joint operation must:

* * * * *

(3) Consist of members, stockholders, partners, or joint operators holding a majority interest who are citizens of the United States (see § 1943.54(m) of this subpart for the definition of "United States"), or aliens lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act. Aliens must provide Forms I–151 or I–551, "Alien Registration Receipt Card." Indefinite parolees are not eligible. If the authenticity of the information shown on the alien's identification document is questioned, the County Supervisor may request the Immigration and Naturalization Service (INS) to verify the information appearing on the alien's identification card by completing INS Form G–641, "Application for Verification of Information from Immigration and Naturalization Records," obtainable from the nearest INS District. (See Exhibit B of Subpart A of Part 1944 of this chapter.) Mail the completed form to INS. The payment of a service fee by FmHA to INS is waived by inserting in the upper right hand corner of INS Form G–641, the following: "INTERAGENCY LAW ENFORCEMENT REQUEST."

* * * * *

(5) Be unable to obtain sufficient credit elsewhere, either as an entity or as individual members, stockholders, partners, or joint operators, to finance actual needs at reasonable rates and terms taking into account prevailing private and cooperative rates and terms in or near the community for loans for similar purposes and periods of time.

* * * * *

(7) Be the owner or operator of the farm, after the loan is made.

* * * * *

(9) Consist of members, stockholders, partners, or joint operators, who do not as individuals have an FO, SW, RL, or OL loan and are not members of another entity that has an FO, SW, RL, or OL loan.

55. Section 1943.74 is amended by removing paragraph (f) and redesignating current paragraphs (g) and (h) to (f) and (g).

56. Section 1943.75 is amended by revising paragraph (c)(2) to read as follows:

§ 1943.75 Options, planning and appraisals.

* * * * *

(c) * * *

(2) Real estate appraisals will be completed as provided in Subpart A of Part 1809 of this chapter (FmHA Instruction 422.1). The rights to mining products, gravel, oil, gas, coal or other minerals will be considered a portion of the security for farmer program loans and will be specifically included as a part of the appraised value of the real estate securing the loans.

* * * * *

57. Section 1943.76 is revised to read as follows:

§ 1943.76 Planning and performing development.

The development work will be planned and completed in accordance with Part 1924, Subpart A of this chapter.

58. Section 1943.79 is amended by revising the title and paragraph (b), removing paragraph (c), redesignating current paragraph (d) to (c) and by revising new paragraph (c) to read as follows:

§ 1943.79 Relationship with other FmHA loans, insured and guranteed.

* * * * *

(b) New applicants and borrowers indebted to FmHA and/or an FmHA guaranteed lender(s) for an EE loan may be considered for an SW loan(s) provided their total outstanding principal indebtedness to FmHA and/or the FmHA guaranteed lender(s) for the EE and any FO, RL, OL and SW loans will not exceed $650,000.

(c) An insured SW loan will not be made to a borrower with an outstanding guaranteed FO, SW, or RL loan, and paragraph (b) of this section is not intended to override this policy.

§ 1943.82 [Amended]

59. Section 1943.82(a) is amended by adding to the table: "1922–11" in the FmHA Form No. column, "Appraisal for Mineral Rights" in the Name of form column, "1" in the Total number of copies column, and "1–O" in the Loan docket column.

60. Section 1943.83 is amended by revising the introductory paragraph (b)(1), by revising paragraphs (b)(2)(i), (b)(2)(iv), (b)(2)(vi), (a)(1)(i), (a)(1)(iv), (a)(2), (c)(3)(i), (c)(4), the introductory paragraph (d), (d)(1), and (d)(2) to read as follows:

§ 1943.83 Loan approval or disapproval.

* * * * *

(b) * * *

(1) The loan approval official must approve or disapprove applications within the deadlines set out in § 1910.4 of Subpart A of Part 1910 of this chapter. The loan approval official is responsible for reviewing the docket to determine whether the proposed loan complies with established policies and all

pertinent regulations. When reviewing the docket, the loan approval official will determine that:

* * * * *

(2) * * *

(i) Indicate on all copies of Form FmHA 1940–1, "Request for Obligation of Funds," any conditions not required by FmHA regulations that must be met for loan closing;

* * * * *

(iv) Indicate that satisfactory title evidence has been obtained;

* * * * *

(vi) Sign the original and one copy of Form FmHA 1940–1 and insert the title of the approval official.

(c) * * *

(1) * * *

(i) Form FmHA 1940–1 (copy).

* * * * *

(iv) Form FmHA 492–19, "Characteristics of Approved Applicants," (original) for initial loans only. If an initial Operating Loan (OL) or FO loan is approved at the same time, only one set of forms is required.

(2) The original of Form FmHA 1940–1 and the remainder of the loan docket will be sent to the County Office.

(3) * * *

(i) Form FmHA 1940–1 (copy).

* * * * *

(4) A signed copy of Form FmHA 1940–1 will be sent to the borrower on the date of loan approval.

(d) *Loan disapproval.* The loan approval official must approve or disapprove applications within the deadlines set out in § 1910.4 of Subpart A of Part 1910 of this chapter. The following action will be taken when a loan is disapproved:

(1) The reason(s) for disapproval will be indicated on Form FmHA 1940–1 by the loan approval official. The reason(s) may be in a letter or the running record if this form has not been completed. Suggestions which could remedy the reasons for disapproval should be included.

(2) The County Supervisor will notify the applicant in writing of the action taken and include any suggestions that could result in favorable action. The applicant will be advised of the opportunity to appeal (see Subpart B of Part 1900 of this chapter).

* * * * *

61. § 1943.85 is amended by revising the introductory paragraph (a), by revising paragraphs (a)(2), and (b)(2), and the introductory paragraph (c) to read as follows:

§ 1943.85 Action after loan approval.

(a) *Requesting check.* If the County Supervisor is reasonably certain that the loan can be closed within 20 working days from the date of the check, loan funds may be requested at the time of loan approval through the state office terminal system. If funds are not requested when the loan is approved, advances in the amount needed will be requested through the state office terminal system. Loan funds must be provided to the applicant(s) within 15 days after loan approval, unless the applicant(s) agrees to a longer period. If no funds are available within 15 days of loan approval, funds will be provided to the applicant as soon as possible and within 15 days after funds become available, unless the applicant agrees to a longer period. If a longer period is agreed upon by the applicant(s), the same will be documented in the case file by the County Supervisor.

* * * * *

(2) When loan funds cannot be disbursed as outlined in paragraph (a)(1) of this section, the amount needed to meet the immediate needs of the borrower will be requested through the state office terminal system. The amount of each advance should meet the needs of the borrower as much as is possible, so the amount in the supervised bank account will be kept to a minimum. The Finance Office will continue to supply Form FmHA 440–57 until the entire loan has been disbursed. The County Supervisor should tell the borrower to notify the County Office of amounts needed on a timely basis to avoid delays in receiving loan checks.

(b) * * *

(2) If a loan check is received and the loan cannot be closed within 20 working days from the date of the check, the County Supervisor will take appropriate action in accordance with FmHA Instruction 102.1 (available in any FmHA Office). The applicant must agree to a delayed loan closing and the same will be documented in the case file by the County Supervisor.

* * * * *

(c) *Cancellation of loan.* If, for any reason a loan check or obligation will be cancelled, the County Supervisor will take the following actions:

* * * * *

62. § 1943.88 is amended by revising paragraph (g)(4)(iii) to read as follows:

§ 1943.88 Loan closing actions.

* * * * *

(g) * * *

(4) * * *

(iii) When a loan is made to a partnership or a joint operation, the note will be executed by all partners in the partnership or all joint operators in the joint operation.

* * * * *

PART 1944—HOUSING

63. The authority citation for Part 1944 continues to read as follows:

Authority: 42 U.S.C. 1480; 7 CFR 2.23, 7 CFR 2.70.

Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

64. § 1944.26 is amended by revising the introductory paragraph (b) to read as follows:

§ 1944.26 Application processing.

* * * * *

(b) *Processing priorities.* Applications for Section 502 RH loans will be processed in accordance with § 1910.4(b) of Subpart A of Part 1910 of this chapter with the following exceptions:

* * * * *

PART 1945—EMERGENCY

65. The authority citation for Part 1945 continues to read as follows:

Authority: 7 U.S.C. 1989; U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart D—Emergency Loan Policies, Procedures and Authorizations

66. Sections 1945.151 through 1945.200 of Subpart D are revised to read as follows: (a completely revised Table of Contents for Subpart D is included for the convenience of the user).

Sec.

1945.151 Introduction.
1945.152 Program objectives.
1945.153 Loans for citrus grove rehabilitation or reestablishment.
1945.154 Definitions and abbreviations.
1945.155 Relationship between FmHA and other federal agencies.
1945.156 The test for credit and certification requirements for availability of credit elsewhere.
1945.157–1945.160 [Reserved]
1945.161 Receiving and processing applications.
1945.162 Eligibility requirements.
1945.163 Determining qualifying losses, eligibility for EM loan(s) and the maximum amount of each.
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§ 1945.151 Introduction.

(a) *Policy.* This subpart prescribes the policies, procedures, and authorizations of the Farmers Home Administration (FmHA) for making insured Emergency (EM) loans to farmers, ranchers, and aquaculture operators (hereinafter referred to as farmers), as provided by law. FmHA's policy is to make loans to any otherwise qualified applicant without regard to race, color, religion, sex, national origin, marital status, age, or physical/mental handicap (provided the applicant can execute a legal contract). These regulations apply to applicants/borrowers and FmHA personnel involved in making EM loans.

(b) *Program administration.* The County Supervisor is the local contact person for application processing, loan making, and loan servicing activities.

§ 1945.152 Program objectives.

The objective of EM loans is to provide financial assistance to cover actual losses sustained by eligible farmers, so that they can return to normal farming operations after sustaining substantial losses as a result of a declared/designated disaster. EM loans are made to assist eligible disaster farm victims rehabilitate and resume their normal operations. This objective will be accomplished through the extension of credit and such supervisory assistance as is determined necessary to achieve the objectives of the loan and protect the Government's interest. Supervisory assistance will be given in accordance with the provisions of Subpart B of Part 1924 of this chapter. The borrowers has the responsibility of achieving the objectives of the loan. The borrower accomplishes this by repaying the loan according to the planned repayment schedule, maintaining FmHA security property, using loan funds for planned purposes only and following a plan of operation agreed upon with FmHA.

§ 1945.153 Loans for citrus grove rehabilitation or reestablishment.

Exhibit D of this subpart, which deals with loans made to operators of citrus groves, modifies some of the provisions contained in this subpart.

§ 1945.154 Definitions and abbreviations.

(a) *Definitions.* (1) *Applicant.* The person or entity conducting the farming operation at the time of the disaster and making a request for EM loan assistance from FmHA.

(2) *Approval official.* An FmHA official who has been delegated loan approval authorities within applicable loan programs, subject to the dollar limitations contained in tables available in any FmHA Office (see FmHA Instruction 1901–A, Exhibit C).

(3) *Aquaculture.* The husbandry of aquatic organisms in a controlled or selected environment. Aquatic organisms are fish (the term "fish" includes any aquatic gilled animal commonly known as "fish", as well as mollusks, crustaceans, or other invertebrates produced under controlled conditions—that is, feeding, tending, harvesting, and such other activities as are necessary to properly raise and market the products—in ponds, lakes, streams, or similar holding areas), amphibians, reptiles, or aquatic plants. An aquaculture operation is considered to be a farm only if it is conducted on grounds which the applicant owns, leases, or has an exclusive right to use. An exclusive right to use must be evidenced by a written permit or lease issued to the applicant and the permit or lease must specifically identify the waters to be used solely by the applicant.

(4) *Borrower.* Any party liable for the loan or any part thereof.

(5) *Calendar year.* The 12-month period beginning January 1 and ending December 31 of any given year.

(6) *Cooperative.* An entity which has farming as its purpose and whose members have agreed to share the profits of the farming enterprise. The entity must be recognized as a farm cooperative by the laws of the State(s) in which the entity will operate a farm(s).

(7) *Corporation.* For the purpose of this subpart, a private domestic corporation recognized as a corporation and authorized to carry on farming, ranching, or aquaculture operations under the laws of the State(s) in which the entity will operate a farm(s).

(8) *Eligible area.* A county or similar political subdivision in which EM loans are made available.

(9) *Established farmer.* A tenant-operator or owner-operator of a family farm who was actively participating in the operation and management of a farming operation at the time of the disaster, spends a substantial portion of time in carrying out the farming operation, and had planted a crop or had purchased livestock which were on the farm at the time of the disaster. If the applicant is a cooperative, a corporation, a partnership or a joint operation, it must be primarily engaged in farming, *i.e.*, the applicant entity must derive over fifty percent (50%) of its gross income from all sources from its farming operation.

(10) *Family farm.* A farm or ranch as defined in § 1941.4(d) of Subpart A of Part 1941 of this chapter.

(11) *Farm.* A tract or tracts of land, improvements, and other appurtenances considered to be farm property which are used or will be used in the production of crops or livestock. This includes aquaculture operations which meet the requirements set forth in paragraph (a)(3) of this section and includes nonfarm operations which meet the requirements set forth in paragraph (a)(21) of this section. It also includes a residence which, although physically separate from the farm acreage, is ordinarily treated as a part of the farm in the local community.

(12) *Farmer.* One who conducts a farming or ranching enterprise. One who actively manages an aquatic operation or performs such duties as are necessary to properly raise and market the products of an aquatic operation. A farmer can be an individual, a cooperative, a corporation, a joint operation or a partnership.

(13) *Farming enterprise.* The business of producing and marketing crops, livestock, livestock products, and aquatic organisms through the utilization and management of land, water, labor, capital, and basic raw materials. A livestock enterprise must be a basic part of the farming operation in order for feed crops to be considered as a basic enterprise in determining eligibility based on production losses to feed crops.

(i) *Single enterprise.* An enterprise which constitutes an integral part of an applicant's total farming operation. The

following are examples of single enterprises:

(A) All cash field crops;

(B) All cash vegetable crops;

(C) All cash fruit and nut crops;

(D) All feed crops fed to applicant's own livestock;

(E) Beef operations;

(F) Dairy operations;

(G) Hog operations;

(H) Poultry operations;

(I) Aquaculture operations; and

(J) All other operations (*i.e.*, trees grown for timber, etc.)

Note.—Some crops such as corn may be produced as a cash or feed crop. In such cases the actual acres produced for each purpose for the best 4 of the past 5 years will be used in determining losses for each single enterprise.

(ii) *Basic part of a farming operation.* Any single enterprise which normally generates sufficient income to be considered essential to the success of the total family farming operation.

(14) *Fixture.* Generally, an item attached to a building or other structure or to land in such a way that it cannot be removed without defacing or dismantling the structure, or substantially damaging the item itself.

(15) *Hazard insurance.* Includes coverage against losses due to fire, windstorm, lightning, hail, explosion, business interruption, riot, civil commotion, aircraft, land vehicles, marine vehicles, smoke, builder's risk, public liability, property damage, flood or mudslide, workmen's compensation, or any similar insurance that is available and needed to protect the security, or that which is required by law.

(16) *Incidence period.* The specific date(s) during which a disaster occurred.

(17) *Insured loan.* An EM loan made directly by FmHA as lender from the Agricultural Credit Insurance Fund, and serviced by FmHA personnel.

(18) *Joint Operation.* A farming entity in which two or more farmers work together sharing equally or unequally land, labor, equipment, expenses and/or income. The joint ownership of land and/or equipment or the exchange of labor and equipment in separate farming operations does not constitute a joint operation. They are two separate individual operations.

(19) *Majority or controlling interest.* Any individual or a combination of individuals owning more than a 50 percent interest in a cooperative, corporation, partnership, or joint farming operation.

(20) *Market value.* The amount which a willing buyer would pay a willing, but not forced, seller in a completely voluntary sale.

(21) *Nonfarm enterprise.* Any business enterprise, including a recreational enterprise, which provides less than 50 percent of the total net income from all sources (farm and nonfarm), which is needed to supplement farm income. It must provide goods or services for which there is a need and a reasonably reliable market.

(22) *Normal year's production.* The normal year's production is the average per acre yield or production per animal unit of the 4 better years out of the 5 years immediately preceding the disaster year.

(23) *Partnership.* An entity consisting of individuals and/or other entities who have agreed to operate a farm. The entity must be recognized as a partnership by the laws of the State(s) in which the entity will operate a farm, be authorized to own both real and personal property and to incur debts in its own name.

(24) *Physical loss.* Damages to or destruction of physical property including farmland (except sheet erosion); structures on the land such as buildings, fences, dams, etc.; machinery, equipment, and tools; livestock; livestock products; harvested crops; and supplies.

(25) *Principal Members, Stockholders, Partners and Joint Operators.* Any member, stockholder, partner or joint operator owning or controlling a 10 percent interest in a cooperative, corporation, partnership or joint operation is considered a principal principal stockholder, or member, principal partner or principal joint operator. If no member, stockholder, partner or joint operator owns or controls at least a 10 percent interest, all members, partners, stockholders or joint operators will be considered principal members, partners, stockholders or joint operators.

(26) *Production loss.* The reduction in normal production, directly attributable to the natural disaster of yield per acre and/or quality of crops produced, or quantity and/or quality of livestock products produced per animal unit, and of weight gain and/or natural increases in numbers of livestock units.

(27) *Qualifying disaster.* A major disaster, Presidential Emergency, or natural disaster as defined in Subpart A of Part 1945 of this chapter.

(28) *Qualifying physical loss.* A loss caused by damage to or destruction of physical property that is essential to the successful operation of the farm, and if it is not repaired or replaced, the farmer would be unable to continue operations on a reasonably sound basis.

(29) *Qualifying production loss.* The production loss an applicant sustained from the disaster that is equivalent to at least a 30 percent loss of normal per acre or per animal production in any single enterprise which is a basic part of the total farming operation. Losses of livestock increases, *e.g.*, calves, pigs, etc., are considered production losses, except when live animals are destroyed. When an animal is killed, lost or sold because of injury or reduced production potential caused by the disaster, it is considered a physical loss. Reductions in the production of livestock, livestock products or reductions in weight gains of animals, due to homegrown feed crop and/or pasture losses, will not be considered production losses when replacement feed is available to purchase, regardless of the cost of that feed (normally production losses to livestock enterprises will be based on feed crop and pasture losses). When the disaster has severely disrupted the usual feeding schedule of a livestock enterprise because of extended utility failure or inaccessability to the livestock, losses in production of milk, eggs, weight losses, etc., may be considered as production losses. Production losses will be calculated based on the reduction from normal which occurs during the disruption period and the period needed to bring production back up to the normal level.

(30) *Related by blood or marriage.* As used in this subpart, individuals who are connected to one another as husband, wife, parent, child, brother or sister.

(31) *Security.* Property of any kind subject to a real or personal property lien. Any reference to collateral or security property shall be considered a reference to the term "security."

(32) *State or United States.* The United States itself, each of the several States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(33) *Subsequent loans.* Any Em loans processed by the Finance Officer after it processed the first EM loan to a borrower. The disaster designation number is not considered in determining whether an EM loan is a subsequent loan.

(34) *Termination date.* The date specified in a disaster declaration/determination/notification which establishes the final date after which EM loan applications can no longer be accepted. For both physical and production losses, the termination date is 8 months from the date of the disaster declaration/determination/notification.

(b) *Abbreviations.* The following abbreviations are used in this subpart.

(1) *ASCS*—Agricultural Stabilization and Conservation Service.

(2) *ECP*—Emergency Conservation Program.

(3) *EFP*—Emergency Feed Program.

(4) *EM*—Emergency Loans.

(5) *FCIC*—Federal Crop Insurance Corporation.

(6) *FEMA*—Federal Emergency Management Agency.

(7) *FIA*—Federal Insurance Administration.

(8) *FmHA*—Farmers Home Administration.

(9) *FMI*—Forms Manual Insert.

(10) *INS*—Immigration and Naturalization Service.

(11) *OGC*—Office of the General Counsel.

(12) *SBA*—Small Business Administration.

(13) *UCC*—Uniform Commerical Code.

(14) *USDA*—United States Department of Agriculture.

§ 1945.155 Relationship between FmHA and other federal agencies.

(a) *SBA and FmHA.* Two Memoranda of Understanding between the SBA and USDA-FmHA pertaining to Disaster Loan Assistance are attached as Exhibit B and Exhibit B–1.

(b) *ASCS and FmHA.* A Memorandum of Understanding between the ASCS and FmHA on Disaster Assistance is attached as Exhibit C.

(c) *FCIC and FmHA.* A Memorandum of Understanding between FCIC and FmHA pertaining to crop insurance and exchanging information essential to the elimination of duplication of disaster compensatory benefits is Exhibit A of FmHA Instruction 2000–N (available in any FmHA office).

§ 1945.156 The test for credit and certification requirements for availability of credit elsewhere.

(a) *Applicants who certify that other credit is available.* Applicants applying for EM loan assistance who certify they are able to obtain sufficient and suitable credit elsewhere to meet their actual farming and family living needs are not eligible for such assistance.

(b) *Applicants who certify that other credit is NOT available.* Applicants who certify they are not able to obtain sufficient credit elsewhere to meet their actual farming and family living needs must meet the requirements set out in this paragraph.

(1) *Test for credit for individuals and entities.* Applicants must be *unable* to obtain sufficient and suitable credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time. If the applicant has been getting credit away from the local community where the farming operation is located, such source(s) of credit must also be contacted and considered. The applicant's equity in all assets, including, but not limited to, real estate, chattels, stocks, bonds, and Certificates of Deposit will be considered in determining the applicant's ability to obtain such credit from other sources. Also, the applicant must offer to pledge all assets as security when requesting credit from other lenders. Cooperatives, corporations, partnerships and joint farming operations and the principal members, stockholders, joint operators and partners, both individually and collectively, must be unable to provide the required financing from their own resources or with credit obtained from pledging those resources to other lenders. Form FmHA 1940–38, "Request for Lender's Verification of Loan Application," must be completed (with particular attention that item 2A is completed) and filed in the applicant's County Office case folder, and any additional facts concerning the findings, in all cases, must be documented and recorded in the running case record.

(2) *Test for credit certification requirements.* Applicants will certify in writing on the application form, and the County Supervisor shall make the determination whether or not adequate and suitable credit is available elsewhere to finance the applicant's actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides, for loans for similar purposes and periods of time. The County Supervisor will consider all such information obtained from other lenders in making the determination, but is required to make an independent decision concerning the applicant's ability to obtain the needed credit elsewhere. Should the County Supervisor determine that the applicant can obtain the necessary credit elsewhere to meet actual needs, the applicant will be notified, in writing, that the applicant is not eligible for an EM loan(s).

(i) For applicants whose total EM loan(s) request is for $300,000 or less, the following actions will be taken:

(A) Applicants will be required to apply for the credit need from their normal lender(s) and, if their normal lender(s) is located outside the local community, from at least one agricultural lender in the local community, to determine whether such lender(s) will provide the credit. Form(s) FmHA 1940–38 must be completed by all lending sources contacted, unless an exception is made under the provisions of paragraph (b)(2)(i)(C) of this section. Only when the applicant is not able to obtain a loan, from one or more of the lending sources contacted, will the applicant be considered for an EM loan. If the County Supervisor believes if necessary, the action required in paragraph (b)(2)(ii) of this section will be taken.

(B) When the County Supervisor receives letters or other written evidence, including Form FmHA 1940–38, from a lender(s) indicating that the applicant is unable to obtain satisfactory credit from that source(s), such correspondence will be included in the loan docket.

(C) If it appear from a review of the application that it would be unduly burdensome for the applicant to obtain written declinations of credit from other lenders, the County Supervisor may make an exception to this requirement, provided the County Supervisor is familiar enough with other lenders' farm loan programs to determine that no possibility exists for the applicant to obtain the credit needed from those lenders. When this conclusion is reached, the basis for it will be recorded in the running case record, and further checks will not be necessary. However, when this exception is used, the applicant's normal lender(s) must be contacted in all cases and the results of that contact(s) must be well documented in the running case record.

(ii) For applicants whose total EM loan(s) request is for more than $300,000, the following actions will be taken:

(A) Applicants will be required to apply at not fewer than three conventional lending sources, including the Production Credit Association or Federal Land Bank, as appropriate, in the local community. In addition, when an applicant has a net worth of $1 million or more and produces evidence that the necessary credit cannot be obtained in the local community, the applicant will be required to contact at least two other lending sources outside the local area. One or more of those lenders contacted must be the applicant's normal lender(s).

(B) Form FmHA 1940–38 must be completed by all lending sources contacted, returned to the county office and handled in accordance with paragraph (b)(2)(i)(B) of this section.

(C) When the County Supervisor receives Form FmHA 1940–38 indicating that the applicant is unable to obtain satisfactory credit, the forms will be placed in the loan docket. However, such evidence will not preclude the County Supervisor from contacting other farm lenders in the area and making an independent determination of the applicant's ability to obtain credit elsewhere.

(3) *Use of nonessential assets (both farm and nonfarm) when seeking other credit.* When an EM loan(s) will be made, after other lenders have declined to provide needed credit to the applicant, the County Supervisor will, as a condition of loan approval, require the applicant and the principal owner(s) of the applicant entity to list all assets (both essential and nonessential) setting forth: why those assets and any income derived from them are needed; and how such assets and the income derived from them will be used for essential family living expenses and for maintaining a sound family farming operation(s). The loan approval official must determine that the applicant's plan for use of all assets and the income derived therefrom is acceptable; and the loan approval official will require the applicant and the principal owner(s) to mortgage and/or assign their interest in all assets to FmHA. Any assets not contributing to essential family living expenses and maintenance of a sound family farming operation will be considered nonessential; and the applicant and the principal owner(s) must, as a condition of loan approval, agree to sell the nonessential assets. The proceeds from such sale(s) will be used to reduce the amount of EM loan(s) requested, provided the assets can be sold prior to the EM loan(s) closing. If the nonessential asset(s) cannot be sold before loan(s) closing, the ownership interest in those assets will be mortgaged and/or assigned to FmHA; and a written agreement prepared and executed, in a manner approved by the OGC, the sell those assets at their present market value, within a specified period not to exceed one year from the date of loan(s) closing.

§ 1945.157–1945.160 [Reserved]

§ 1945.161 *Receiving and processing applications.*

(a) *Applications.* Applications for EM loans will be received and processed as outlined in Subpart A of Part 1910 of this chapter. Form FmHA 410–1 will be used for this purpose.

(1) Applications for initial EM loans for each disaster will be received only in areas where EM loans are made available in accordance with Subpart A of Part 1945 of this chapter, and must be postmarked or received in the county office before the specified 8-month termination date has passed. These applications must be processed within twelve months after they are filed.

(2) An applicant conducting a farming operation in different counties or locations will be considered for only one application, and will file that application in the county in which the farm headquarters is located, unless determined otherwise by the State Director. When the operation is located in more than one State, the State Directors involved will consult and determine which State will process the application and service the loan(s).

(3) Applications may be received and processed from FmHA EM loan borrowers or SBA disaster loan borrowers for that portion of the maximum EM loan originally authorized, but not requested initially from FmHA or SBA, provided the application is received within 8 months of the disaster declaration/determination/notification date.

(4) Applicants who are determined to be ineligible for an EM loan may be considered for other types of FmHA farm loans, when appropriate.

(b) *Statement of losses.* Applicant's statements of loss or damage will be obtained in support of their applications by having them complete Form FmHA 1945–22, "Certification of Disaster Losses."

(c) *ASCS verification of farm acreages, production and benefits.* From information obtained on Form FmHA 1945–22, the County Supervisor will send a separate Form FmHA 1945–29 "ASCS Verification of Farm Acreages, Production and Benefits," to the appropriate ASCS county office for verification of each ASCS Farm number that the applicant has certified constituted part of the disaster year's operation. ASCS records of acres of crops planted/grown in the disaster year, actual (proven) yields in the disaster year, ASCS established yields for the disaster year, ASCS emergency payments and the other information requested on that form must be obtained. The use of Form FmHA 1945–29 is optional for EM loans made for physical losses. It is required for EM loans made for production losses.

(d) *Evidence of operation.* If the applicant is a cooperative, corporation, partnership, or joint operation, it will provide evidence that it was operating as a cooperative, corporation, joint operation or partnership at the time the disaster loss occurred, or has changed its form in accordance with § 1945.162(1) of this subpart, after the loss occurred. The following information will be obtained and included in the loan docket:

(1) A complete list of all members, stockholders, partners or joint operators showing the address, citizenship, principal occupation, and the number of shares and percentage of ownership, or stock held in the cooperative or corporation by each, or the percentage of interest held in the partnership or joint operation by each.

(2) A current personal financial statement from each of the principal members of a cooperative, stockholders of a corporation, partners of a partnership, and joint operators of a joint operation. For this purpose, a principal is one owning or controlling as much as 10 percent of the ownership, stock or interest of a farming entity. If no member, stockholder, partner or joint operator owns or controls as much as 10 percent, each member, stockholder, partner or joint operator will be considered a principal. Any other member, stockholder, partner or joint operator having an ownership interest, whose financial statement in the judgment of the loan approval official would be pertinent to a consideration of the financial strength of the applicant entity, will also be required to provide a personal financial statement.

(3) A current financial statement (not over 30 days old at the time of filing the application) from the cooperative, corporation, partnership, or joint operation itself.

(4) A copy of the cooperative's or corporation's charter, or any written partnership or joint operation agreement, any articles of incorporation and by-laws, any certificate or evidence of current registration (good standing), and a resolution(s) adopted by the board of directors, members or stockholders authorizing specified officers of the cooperative, corporation, partnership or joint operation to apply for and obtain the desired loan and execute required debt, security, and other instruments and agreements.

(5) A copy of any written lease, contract, or agreement entered into by the cooperative, corporation, joint operation or partnership which may be pertinent to a consideration of its application. When a written lease is not obtainable, a statement setting forth the terms and conditions of the agreement will be included in the loan docket.

§ 1945.162 Eligibility requirements.

(a) *Test for credit.* Applicants must be unable to obtain sufficient credit elsewhere to finance actual needs at reasonable rates and terms, taking into

consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time.

(b) *Citizenship.* (1) An individual applicant must be a citizen of the United States (see section 1945.154(a)(32) of this subpart for the definition of "United States") or an alien lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act. Aliens must provide Forms I–151 or I–551, "Alien Registration Receipt Card." Indefinite parolees are not eligible. If the authenticity of the information shown on the alien's identification document is questioned, the County Supervisor may request the Immigration and Naturalization Service (INS) to verify the information appearing on the alien's identification card by completing INS Form G–641, "Application for Verification of Information from Immigration and Naturalization Records," obtainable from the nearest INS District Office. (See Exhibit B of Subpart A of Part 1944 of this chapter.) The completed form will be mailed to INS. The payment of a service fee by FmHA to INS is waived by inserting in the upper right hand corner of INS Form G–641, the following: "INTERAGENCY LAW ENFORCEMENT REQUEST".

(2) More than a 50 percent interest in the cooperative, corporation, partnership or joint operation must be owned by United States citizens (see section 1945.154(a)(32) of this subpart for the definition of "United States") or aliens lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act.

(c) *Established farmer.* An applicant must be an established farmer (as defined in section 1945.154(a)(9) of this subpart) doing business either as an owner-operator or tenant-operator. An applicant who conducts the farming operation as an individual must manage the farming operation. If the applicant is a cooperative, corporation, joint operation or partnership, it must derive over fifty percent (50%) of its gross income from all sources from its farming operation, and at least one principal member, stockholder, joint operator or partner must manage the farming operation. Also, the entity must be authorized to conduct the farming operation(s) in the State(s) in which the farming operation is conducted. One who does not devote full time to the farming operation may be considered the manager provided that person, visits the farm at sufficiently frequent intervals to exercise control over the farming operation, makes decisions and gives directions on how the operation(s) should be run, and sees that the operation is being carried on properly. Any applicant that employs an outside full-time hired manager or management service does not qualify as an established farmer, regardless of the number of visits made by the individual applicant or the principal members, stockholders, partners or joint operators.

(1) An estate or trust; a corporation with over 50 percent of the ownership held by an estate, trust, another corporation, a partnership or a joint operation; a partnership or joint operation with over 50 percent of the ownership held by an estate, trust, corporation, another partnership or another joint operation is not considered to be an established farmer for EM loan purposes.

(2) Integrated livestock, poultry, and fish processors who operate primarily and directly as commercial businesses through contracts or business arrangements with farmers are not considered to be established farmers and are not eligible. However, a grower under contract with an integrater or processor is considered an established farmer even though the applicant operates through a contract arrangement with an integrated processor, provided the operation is not managed by an outside full-time hired manager or management service. Farmers operating through contract may be considered for EM loans for physical losses and production losses. However, eligibility for and the amount of their production losses will be determined from the applicant's share of the agricultural production as set forth in the contract.

(d) *Operate in a disaster area.* An applicant for an EM loan must have sustained qualifying losses in an area in which the availability of EM loans for actual losses has been determined in accordance with Subpart A of Part 1945 of this chapter; and must have filed an application before the expiration of the termination date. When an applicant's farming operation is located both in a designated county(ies) and a non-designated county(ies) refer to § 1945.163(a)(2)(xix) of this subpart.

(e) *Losses.* An applicant must have suffered qualifying production and/or physical losses to be eligible for an EM loan. Production losses must be to property in which the applicant has an ownership interest or an interest in which a security interest can be obtained. Physical losses must be to property in which the applicant has an ownership interest. See § 1945.163 of this subpart for the methods of determining qualifying losses.

(f) *Legal capacity.* An applicant must possess the legal capacity to contract for the loan.

(g) *Training and experience.* An applicant must possess the training and/or experience, character (emphasizing repayment ability and reliability), industry and ability necessary to carry out the proposed farming operations to assure a reasonable prospect of success with the assistance of the loan, and

(h) *Honestly endeavor.* The applicant will honestly endeavor to carry out the undertakings and obligations required of the applicant in connection with the loan.

(i) *Family farm.* The applicant's farm must be a family farm as defined in § 1945.163(a)(10) of this subpart. If the applicant was conducting larger than a family farm at the time of the disaster but will be conducting a family farm at the time an EM loan is closed, the applicant meets this eligibility requirement.

(j) *Intent to continue farming.* An applicant must show an intent to continue the operation after the disaster. Those applicants who were required to stop temporarily because of the disaster loss or damage to their operations but intend to continue farming with EM loan assistance meet this requirement.

(k) *EM loan(s) to cooperatives, corporations, joint operations or partnerships.* When an EM loan is made to a cooperative, corporation, partnership or joint operation, only one initial EM loan can be made to the entity constituting the farming operation to cover the losses per disaster. However, an individual member, stockholder, joint operator or partner may qualify for a separate EM loan to cover losses to a separate farming operation which the applicant conducts as an individual on a different farm tract.

(1) If the members, stockholders, partners or joint operators holding a majority interest are related by blood or marriage, at least one member, stockholder, partner or joint operator must operate the family farm.

(2) If the members, stockholders, partners or joint operators holding a majority interest are not related by blood or marriage, the majority interest holders must operate the family farm.

(3) If an entity applicant has an operator interest in any other family operation, that farming operation must be no larger than a family farm.

(l) *Change in the form of an applicant.* A change in the form of an applicant between the time of a qualifying loss and the time an EM loan is closed does

not make the applicant ineligible for EM loan assistance. (Examples of changes in form are as follows: An entity may split into its individual members or into more than one entity. One or more individuals may leave an entity. An individual may incorporate. A partnership may become a joint operation, a corporation, a cooperative, or another partnership. A corporation may become a partnership, a joint operation, a cooperative, or another corporation. A cooperative may become a joint operation, a partnership, a corporation, or another cooperative. A joint operation may become a partnership, a corporation, or another cooperative. A joint operation may become a partnership, a corporation, a cooperative or may split into individual members.) Such an applicant is eligible for EM loan assistance subject to all of the following limitations and qualifications:

(1) The applicant must meet all FmHA eligibility requirements at the time of loan closing.

(2) The applicant must not conduct an operation larger than the operation that was being conducted at the time of the disaster.

(3) In the case of an entity applicant, all of the individuals who have an interest in the entity must have had an ownership interest (or an interest in which a security interest could be obtained) in the farming operation at the time of the disaster and/or must be heirs of those who had an ownership interest (or an interest in which a security interest could be obtained) in the farming operation at the time of the disaster. Heirs must have been participating in the operation at the time the disaster occurred and must be engaged in the farming operation at the time of loan approval.

(4) In the case of an individual applicant, that person must have had an ownership interest (or an interest in which a security interest could be obtained) in the operation at the time of the disaster and/or must be an heir of those who had an ownership interest (or an interest in which a security interest could be obtained) in the operation at the time of the disaster. An heir has to have been participating in the operation at the time the disaster occurred and has to be engaged in the farming operation at the time of loan approval.

(5) To determine the amount of an actual loss loan an applicant may receive, first calculate the actual loss suffered by the operation(s) as it existed at the time of the disaster, in accordance with section 1945.163 of this subpart. Then look at the individual applicant or the individual members, partners, joint operators or stockholders of an entity applicant and determine each person's percentage of ownership interest (or interest in which a security interest could be obtained) in the operation as it existed at the time of the disaster. For an entity applicant, add the percentages of all owners who had an interest in the entity that suffered the disaster losses. Multiply the actual loss suffered by the operation as it existed at the time of the disaster by this percentage figure; the result is the amount of actual loss loan the applicant may receive. For example, if one partner withdraws from a four-partner partnership (each person owning a 25% interest), the remaining three partners are eligible for 75 percent of the actual loss suffered by the operation as it existed at the time of the disaster.

§ 1945.163 Determining qualifying losses, eligibility for EM loan(s) and the maximum amount of each EM loan(s).

Disaster losses will be reported by applicants on Form FmHA 1945–22, "Certification of Disaster Losses," which states the physical and production losses suffered as a result of the declared/designated disaster. The applicant will report, on Form FmHA 1945–22, total acres and actual yields for all crops planted and/or grown in the disaster year, and the number of all animal units and production per animal unit being maintained at the time of the disaster. This information will come from the applicant's own records or from ASCS records of acres grown and proven actual yields in the disaster year. Applicants will also report their previous 5-year production levels as set forth in paragraph (a) of this section. This form will be completed and submitted to the county office with the application, as soon as the losses and/or damages can be accurately assessed. The information provided by applicants on Form FmHA 1945–22 will be the primary basis for FmHA's calculation of qualifying losses, eligibility for EM loan(s) based on production losses, and an applicant's maximum amount of EM loan eligibility. Therefore, applicants are required to certify, subject to penalties of law, that the accuracy and completeness of the information provided on Form FmHA 1945–22 can be supported by written records. Applicants will be asked to identify on that form any single farming enterprise they consider basic to the success of their total farming operation, and in which they have suffered a disaster loss. When an applicant's certified production loss claims seem unreasonable, they will be verified and the findings documented. Physical loss claims will be verified by requiring the applicant to furnish evidence of ownership and proof of the property loss or damage. Proof of ownership could be by deeds, mortgages, financial statements, insurance policies, and the like. Proof of the loss or damage could be by the applicant's own pictures, written certification by other persons or, when practical, by visual inspections by FmHA employees.

(a) *Production losses.* (1) The normal year's production will be established by eliminating the poorest year of the 5-year production history immediately preceding the disaster year and averaging the remaining 4 years' production. The applicant must select the year to be eliminated. The year selected to be eliminated must be the same year for all farm enterprises (i.e., all crops, livestock, and livestock products), which constituted a part of the applicant's farming operation during that year. A State Supplement will be issued which will be used in connection with paragraph (a)(1)(iii) of this section. The State Supplement will contain average production figures provided by the USDA State Crop and Livestock Reporting Service, when available. If those records are not available, the State Supplement will contain statistical data on production from similar State or Federal bodies. When this information is available by county, county averages will be used. If available only by State, the State averages will be used throughout the State. In those States where neither a County nor State average is available for an agricultural commodity(ies), the State Director, with the advice of representatives of other Federal and State agricultural agencies, will establish County or State averages and advise County Offices of these averages in the State Supplement. State Directors and Farmer Programs Chiefs in adjoining States will consult with each other before releasing these figures. An applicant must use data from the production record source(s) in the order of priority as listed in paragraphs (a)(1)(i), (ii) and (iii) of this section. The applicant will identify, on Form FmHA 1945–22, the production record source(s) to be used in determining the normal year's production for each commodity that was produced on all farms operated by the applicant in the disaster year. The order of priority of production records that will be used is:

(i) The applicant's actual reliable farm records.

(ii) The Agriculture Stabilization and Conservation Service (ASCS) established yields. When this production record source is used, an applicant must obtain the information from ASCS and submit it with the

application to FmHA. Therefore, when the disaster year established yield is provided by ASCS for any given crop the 5-year production history for such crop is not needed. This production record source will be used only for those commodities for which the applicant's reliable farm records were not maintained.

(iii) County or State averages. When this production record source is used, an applicant needs to provide production data for only the disaster year. The averages will be found in the State Supplement mentioned in paragraph (a)(1) of this section.

This production record source will be used only for those commodities for which neither the applicant's reliable farm records nor ASCS established yields are available.

(iv) When one source of records is not available for the full 5 years preceding the disaster year a combination of record sources in paragraphs (a) (i), (ii) and (iii) of this section will be used.

(v) When an applicant's production loss is on land being developed and maximum production capacity has not been attained, the State Director will establish normal yields on a case-by-case basis.

(2) FmHA loan official(s) will complete Form FmHA 1945–26, "Calculation of Actual Losses."

(i) In calculating production losses, the same established unit prices will be used for the disaster year and the normal year in computing the dollar value of each enterprise. Unit prices will be established in accordance with paragraph (a)(2)(iii) of this section. In the production loss calculation, those crop production yields and production per animal unit records authorized in paragraphs (a)(1) (i), (ii) and (iii) of this section will be used.

(ii) Information certified on Form FmHA 1945–22 for the disaster year for all single enterprises (as defined in § 1945.154(a)(13)(i)), which suffered a loss due to the disaster, will be transposed from Form FmHA 1945–22 to the appropriate places on Form FmHA 1945–26. The FmHA official completing Form FmHA 1945–26 is responsible for verifying loss information provided by the applicant. Information obtained from ASCS on Form FmHA 1945–29 will be cross checked with information provided by the applicant on Form FmHA 1945–22. Any discrepancies will be resolved, loss calculations adjusted if necessary, and the correct information recorded in the County Office case file. When the applicant's disaster loss is due to a reduction in quality, rather than due to a reduction in quantity, the applicant will be given credit for this by adjusting actual production yield downward. This will be accomplished by converting the dollar value of the quality loss to a yield reduction equal in value to the quality loss. When such an adjustment is necessary, the basis used in making the adjustment will be the applicant's accurate records of production and sales receipts showing the price received and the grade of the commodity in question. This information will be well documented by the County Supervisor.

(iii) The gross dollar value of production losses will be computed for all crops and all livestock enterprises, which were a part of any single enterprise that suffered losses due to the disaster, by calculating the value of the disaster year's production and subtracting that amount from the calculated value of the normal year's production. Unit prices for all agricultural commodities produced commercially in each State will be established on a Statewide basis by all FmHA State Directors each year, and published in a State Supplement to be issued not later than February 15 of each year. These commodity prices will be established by averaging the monthly market prices of each commodity for the 12-month period preceding the calendar year in which the disaster occurs. The monthly average market prices will be provided by the USDA State Crop and Livestock Reporting Service, or similar State or Federal agency or body. Once established, these prices will not be changed for any EM loan processed under any disaster occurring on or after February 1 of that calendar year and through January 31 of the next calendar year. If Statewide figures are not available, the State Director will consult with other agricultural agency representatives and agricultural lenders in the local area before establishing commodity prices. State Directors and Farmer Programs Chiefs in adjoining States will consult each other before releasing their established commodity price lists.

(iv) The amount of actual production loss will be calculated for the single enterprise which is a basic part of the farming operation (see § 1945.154(a)(13) of this subpart) by subtracting all compensatory disaster payments which are related to the disaster and which have been received or will be received; *i.e.*, crop insurance indemnity payments, ASCS disaster program payments, or any other disaster compensation for that enterprise, from the gross dollar amount of production losses for that enterprise as determined in paragraph (a)(2)(iii) of this section.

(v) Actual losses for tobacco, peanuts and other crops grown under acreage and/or poundage control will not be calculated differently than any other crop; i.e., the calculations must not include the dollar value of underproduced pounds to be sold or produced in future years. The value of underproduced poundage allotments and quotas must not be subtracted from the loss. All "controlled" crop acreages planted in the disaster year, including acreage above the producer's allotments and quotas, will be considered even though the carry-over crop is not eligible for price supports until the next marketing year.

(vi) Actual losses for spring and fall annual crops of the same species will be treated as two separate crop losses and listed separately on Forms FmHA 1945–22 and 1945–26. The crop(s) not affected by the disaster will be considered as having produced a normal year's yield.

(vii) The dollar value of the actual production loss for the single enterprise which is a basic part of the farming operation as designated by the applicant in item F, Form FmHA 1945–22, will be divided by the previously calculated normal year's gross income for that enterprise. The result should be rounded to the nearest whole number. To illustrate, if the calculation shows a 29.49 percent production loss, round it down to 29 percent. If the calculation shows a 20.50 percent loss round it up to 30 percent. This establishes the percentage reduction in production from normal for that enterprise. If the percentage loss in any single enterprise (see § 1945.154(a)(13)) which is a basic part of the farming operation equals or exceeds 30 percent, and the applicant is otherwise eligible, EM loan assistance will be considered.

(viii) Once eligibility is established based on production losses, the total production loss sustained by the applicant, directly attributable to the disaster, is computed by adding the gross dollar amount of production losses of all single enterprises, whether or not they constitute a basic part of the farming operation, and subtracting from this total all compensatory disaster payments received or to be received for those enterprises.

(ix) The maximum EM loan for production losses is limited to *80 percent* of the total calculated actual production loss sustained by the applicant.

(x) Production losses to hayland, pasture and rangeland used for grazing livestock owned by the applicant must be based on the production from only those acres which are utilized in the

disaster year. Losses may be calculated by one of three methods when approved by the State Director. The State Director will decide which one of the three methods will be used throughout the State to calculate losses to pasture and rangeland; and issue a State Supplement to this subpart, setting forth the method(s) to be used Statewide.

(A) *The price per acre method.* The price per acre method is used to calculate pasture losses in the following manner:

(*1*) Determine the normal year's gross dollar value. To calculate this, multiply the number of acres available to be grazed for the disaster year; by the established rental charge per acre per month (this figure is established by the State Director in accordance with paragraph (a)(2)(iii) of this section); by the average number of months grazed per year during the highest 4 out of the 5 preceding years.

(*2*) Determine the disaster year gross dollar value. To calculate this, multiply the number of acres grazed during the disaster year; by the established rental charge per acre per month (as determined in accordance with paragraph (a)(2)(x)(A)(*1*) of this section); by the number of months the livestock were able to be grazed during the disaster year.

(*3*) Subtract the disaster year gross doller value (see paragraph (a)(2)(x)(A)(*2*) of this section) from the normal year gross dollar value (see paragraph (a)(2)(x)(A)(*1*) of this section) to determine the value of pasture loss suffered during the disaster year.

(B) The charge per head or animal unit method. The charge per head or per animal unit method is used to calculate pasture losses in the following manner:

(*1*) Determine the normal year gross dollar value. To calculate this, multiply the number of animals or animal units grazed per month during the disaster year; by the established rental charge per animal or per animal unit per month (this figure is established by the State Director in accordance with paragraph (a)(2)(iii) of this section); by the average number of months grazed per year during the highest 4 out of the preceding 5 years.

(*2*) Determine the disaster year gross dollar value. To calculate this, multiply the number of animals or animal units grazed per month during the disaster year; by the established normal rental charge per animal or per animal unit per month (as determined in accordance with paragraph (a)(2)(x)(B)(*1*) of this section); by the number of months grazed during the disaster year.

(*3*) Subtract the disaster year gross dollar value (see paragraph (a)(2)(x)(B)(*2*) of this section) from the normal year gross dollar value (see paragraph (a)(2)(x)(B)(*1*) of this section) to determine the value of pasture loss suffered during the disaster year.

(C) The forage equivalent method. The forage equivalent method is used to calculate pasture losses in the following manner:

(*1*) Determine the normal year gross dollar value. To calculate this, multiply the number of acres grazed during the disaster year; by the established price per pound or ton (this figure is established by the State Director in accordance with paragraph (a)(2)(iii) of this section); by the average number of pounds or tons of forage equivalent produced per acre per year during the highest 4 out of the preceding 5 years for forage of the type being used in this calculation. (The State Office will set forth the forage equivalent values to be used or the methodology to be used to derive this value in a State Supplement. This information may be set forth on a countywide or statewide basis. The State Director may contact the State's Extension Service or other knowledgeable sources to assist in establishing the forage equivalent determination).

(*2*) Determine the disaster year gross dollar value. To calculate this, multiply the number of acres grazed during the disaster year; by the established price per pound or ton (this figure is established by the State Director in accordance with paragraph (a)(2)(x)(C)(*1*) of this section); by the number of pounds or tons of forage equivalent produced for forage of the type being used in this calculation produced in the disaster year. (See paragraph (a)(2)(x)(C)(*1*) of this section for further information.)

(*3*) Subtract the disaster year gross dollar value (see paragraph (a)(2)(x)(C)(*2*) of this section) from the normal year gross dollar value (see paragraph (a)(2)(x)(C)(*1*) of this section) to determine the value of pasture loss during the disaster year.

(xi) When a crop cannot be planted, an applicant may treat the loss either as a production loss or as a physical loss (see paragraph (b) of this section). When a crop cannot be planted and the applicant chooses to treat the loss as a production loss, the loss will be calculated as set out in this paragraph. Such loss will be calculated as follows: Add all income that is derived from the enterprise to the variable and fixed costs which are not incurred because of the disaster. (The cost figures will be derived from current crop enterprise budgets prepared by State Agricultural Extension Service economists, based on normal farming conditions in the area.) Subtract this figure from the value of the normal year's production. The resulting figure is the gross dollar amount of production loss.

(xii) When a crop can be only partially planted due to a disaster or when perennial crops (such as fruits or nuts) already growing cannot be produced or harvested due to a disaster, the loss will be considered a production loss. Such loss will be calculated as set out in paragraph (a)(2)(xi) of this section.

(xiii) When a crop is planted and completely destroyed by a disaster, a yield of "zero" may be shown on Form FmHA 1945–22 for the disaster year but only if no part of the crop could be harvested and no substitute crop could be planted and harvested. When figuring the actual dollar amount of production losses subtract the normal costs of harvesting and marketing which were not incurred for crops which were completely destroyed by a disaster. If a substitute crop is planted and harvested during the same crop year, a yield of "zero" should be shown for the original crop and the actual yield for the substitute crop on Form FmHA 1945–22. On Form FmHA 1945–26, the dollar value of the substitute crop must be subtracted from the dollar value of the normal year's production.

(xiv) Losses to feed crops will be established by determining the normal year's gross dollar value of those crops and subtracting the disaster year's gross dollar value of feed crops. The difference establishes the disaster year's gross dollar loss for feed crops. The gross dollar value of feed crops produced is derived by multiplying the number of feed crop acres by the yield per acre by the unit price.

(xv) When a applicant elects to sell feeder livestock at an earlier date than usual rather than purchase feed to replace that which was lost as a result of the disaster, the difference between what the sale price would have been if the livestock had been fed for the normal period and the disaster year's premature sale price may not be claimed as a loss.

(xvi) Eligibility for production losses to livestock enterprises may be based either on loss of production in feed crops, including pasture, to be fed to the applicant's own livestock; or on loss (from normal) of weight gain of the livestock or livestock products produced, but not both. The value of feed produced on native rangeland and pasture constitutes a small portion of the total input costs of maintaining a foundation herd of breeding animals and

their offspring. Therefore, loan approval officials will calculate production losses to livestock operations based on reductions in animal unit weight gain and natural increase in numbers.

(xvii) Claims of production losses from the applicant will be verified by FmHA when the applicant's claims appear to be unreasonable.

(xviii) Production losses for orchard crops (fruit or nut) will be only for the crop loss due to the qualifying disaster and determined in accordance with paragraph (a)(2) of this section.

(xix) When an applicant's farming operation(s) is conducted in a designated county(ies) and a nondesignated county(ies), eligibility will be established based on losses to a single enterprise which constitutes a basic part of the farming operation, without regard to whether the single enterprise is located in the designated county. The disaster year's actual yields, both in the designated and nondesignated counties, will be used to determine losses. Compensatory payments will be subtracted as explained in paragraph (a)(2)(iv) of this section when determining eligibility. The amount of the production loss loan will be limited to the production loss sustained in the designated county, minus compensatory payments received or to be received for that portion of the farming operation located in the designated county.

(xx) The County Supervisor will assign normal yields to all unplanted acreage covered by a Payment in Kind (PIK) contract, when calculating crop production losses on Form FmHA 1945–26.

(b) *Physical losses.* (1) In order to qualify for an EM loan(s) for physical losses, the damaged or destroyed physical property must be essential to the successful operation of the farm and if not repaired or replaced, the farmer would be unable to continue operations on a reasonably sound basis. The financing necessary to recover from the physical loss must be actually needed to permit the applicant to continue the operation.

(2) The claimed value of all physical losses due to disaster damage or destruction must be supported by written estimates for the necessary repair or replacement requested.

(3) Physical loss loan funds can be used to pay for only contracted or hired labor and materials and supplies purchased. Labor, machinery, equipment, and materials contributed by the applicant or borrower will not be chargeable to the cost of necessary repair and replacement.

(4) Damage to or destruction of nonessential buildings, structures or other items will not be repaired or replaced with EM physical loss loan funds. Any insurance compensation received or to be received for such losses will be considered as compensation for losses to essential farm buildings, structures and other items which need to be repaired or replaced.

(5) The maximum physical loss loan(s) will be determined by subtracting all insurance claims and any other compensation received or to be received for physical disaster losses from the value of all actual physical losses caused by the disaster.

(6) The physical loss equals the market value at the time of the disaster for items lost, damaged or destroyed by or as a result of the disaster. Such items included:

(i) Livestock

(A) Death of an animal(s) caused by the disaster.

(B) Disaster related damage to an animal's(s') health, which has impaired or reduced its normal production capability and its market value. This includes forced reductions of foundation breeding stock caused by the disaster. Physical losses, under these conditions, would be calculated by establishing a dollar value per head, or unit, at the time the disaster occurred, and deducting the reduced dollar value received from the disaster caused sale of the animals. The difference in the two values would be considered a physical loss. (The animals sold must be over and above the numbers normally culled each year).

(ii) Livestock products on hand or stored.

(iii) Harvested crops on hand or stored.

(iv) Supplies on hand.

(7) The actual physical loss for farm dwellings to be used by the operator and existing labor is the lesser of:

(i) The market value of the property at the time it was damaged or destroyed; or

(ii) The amount required to repair the dwelling or replace it with one which will meet all applicable code requirements; and which will provide permanent, adequate, decent, safe, sanitary and modest living quarters.

(8) The actual physical loss for farm service buildings and farm real estate other than buildings is the amount required to repair the property or replace it with a building or property of like quality and capacity which will meet all applicable code requirements and which will adequately meet the needs of the farming operation. This amount cannot exceed the market value of the property at the time of the disaster.

(9) The actual physical loss for income-producing trees (fruit or nuts) is the cost of removing the damaged or destroyed trees, cleaning debris and preparing the land for replanting, plus the cost of suitable replacement trees and other expenses necessary to reestablish income-producing trees. Losses will not be determined by establishing a value for the trees destroyed or damaged. Any salvage value will be deducted from the loss. The applicant may choose to replace the damaged or destroyed trees with a different enterprise and may use actual loss loan funds for that purpose. (See Exhibit D of this subpart for physical loss loans to citrus growers.)

(10) The actual physical loss to trees (grown for timber) will be determined by establishing the value of trees less any salvage value. This estimate of value must be determined by a recognized forester who will cruise the timber and establish the value of the destroyed and damaged trees. The applicant may choose to replace the demaged tree enterprise with a different enterprise and use the actual loss loan funds for that purpose. Those applicants whose major farming enterprises are other than tree farming, but who have a wood lot that has been damaged, will have their tree losses considered as physical losses in the same manner as set forth for tree farms.

(11) The actual physical loss for crops growing or pasture is the cost of cleaning debris, preparing the land for replanting, seed, fertilizer, and other expenses necessary to reestablish the crops or pasture. These costs can exceed the market value of the crops or pasture at the time of the disaster.

(12) When a crop cannot be planted during the disaster year due to the disaster and the applicant chooses to treat the loss as a physical loss, the actual physical loss is limited to the cost of land preparation, other expenses incurred to the date of the disaster for crops that could not be planted, and a pro rata share of the total operation's fixed costs such as rent, taxes, and insurance. The applicant must provide an itemized list of all the claimed expenses incurred in the disaster year for those enterprises for which disaster losses are claimed. This list must be signed by the applicant. The amount of an EM loan cannot exceed the total itemized expenses listed by the applicant.

(13) EM loans will not be made to flood and mudslide victims to repair or replace damaged or destroyed farm

dwellings or farm service buildings and their contents in areas where "National Flood Insurance" is available, except as authorized in Subpart B of Part 1806 of this chapter (FmHA Instruction 426.2).

(14) When an applicant has only housing losses and is eligible for an SBA physical loss loan in an area where SBA physical loss loans are available, only SBA will make the loans for restoration or replacement of farm housing.

(c) *Compensation for losses.* Compensation for losses from a disaster through insurance, government disaster program benefits or any other disaster program relief received by an EM loan applicant, which does not have to be repaid, will reduce the applicant's loss by the amount of such compensation, and thus will be considered in determining the applicant's eligibility for EM loan assistance and the maximum amount of loss loan entitlement. The amount of any disaster program benefits received from ASCS, including the Emergency Feed Assistance Program (EFAP), Emergency Conservation Program (ECP), and Disaster Program payments will be considered as compensation for losses (ASCS Deficiency Payments are not to be considered as compensation). The amount of any SBA physical disaster loan assistance received for the same disaster, based on physical and/or production losses to the same property will not be considered as compensation in determining the applicant's eligibility, but will be deducted from the applicant's actual disaster losses in determining the applicant's maximum actual loss loan entitlement.

(d) *Maximum EM loans.* This amount will be limited to the amount necessary to restore the farm to its pre-disaster condition; however, this will not exceed the sum of the maximum production loss (paragraph (a)(2)(ix) of this section) and the maximum physical loss (paragraph (b) of this section) or $500,000, whichever is the lesser. If the applicant has also received an SBA disaster loan for the same losses, the sum of the EM loan and the SBA disaster loan cannot exceed $500,000. Indebted EM loan borrowers could receive later EM loans not to exceed $500,000 for each additional qualifying disaster.

§ 1945.164-1945.165 [Reserved]

§ 1954.166 Loan purposes.

(a) *Policy on use of EM loan funds.* (1) The amount of the maximum EM loans(s) in addition to the limitations contained in § 1945.163 (a) (2)(ix) and (d) of this subpart, is further limited to the actual dollar loss, or the actual amount of essential family, farm, and nonfarm enterprise credit that the applicant needs to carry on normal operations, whichever is the lesser. EM loan funds will not be used to finance a nonfarm enterprise, unless the loan is made to an individual applicant and such enterprise is needed to support a reasonable standard of living for the family. The use of EM loan funds will be identified in the farm and home plan so that determination can be made as to whether such loan(s) were used for authorized purposes and covered all or a portion of the actual dollar loss.

(2) EM loan funds may be used for any Subtitle A, or Subtitle B, loan purpose as described in paragraphs (b) and (c) of this section.

(b) *EM loans for real estate (Subtitle A) purposes.* EM loans for real estate purposes may be made to owner-operators only. The following are authorized real estate purposes for which EM loan funds may be used:

(1) Purchase real estate necessary to:

(i) Replace land and/or water resources that cannot be restored due to the disaster;

(ii) Establish a new site for farm dwellings and service buildings so that the applicant can relocate outside of a flood or mudslide prone area;

(iii) Replace land necessary to restore an effective operation which was liquidated as a result of the disaster before an EM loan could be made.

(2) Construct, buy, or improve buildings and facilities essential to the applicant's farming operation, including:

(i) The construction of an essential farm dwelling and service buildings of modest design and cost, and facilities and structures for nonfarm enterprises.

(ii) The improvement, alteration, repair, replacement, relocation, or purchase and transfer of such essential dwellings and service buildings, facilities, structures and fixtures that become part of the real estate or customarily pass with the farm when it is sold. This includes pollution control and energy saving devices.

(iii) The purchase and/or installation of water and sewage systems and other equipment, including pollution control and energy saving devices necessary to operate a farm and/or a nonfarm enterprise, provided the items upon installation become part of the real estate, or customarily pass with the farm when it is sold.

(3) Provide land and water development; pollution control and energy saving measures; acquire water supplies and rights; and promote the use of conservation measures essential to the operation of the farm and any nonfarm enterprise facilities. This includes providing fencing, drainage and irrigation facilities, basic applications of lime and fertilizer, and facilities for land clearing. This also includes establishing approved forestry practices, fish ponds, trails and lakes, improving orchards, and establishing and improving permanent hay or pasture. Sources of water may be located outside the land owned provided appropriate rights or easements are obtained to ensure that the water and rights will pass with the farm when it is sold. The funds for land and water development may include the costs of machinery and equipment needed to do the development, only when the total cost of the development and machinery or equipment would not exceed the cost of contracting the work or hiring the labor and machinery needed to do it. Loan funds may be used to pay that part of the cost of facilities, improvements, and "practices" which will be paid for in connection with participation in programs such as the Agricultural Conservation or Great Plains programs, but only when such costs cannot be covered by purchase orders or assignments to material suppliers or contractors. If loan funds are advanced and the portion of the payment for which the funds were advanced is likely to exceed $1,000, the applicant will assign the payment to FmHA.

(i) Funds may be used to pay for development costs on land owned with defective title (see § 1943.19(b) of Subpart A of Part 1943 of this chapter) or on land in which the applicant owns an undivided interest, provided:

(A) The amount of loan funds used on such land is limited to $25,000;

(B) There is adequate security for the loan; and

(C) The tract with defective title or undivided interest is not to be included in the appraisal report.

(4) Refinance secured and unsecured debts, including FmHA debts subject to all of the following:

(i) The applicant's present creditors will not furnish credit, even with a FmHA guaranteed operating or farm ownership loan, at rates and terms the applicant can meet.

(ii) When applicants request refinancing of loans owed normal lenders, such as banks, Production Credit Associations, Federal Land Banks or insurance companies, the County Supervisor will obtain, early in the loan processing, such lender's determination with respect to furnishing the applicant the additional credit necessary to accomplish the objectives of the EM loan and reestablish the applicant's operations on a sound basis within the applicant's ability to pay.

(iii) Loans will not normally be made to refinance intermediate and long-term debts. Only existing delinquent installments, plus the next installment which the applicant cannot pay, can be refinanced. In unusual circumstances, when the above refinancing is essential to enable the applicant to conduct a sound farming operation the above provisions may be waived. Ordinarily, in the case of old unsecured debts or inadequately secured debts, applicants will be requested to contact their creditor(s) and make every effort to obtain a substantial compromise reduction of such debts before they are refinanced, pursuant to Subpart A of Part 1903 of this chapter.

(iv) The County Supervisor must contact the appropriate lender; verify and document, either in the running record or by letter from the lender, the need to refinance secured debts and major unsecured debts; and determine the reason(s) the lender will not carry the debt. The unpaid balance of the debts to be refinanced will also be verified.

(5) Pay reasonable expenses customarily paid when obtaining, planning, making and closing a loan made for real estate purposes, such as fees for legal, architectural and other technical services, which are required to be paid by the applicant, and which cannot be paid by the applicant from other resources. Loan funds may also be used to pay the borrower's share of Social Security taxes for labor hired by the borrower in connection with land and building development. It is not intended that this paragraph be interpreted to include fees charged applicants by agricultural management consultants and other professionals for preparation of EM loan dockets, including farm and home plans and other FmHA forms used in processing such loans.

(6) Finance a nonfarm enterprise when it will provide another source of necessary income even though the owned acreage for such enterprise is not physically located on the farmland.

(7) Pay the first year's premium for required insurance on buildings on the property which are to serve as security for the loan. Buildings will be insured in accordance with Subpart A of Part 1806 of this chapter (FmHA Instructon 426.1), except when the appraisal report shows that the land alone adequately secures the loan. However, the applicant will be encouraged to take property insurance on essential buildings to protect the applicant's own interest. Borrowers eligible for insurance under the National Flood Insurance Act of 1968 will be advised of its availability in accordance with Subpart B of Part 1806 of this chapter (FmHA Instruction 426.2).

(c) *EM loan for operating (Subtitle B purposes).* EM loans for operating purposes may be made to owner-operators or tenant-operators. The following are authorized operating purposes for which EM loan funds may be used.

(1) Purchase machinery and equipment, livestock, poultry, fur bearing and other farm animals, aquatic organisms, worms, birds, tools, bees, and supplies; or to purchase an individual's or entity's undivided interest in such items; and pay farm operating expenses and costs incidental to reorganizing the farming system which will provide for a sound operation.

(2) Purchase and repair essential home equipment and furnishings, and pay essential family living expenses required by the individual applicant's family to sustain itself in a reasonably satisfactory manner. Entity operations are not eligible for loan funds to be used for these purposes.

(3) Refinance secured and unsecured annual operating type debts in whole or in part, including existing FmHA debts, and/or pay current or delinquent installments owed on other unsecured debts.

(4) Purchase milk base, either with or without cows, when such action is necessary to assure the borrower a satisfactory market for dairy production.

(5) Purchase grazing licenses, permits, or rights which can be validly sold and transferred.

(6) Augment and improve existing water supplies to alleviate the adverse effects of drought and other natural disasters.

(7) Purchase membership and stock in farm purchasing, farm marketing, or farm service-type cooperative associations, including grazing associations.

(8) Pay a secured creditor an amount not to exceed 20 percent of the appraised market value of the essential farm and nonfarm equipment under prior lien to that creditor, or 20 percent of the amount owed to such creditor, whichever is the lesser.

(9) Purchase a franchise, contract, or privilege when essential to the operation of the planned enterprise.

(10) Make a partial payment on crop storage and drying facilities when the Commodity Credit Corporation (CCC), through the ASCS, is providing the rest of the credit under the CCC Farm Storage and Drying Equipment Loan Program.

(11) Pay reasonable expenses customarily paid when obtaining, planning and closing a loan made for operating purposes, *i.e.*, fees for legal, architectural and other technical services, which are required to be paid by the applicant, and which cannot be paid by the applicant from other resources. It is not intended that this paragraph be interpreted to include fees charged applicants by agricultural management consultants and other professionals for preparation of EM loan dockets including farm and home plans and other FmHA forms used in processing such loans.

(12) Pay the borrower's share of Social Security taxes for the labor hired by the borrower in connection with land and building development.

§ 1945.167 Loan limitations and special provisions.

(a) *EM loans prohibited on crops grown in areas where FCIC crop insurance or multi-peril crop insurance is available.* Applicants will *not* be eligible for EM loans to cover damages and losses to any crop(s) planted and harvested after December 31, 1986, which was not insured, but could have been insured with FCIC crop insurance or multi-peril crop insurance. In such instances, applicants will not qualify for EM loans on those crops which could have been insured against the losses, unless the crops were not planted due to the declared/designated/authorized disaster(s).

(b) *Use of EM loan funds is not authorized for expansion purpose(s) beyond a family size farm.* EM loan funds will not be used to expand an applicant's farming, ranching, or aquaculture operation beyond that which constitutes a family size farming/ranching operation(s). This limitation is not intended to prohibit minor changes in crop or livestock enterprises provided:

(1) Any new or changed crop or livestock system is proven for the area; and

(2) The applicant has the knowledge and ability to manage the changed operation; and

(3) Substantial new or additional capital investment is not required.

EM applicants who conduct family size farming operations (as defined in paragraph (a)(10) of section 1945.154 of this subpart) may, if eligible, receive regular FmHA farm ownership (FO), and/or operating (OL) loans simultaneously with their initial (EM) loan to help finance their farming operations. If a borrower expands the farming operation(s) beyond a family size farming operation(s), no further EM loan assistance will be given even

though the borrower may suffer qualifying losses under a new declared/designated/authorized disaster.

(c) *Applicants involved in more than one operation.* Loans to applicants involved in more than one farming operation will be considered as follows:

(1) If an applicant, in addition to the applicant's own farming operation, owns or controls 50 percent or more of another farming operation(s), and the applicant is actively engaged in both operations, both the applicant and the other farm operation(s) may be considered for separate loans provided the combined total does not exceed the loan limitations as set out in § 1945.163(d) of this subpart.

(2) If the applicant is a cooperative, corporation, joint operation or partnership and any principal member, stockholder, partner or joint operator, owns or controls 50 percent or more of another farming operation(s) and is actively engaged in both operations, both the applicant entity and the other farming operation(s) may be considered for separate loans provided the combined total does not exceed the loan limitations as set out in § 1945.163(d) of this subpart.

(3) If an applicant, including any principal member, stockholder, partner or joint operator who, in addition to the applicant's own farm operation, owns or controls less than 50 percent of another farm operation(s), and is actively engaged in a separate farm operation(s), the applicant and the other farm operation(s) will be considered as separate entities for application of the loan limitations.

(4) If the applicant described in paragraphs (c) (1), (2) and (3) of this section is deemed to be ineligible, such determination shall not preclude the other operation(s) in which the applicant holds an interest from being considered for an EM loan(s).

(d) *Refinancing guaranteed loans.* An EM loan will not be made to refinance a guaranteed loan, except when the following conditions are met:

(1) The circumstances causing the need to refinance were beyond the borrower's control.

(2) Refinancing is in the best interest of the Government.

(e) *New appraisals.* New "Appraisal of Real Estate Reports" are not required if the appraisal report in the file is not over two years old, unless the approval official requests a new appraisal report, or unless significant changes in the market value of real estate have occurred in an area within the two-year period. Any changes in the value of real estate or chattel security will be recorded, dated and initialed by the certified appraiser on the appropriate appraisal reports in the file.

(f) *Recordkeeping.* EM borrowers receiving or indebted for EM loans of $100,000 or more are required to keep hard farm records on an approved format or use an accountant or a farm management service computer system as long as they are indebted for EM loans. EM borrowers are required to retain these records for three years. (See Subpart B of Part 1924 of this chapter.)

(g) *Disbursement of loan funds.* Loan funds which will not be disbursed for specific purposes at loan closing will not be requested in the initial request for funds from the Finance Office. The "Loan Disbursement System" will be used to make funds available when they are actually needed. See § 1945.189(a)(8) of this subpart for instructions on the use of supervised bank accounts.

(h) *Prohibition on guaranteeing repayment of advances from other credit sources.* FmHA employees will not guarantee repayment of advances from other credit sources, either personally or on behalf of applicants, borrowers, or FmHA.

§ 1945.163 Rates and terms.

(a) *Interest rates.* Upon request of the applicant, the interest rate charged by FmHA will be the lower of the interest rates in effect at the time of loan approval or loan closing. If the applicant does not indicate a choice, the loan will be closed at the interest rate in effect at the time of loan approval. Interest rates are specified in Exhibit B of FmHA Instruction 440.1 (available in any FmHA office) for the type assistance involved. Interest on the initial advance will accrue from the date of the promissory note. Interest on other advances will accrue from the date of the loan check for each such advance.

(b) *Terms of loans.* Loans will be scheduled for repayment at such time as the FmHA approval official may determine, consistent with the purpose of and need for the loan. The approval official will also consider the useful life of the security and the repayment ability of the applicant, as reflected in the completed Farm and Home Plan, when setting the term of each loan. There must be some payment scheduled at least annually. Loans will not be scheduled for terms longer than are justified and supported by the Farm and Home Plan.

(1) *Operating purposes (Subtitle B).* EM loans made for operating purposes will be scheduled for repayment as follows:

(i) Normally, loans will be scheduled for payment in a period not to exceed 7 years. However, loans may be scheduled for a longer repayment period if the FmHA approval official determines that the needs of the applicant justify a longer term, and the loan(s) can be secured for the longer term. Such longer period may be approved as warranted, but cannot exceed 20 years. This longer repayment period will be used only when the Farm and Home Plan projections indicate the applicant would be unable to repay the loan in a shorter period, taking into consideration rescheduling possibilities. The reason(s) that a term longer than 7 years is given must be documented in the county office case file. Generally, real estate will be needed as security when a repayment period is longer than 7 years.

(ii) Loans made for production expenses under § 1945.166(c) of this subpart, or for payment of bills incurred for such purposes for the operating or crop year being financed, will be scheduled for repayment when the principal income from the year's operations is normally received.

(iii) Loans made to purchase or produce feed for productive livestock or livestock to be fed for the market, or to pay bills incurred for such purposes for the crop year being financed, will be scheduled for repayment when the principal income from the sale of such livestock or livestock products is planned to be received.

(iv) When conditions warrant, installments may vary in amount. However, there must be at least a partial interest payment scheduled annually. Also, the final installment will not be larger than the amount which can be expected to be refinanced by other agricultural lenders or be repaid within a rescheduled period of not to exceed 15 years. The applicant must be advised before the loan is closed that FmHA will review each case at the end of the initial loan term to determine if rescheduling is warranted, and that there is no obligation for FmHA to continue with the borrower after the expiration of the initial loan term.

(2) *Real estate purposes (Subtitle A).* EM loans made for real estate purposes under § 1945.166(b) of this subpart will normally be scheduled for repayment in not to exceed 30 years. Loans may be scheduled for a longer repayment period if the FmHA approval official determines that the needs of the applicant justify a longer repayment period. A longer term may be approved as warranted, but cannot exceed 40 years. The longer repayment period will be used only when it is evident the applicant will be unable to repay the loan in a shorter period. The reason(s) for giving the longer period must be well

documented in the county office case file.

(3) *Repayment terms when debts are refinanced.* When secured or unsecured debts are refinanced with an EM loan, the type of security taken will determine the terms and the type of assistance code used on Form FmHA 1940–1, "Request for Obligation of Funds."

(i) When the primary security is other than real estate, the loan may be scheduled for repayment in accordance with paragraph (b)(1) of this section.

(ii) When real estate will serve as the primary security, the loan may be scheduled for repayment in accordance with paragraph (b)(2) of this section.

(c) *Consolidation, rescheduling and reamortization.* When the loan approval official determines that consolidation, rescheduling, or reamortization will assist in the orderly collection of an EM loan, the loan approval official may take such action in accordance with Subpart A of Part 1951 of this chapter.

(d) *Graduation.* Borrowers will be required to graduate when FmHA determines they are able to obtain their needed credit from conventional sources. All borrowers will be advised that they will be reviewed for graduation periodically in accordance with the graduation procedure in Subpart F of Part 1951 of this chapter. EM borrowers will be reviewed every two (2) years thereafter, until graduation is achieved or the EM indebtedness is paid in full. Applicants will be advised during loan processing and again at loan closing that they will be required to refinance at any time when other satisfactory credit is available to them, even though their loans have not fully matured.

§ 1945.169 Security requirements.

The County Supervisor is responsible for seeing that adequate and proper security is obtained and maintained and that the security instruments have been properly executed and recorded to protect the interest of the Government.

(a) *General Requirements.* (1) Except for the modifications contained in paragraph (d) of this section, security must be of such a nature and extent that repayment of the loan(s) is assured, considering the applicant's managerial ability, soundness of the operation, and projected earnings. Security for loans may include, but is not limited to the following: Land, buildings, structures, fixtures, furniture, machinery, equipment, livestock, livestock products, growing crops, stored crops, inventory, supplies, accounts receivable, cash or special cash collateral accounts, marketable securities, certificates of ownership of precious metals, and cash surrender value of life insurance. Security may also include assignments of leases or leasehold interests having a mortgageable value; revenues; royalties from mineral rights, patents and copyrights; and pledges of security by third parties.

(2) A lien will not be taken on property that cannot be made subject to a valid lien; nor will a lien be taken on subsistence livestock, household goods, small tools and small equipment such as handtools, power lawn mowers, and other items of like type not needed for security purposes. A lien on feed crops does not have to be taken if the crops produced by the borrower are used to feed livestock, other than livestock being fed for market, and the loan is otherwise well secured.

(3) When insured and guaranteed loans are involved with the same borrower, separate security must be clearly identified for each of the insured and guaranteed loans.

(b) *Personal liability.* The signatures of all principal partners of a partnership, principal members of a cooperative and principal stockholders of a corporation are required to evidence their full personal liabilities on the promissory note as individuals, except in unusual circumstances including legal disability or extended absence from the country.

(1) When the applicant is an unincorporated farm cooperative, the promissory note will be executed so as to evidence the liability of the cooperative as well as each member as an individual.

(2) When the applicant is a corporation or an incorporated cooperative, the promissory note will be executed by the corporation or cooperative acting through its authorized officials. To evidence the principal stockholders' or members' liability as individuals, each principal stockholder or member will sign the note.

(3) When the applicant is a partnership or joint operation, the promissory note will be executed so as to evidence the liability of the partnership or joint operation, as well as each partner or each joint operator, as an individual.

(c) *Personal and corporate guarantees.* (1) If a review of all credit factors indicates the need for additional security, the loan approval official may require additional personal and/or corporate guarantees, including guarantees from principals of parent, subsidiary or affiliated companies. The loan approval official will require that such guarantees be secured by security which has an equity value. Any security referred to in paragraph (a)(1) of this section may be used to secure the guarantees.

(2) Guarantors of applicants will:

(i) In the case of personal guarantees, provide current financial statements (not over 30 days old at time of filing), signed by the guarantors and disclosing community or homestead property.

(ii) In the case of corporate guarantees, provide current financial statements (not over 30 days old at time of filing), certified by an officer of the corporation.

(3) When security is taken under paragraph (c) of this section it will be serviced in accordance with Subpart A of Part 1962 of this chapter, if chattels; and in accordance with Subpart A of Part 1965 of this chapter, if real estate.

(d) *Applicant's repayment ability.* When adequate security is not available because of the disaster, the loan approval official will accept as security such collateral as is available, if the following conditions are met:

(1) A portion or all of the security has depreciated in value due to the disaster; and

(2) The available security, together with the approval official's confidence in the applicant's repayment ability, is adequate to secure the loan. When considering "repayment ability" as a form of security, the reserve or margin between the balance available for debt repayment shown on the Farm and Home Plan, and the principal and interest scheduled for payment is the "repayment ability" collateral which may be considered in loan making actions when this plan is developed for the typical year. The "typical year" plan must show that the portion of the loan secured by "repayment ability" will be paid back in a reasonable period of time, *i.e.*, the loan balance will be reduced to a fully secured loan within 3 years.

(e) *Life insurance.* If the loan approval official believes it is needed as additional security, life insurance may be required for the individual borrower or for the principals and key employees of an entity borrower listing FmHA as the beneficiary. This life insurance may be decreasing term insurance. A schedule of life insurance available as security for the loan will be included as part of the application.

(f) *Security for operating type purposes.* (1) EM loans made for Subtitle B (operating) purposes will be secured by a first lien on the crop(s) and/or livestock and livestock products being financed with EM loan funds. However, if the applicant does not have sufficient equity to secure the entire amount of the loan, additional security as prescribed

in paragraph (a)(1) of this section will be taken to assure that the Government's financial interest will be protected. When the applicant can provide no security other than a first lien on the crop(s) and/or livestock and livestock products to be produced, the amount of the loan will be limited to 75 percent of the planned gross farm income as shown on the Farm and Home Plan based on normal production and prices authorized by the State Director for developing annual farm plans within the State.

(2) The advice of OGC will be obtained on how to perfect a security interest when milk base and grazing permits are taken as security.

(3) General intangibles, accounts receivable, and contract rights may be taken as security for production loss loans made to contract feeders, tenants with share-lease arrangements, or other farmers with similar arrangements.

(g) *Security for real estate type purposes.* EM loans made for Subtitle A (real estate purposes) will be secured by a lien on real estate. However, if the applicant does not have sufficient equity in the real estate to secure the entire amount of the loan, additional security as prescribed in paragraph (a)(1) of this section will be taken.

(h) *Combination of real estate and chattel security.* When chattels are primarily relied upon as security and real estate is taken only as additional security to better protect the Government's interest, only a certification of ownership and verification of equity in real estate is required, if the applicant is an individual. Certification of ownership may be accepted in the form of a notarized affidavit from the applicant stating who is the owner of record of the real estate in question and acknowledging all known debts, with balances owed, against the real estate. Whenever the County Supervisor is uncertain of the ownership of or debts against the real estate security, and for all loans to cooperatives, corporations, partnerships, or joint operations a title search is required.

(i) *Purchase contracts.* If the real estate offered as security is held under a purchase contract, the following conditions must exist:

(1) The applicant must be able to provide a mortgageable interest in the real estate.

(2) The applicant and the seller must agree in writing that any insurance proceeds received for real estate losses will be used only to replace or repair the damaged real estate improvements which are essential to the farming operation; or used for other essential real estate improvements; or paid on the EM loan or on any prior real estate indebtedness, including the purchase contract. If necessary, the applicant will negotiate with the seller to arrive at a new contract without any provisions objectionable to FmHA.

(3) If a satisfactory contract for sale cannot be negotiated or the seller refuses to enter into the agreement described in paragraph (i)(2) of this section, the applicant will make every effort to refinance the existing purchase contract. If the applicant cannot obtain refinancing from another source, EM loan funds may be considered to pay off the contract.

(4) If the conditions set out in paragraphs (i) (1), (2) and (3) of this section exist and an EM loan is approved, it can be closed provided the FmHA escrow agent or designated attorney certifies on Form FmHA 427–10, "Final Title Opinion", or in separate writing that:

(i) The purchase contract is not subject to summary cancellation on default and does not contain any other provisions which might jeopardize either the Government's security position or the borrower's ability to repay the loan.

(ii) The seller has agreed, in writing, to give FmHA notice of any breach by the purchaser, and has also agreed to give FmHA the option to rectify the condition(s) which amounts to a breach within thirty days. The thirty days begin to run on the day FmHA receives written notice of the breach.

(j) *Prior liens which may jeopardize the Government's security position.* If any prior liens against real estate offered as security contain future advance provisions or other provisions which might jeopardize the security position of the Government or the applicant's ability to meet the obligations of these prior liens and to pay the EM loan, the prior lienholders involved must agree in writing, before the loan is closed, to modify, waive, or subordinate such objectionable provisions to the interest of the Government. However, the Government's lien may be subject to the lien of another creditor for amounts advanced or to be advanced for annual operating and family living expenses for the operating or calendar year. The County Supervisor will determine if the creditor will be required to execute Form FmHA 441–13, "Division of Income and Nondisturbance Agreement," or a similar form approved by the OGC.

(k) *Circumstances under which advance notice of foreclosure or assignment is required.* When a junior lien on real estate is to be taken as security for a loan in States where a prior lienholder may foreclose the security instrument under power of sale, or otherwise, and extinguish junior liens of private parties without giving junior lienholders actual notice of the foreclosure proceedings, the prior lienholder must agree in writing to give FmHA advance notice of foreclosure or assignment of the mortgage.

(l) *Hazard insurance.* Hazard insurance with a standard mortgage clause naming FmHA as beneficiary may be required for every loan made. The minimum amount of insurance required is the lesser of the replacement cost of the property being insured or the amount of the loan. If essential insurable buildings are located on the property, or if new buildings are to be erected or major improvements are to be made to existing buildings, the applicant will provide adequate hazard insurance coverage at the time of loan closing, or as of the date materials are delivered to the property, whichever is appropriate. Notwithstanding the requirements of Subpart A of Part 1806 (FmHA Instruction 426.1) of this chapter, when the real estate appraisal report shows that the present market value of the land after deducting the value of buildings shown on the report exceeds the amount of the debt (including the EM loan) and the owner has equity equal to or exceeding the amount of the debt (including the EM loan), real estate property insurance may not be required. However, the applicant will be encouraged to obtain such insurance, if the applicant does not already have it, to protect the applicant's interest. If insurance claims for loss or damage to buildings to be replaced or repaired with loan funds are outstanding at the time the loan is approved, the applicant will be required to agree in writing that, when settlement is made, the proceeds of such claims will be used for replacement or repair of buildings, application on debt secured by prior liens, or applications on the EM loan.

(m) *Crop insurance.* Crop insurance is a good farm management tool. Loan approval officials will, therefore, encourage all borrowers, who grow crops, to obtain and maintain FCIC crop insurance or multi-peril crop insurance, if it is available.

(1) When EM loan funds are to be used as the primary source of financing for the ensuing year's crop production expenses, and those crops will serve as security for the loan, crop insurance will be required, if available, as a loan approval condition; and FmHA will require an "Assignment of Indemnity" on the borrower's crop insurance policy(ies).

(2) Even if FmHA is *not* the primary lender for annual crop production expenses, but has or will have a security interest in the crop(s), FmHA will require the borrower to carry crop insurance, if available, even if the primary lender will be the beneficiary under the "Assignment of Indemnity".

(3) When EM loans are based on physical losses only, crop insurance will not be required unless the EM loan funds are to be used for annual crop production expenses.

(4) When payment of crop insurance premiums is not required until after harvest, the premiums will be paid by releasing insured crop(s) sale proceeds, not withstanding the limits in §§ 1962.17 and 1962.29(b) of Subpart of this chapter. If the borrower's crop losses are sufficient to warrant an indemnity payment, the premium due will be deducted by the insurance carrier from such payment. The FmHA County Office will maintain a record on Form FmHA 1905–12, "Monthly Expirations," of the dates which borrowers' crop insurance premiums must be paid. This is in accordance with FmHA Instruction 1905–A, a copy of which is available in any FmHA office, and will assure that crop insurance policies do not terminate while insured crop(s) serve as security for FmHA loans.

(n) *Indian trust lands.* EM loans which are secured by trust or restricted land will be handled as follows: USDA and the Department of the Interior have agreed that FmHA loans which are to be secured by real estate liens may be made to Indians holding land in severalty under trust patents or deeds containing restrictions against alienation, subject to statutes under which they may, with the approval of the Secretary of the Interior, give valid and enforceable mortgages on their land. These statutes include, but are not limited to, the Act of March 29, 1956 (70 Stat. 62). When a lien is to be taken on trust or restricted property in connection with a loan to be made or insured by FmHA, the local representatives of the Bureau of Indian Affairs (BIA) will furnish requested advice and information with respect to the property and each applicant. The FmHA State Director should arrange with the Area Director or other appropriate local offical of the BIA as to the manner in which the information will be requested and furnished. A State Supplement will be issued to prescribe the actions to be taken by FmHA personnel to implement the making of loans under these conditions.

(o) *Unpatented public lands.* See Exhibit A of Subpart A of Part 1943 of this chapter for making EM loans to entrymen on unpatented public lands.

(p) *Taking security instruments.* The taking and filing of security instruments will be in accordance with Subpart B of Part 1941 of this chapter (chattels and crops) and with §§ 1945.169 and 1945.189 of this subpart (real estate). The borrower must have marketable title to the property which secures the loan and FmHA must ascertain that, when the security instruments are filed, no suits are pending or threatened which would adversely affect the interest of the borrower and the Government.

(q) *Assignments and consents.* (1) The value of stock required to be purchased by Federal Land Bank (FLB) Association borrowers may be added to the recommended market value of real estate, provided:

(i) An assignment can be obtained on the stock; or

(ii) An agreement is obtained which provides that:

(A) The value of the stock at the time the FLB loan is satisfied will be applied on the FLB loan as long as any FmHA loan is outstanding, or

(B) The stock refund check is made payble to the borrower and FmHA.

(iii) The total of the stock value and the recommended market value of real estate are indicated in the comments section of Form FmHA 422–1.

(2) An assignment of all or part of the applicant's share of income is required when title to a livestock or crop enterprise is held by a contractor under a written contract or when the enterprise is to be managed by the applicant under a share lease or share agreement. The contract, share lease or share agreement will be described specifically as "Contract Rights" or "Contract Rights in Livestock or Crops," (or as "Accounts" or "Accounts in Livestock or Crops," if required by a State Supplement) and so forth, in paragraph (1)(b) of the financing statement. A form approved by OGC will be used to obtain the assignment.

(3) An assignment of income can also be taken when the County Supervisior determines it is necessary to protect FmHA's interests.

(i) Form FmHA 443–16, "Assignment of Income from Real Estate Security ," will be used for assignments of real estate security income unless that form is legally inadequate in a particular State, in which case it may be adapted with the approval of the OGC.

(ii) Form FmHA 441–8, "Assignment of Proceeds from the Sale of Products," will be used for products or income in which FmHA does not have a security interest under the UCC. Other forms approved by OGC may be used when this form is not adequate.

(iii) Form FmHA 441–25, "Assignment of Proceeds from the Sale of Dairy Products and Release of Security Interest," will be used for dairy products in which FmHA has a security interest under the UCC.

(iv) Form FmHA 441–18, "Consent to Payment of Proceeds from Sale of Farm Products," will be used for products or income, except dairy products, in which FmHA has a security interest under the UCC.

(v) Forms provided by ASCS will be used for assignments of disaster and regular agricultural program payments.

(4) In UCC states, an assignment of income constitutes a security agreement and should be treated accordingly.

§§ 1945.170–1945.172 [Reserved]

§ 1945.173 General provisions—compliance requirements.

(a) *Scope of operation to be financed.* Only family size farming operations may be financed with EM loans, subject to the eligibility requirements, loan amount ceilings, repayment ability, need, available security and other provisions of this subpart.

(b) *Flood or mudslide prone areas.* Flood or mudslide hazards will be evaluated whenever the farm to be financed is located in special flood or mudslide prone areas as designated by the Federal Emergency Management Agency (FEMA). Subpart B of Part 1806 of this chapter (FmHA Instruction 426.2) and Subpart G of Part 1940 of this chapter will be complied with when loan funds are used to construct or improve buildings located in such areas. This will not prevent making loans on farms where the farmstead is located in a flood or mudslide prone area and funds are not included for building improvements. The flood or mudslide hazard will be recognized in the appraisal report.

(1) In identified special flood or mudslide hazard areas as designated by FEMA, the following policies are applicable for EM loans being made to finance buildings or fixtures and furnishings contained therein.

(i) If flood or mudslide insurance is available and an applicant has not taken such insurance and has suffered flood or mudslide losses, an EM loan may be made, only if flood or mudslide insurance is purchased before the EM loan is closed.

(ii) If flood or mudslide insurance is available and an applicant previously received and still is indebted for an EM loan, Rural Housing Disaster (RHD), or

SBA disaster loan; and a condition of the loan required the obtaining of flood insurance but the applicant allowed the insurance to lapse; and the applicant had new flood or mudslide losses, the applicant will be considered to be in default on the loan agreement and dealt with accordingly. If it is determined to continue with the borrower and that the EM actual loss loan should be made, flood or mudslide insurance will be obtained before the EM loan is closed.

(iii) If flood or mudslide insurance is available and an applicant had previously received an EM, RHD, or SBA disaster loan; and a condition of the loan required obtaining flood or mudslide insurance and the applicant paid the loan in full and let the insurance lapse; the applicant will be handled in accordance with paragraph (b)(1)(i) of this section.

(iv) In those areas that have been designated by FEMA as special flood or mudslide hazard areas and flood or mudslide insurance is not available or has been withdrawn by FEMA, an applicant can receive an EM loan provided the farm buildings, including the dwelling, are relocated outside the 100-year flood area.

(v) EM loans to repair or replace farm buildings, including dwellings, must meet the requirements of § 1806.25 (a) or (b) of Subpart B of Part 1806 of this chapter (paragraph V, A or B of FmHA Instruction 426.2) as applicable, or be relocated outside the 100-year flood area.

(2) When land development or improvements such as dikes, terraces, fences, and intake structures are planned to be located in special flood or mudslide prone areas, EM loan funds may be used subject to the following:

(i) The Corps of Engineers or the SCS will be consulted concerning:

(A) Likelihood of flooding.

(B) Probability of flood damage.

(C) Recommendations on special design and specifications needed to minimize flood and mudslide hazards.

(ii) FmHA representatives will evaluate the proposal and record the decision in the loan docket in accordance with the requirements of Subpart G of Part 1940 of this chapter.

(c) *Civil rights.* The provisions of Subpart E of Part 1901 of this chapter will be complied with on all loans made which involve:

(1) Funds used to finance nonfarm enterprises and recreation enterprises. Applicants will sign Form FmHA 400–4, "Assurance Agreement," in these cases.

(2) Any development financed by FmHA that will be performed by a contract or subcontract or more than $10,000.

(d) *Protection of historical and archaeological properties.* If there is any evidence to indicate the property to be financed has historical or archaeological value, the provisions of Subpart F of Part 1901 and Subpart G of 1940 of this chapter will apply.

(e) *Environmental requirements.* See Subpart G of Part 1940 of this chapter for applicable requirements.

(f) *Real Estate Settlement Procedures Act.* The provisions of the Real Estate Settlement Procedures Act outlined in § 1940.406 of Subpart I of Part 1940 of this chapter apply when EM funds are used involving tracts of less than 25 acres. If:

(1) Any part of the loan is used to purchase all or part of the land to be mortgaged, and

(2) The loan is secured by a first lien on the property where a dwelling is located.

(g) *Nondiscrimination requirements.* In accordance with Federal Law, the FmHA will not discriminate against any otherwise qualified applicant on the basis of race, religion, sex, national origin, marital status, age, or physical/mental handicap (provided the applicant can execute a legal contract), with respect to any aspect of a credit transaction. The policy statement set forth in § 1945.151(a) of this subpart will also apply to credit transactions.

(h) *Compliance with special laws and regulations.* (1) Applicants will be required to comply with Federal, State and local laws and regulations governing building construction; diverting, appropriating, and using water including its use for domestic or nonfarm enterprise purposes; installing facilities for draining land; and making changes in the use of land affected by zoning regulations.

(2) State Directors and Farmer Program Staff members will consult with SCS, U.S. Geological Survey, State Geologist or Engineer, or any board having official functions relating to water use or farm drainage requirements and restrictions for water and drainage development. State Supplements will be issued to provide guidelines which:

(i) State all requirements to be met, including the acquisition of water rights.

(ii) Define areas where development of ground water for irrigation is not recommended.

(iii) Define areas where land drainage is restricted.

(3) Applicants will comply with all local laws and regulations, and obtain any special licenses or permits needed for nonfarm, recreation, specialized or aquaculture farming enterprises.

§ 1945.174 [Reserved]

§ 1945.175 Options, planning and appraisals.

(a) *Optioning land.* When purchasing real property an applicant is responsible for obtaining options in accordance with the provisions contained in § 1943.25(a) of Subpart A of Part 1943 of this chapter.

(b) *Planning.* (1) Form FmHA 431–2 and Form FmHA 431–4, "Business Analysis—Nonagricultural Enterprise," when appropriate, will be completed as provided in Subpart B of Part 1924 of this chapter and in accordance with the FMIs. This planning process with the applicant is essential to making sound loans and, therefore, must receive careful attention in development of the loan docket. However, when the EM loan will be for not more than $25,000, Tables A, D, and E of Form FmHA 431–2 may be left blank, and only the totals in Tables G and J should be shown, provided Form FmHA 410–1 is completed and accurately reflects the applicant's current circumstances, and no supervision is planned. The plan *will* show any major items of expenditure and the reason(s) these items are needed. When preparing a plan of operation, it is usually necessary to plan for a capital expenditure reserve during interim years and the typical year. Realistically, this will reflect the depreciating value of machinery, equipment or other essential capital expenditure items, which it is prudent to expect will need to be replaced or require major repair. Also, all recurring and carry-over debts should be considered in a typical year plan. In addition, when all of the loan funds are not to be disbursed at loan closing, a *Monthly Budget* will be prepared showing the specific amount to be disbursed for each associated loan purpose for each month. The funds will be disbursed through use of the loan disbursement system (future advances) or, when determined necessary, through a supervised bank account.

(2) Development work will be planned and completed in accordance with Subpart A of Part 1924 of this chapter. Also, the provisions of Subpart E of Part 1901 of this chapter will be met in connection with EM loans involving recreational enterprises and the construction of buildings.

(c) *Appraisals.* (1) Real estate appraisals will be completed, on Form FmHA 422–1, or Form FmHA 1922–8, "Residential Appraisal Report," for farm real estate or residential farm real estate, respectively, by an FmHA employee authorized to make farm appraisals, when real estate is taken as

the primary security for the EM loan. The rights to mining products, gravel, oil, gas, coal or other minerals will be considered a portion of the security and will be specifically included as a part of the appraised value of the real estate securing the loans using Form FmHA 1922–11, "Appraisal Form for Mineral Rights." Appraisals are not required when:

(i) The amount of the EM loan(s) plus any existing FmHA principal indebtedness is $25,000 or less, and

(ii) The loan approval official determines the loan is adequately secured without an appraisal, and

(iii) The County Supervisor indicates in the loan docket an estimate of the market value of the real estate to be taken as security.

(iv) The provisions of paragraph (c)(4) of this section are applicable.

(2) Real estate appraisals will be completed as provided in Subpart A of Part 1809 of this chapter (FmHA Instruction 422.1). However, the value of assets that secure EM loans associated with a disaster having any portion of its incidence period occurring on or after May 31, 1983, must be based on the higher of two appraisals, all of which must be made a part of the file. These appraisals will show:

(i) The asset value on the day before a State Governor's, Indian Tribal Council's, or an FmHA State Director's first EM designation request, which is associated with the naming of one or more counties in a State as a disaster area where eligible farmers may qualify for EM loans; or

(ii) The asset value one year (365 days) before the date set in paragraph (c)(2)(i) of this section.

(A) The following types of real estate offered as collateral for securing EM loans will be appraised at the present market value only;

(*1*) Farm real estate the applicant/borrower did not own on the dates set forth in paragraph (c)(2) (i) and (ii) of this section.

(*2*) Real estate "not owned" by the applicant/borrower (for example, a relative if offering real estate as collateral for the proposed EM loan).

(*3*) A single family dwelling located on a nonfarm tract.

(*4*) Other types of real estate such as apartment houses and commercial buildings. The County Supervisor will request the assistance of the State Director in establishing the value of such real estate.

(B) Sales data utilized in the preparation of the necessary appraisals should conform to the dates set forth in paragraph (c)(2) (i) and (ii) of this section, to ensure a fair market value of the property is established. In addition, it should be confirmed that said sales resulted from reasonable sales efforts and that both the buyer and seller were willing, informed, and knowledgeable parties.

(3) When FLB stock is to be used in establishing the Recommended Market Value (RMV) of the real estate being appraised, see § 1945.169(q)(1) of this subpart.

(4) When real estate is taken as additional security (for loans in which the primary security is subject to rapid depreciation or is of a high risk nature, such as crops), no appraisal report will be required for the additional security, provided the County Supervisor determines the security is adequate, and records the estimated value in the running case record, shows the date the property was inspected and certifies that in his/her opinion the estimates are correct based on knowledge of the value of comparable assets in the area.

(5) Chattel appraisals will be completed on Form FmHA 1945–15, "Value Determination Worksheet," when chattels are taken as security. The property which will serve as security will be described in sufficient detail so it can be identified. Sources such as livestock market reports and publications reflecting values of farm machinery and equipment will be used as appropriate. The value of assets that secure EM loans associated with a disaster having any portion of the incidence period occurring on or after May 31, 1983, must be based on the higher of two appraisals, all of which must be made part of the file. These appraisals will be based on the same information contained in paragraphs (c)(2) (i) and (ii) of this section. Chattels not owned by the applicant, and nonfarm chattel property offered as security (such as planes, house trailers, boats, etc.) will be appraised at the present market value only. Chattels that the applicant/borrower did not own on the dates set forth in paragraph (c)(2) (i) and (ii) of this section will be appraised at the present market value only.

(6) Abbreviated appraisals may be used and loans approved when:

(i) The loan approval official determines that the applicant's equity in the collateral will adequately secure the EM loan(s).

(ii) The abbreviated appraisals are prepared as follows:

(A) For real estate—Form FmHA 422–1, "Appraisal Report-Farm Tract," complete the heading of the report; Part 1, item A; Part 2; Part 3; Part 6; Part 7 and Part 8. The report will be signed and dated by an FmHA authorized appraiser.

(B) for chattel property—Form FmHA 1945–15 will list, identify and show the value of each chattel item. This form will be completed, as applicable, on all EM loans.

§ 1945.176–1945.179 [Reserved].

§ 1945.180 County Committee certification.

The County Committee will certify an applicant's eligibility on Form FmHA 440–2, "County Committee Certification or Recommendation," before each loan is approved. In some instances the committee may want to interview the applicant or see the farm before making any recommendations.

(a) *Certification.* If the County Committee finds the applicant eligible, it will prepare Form FmHA 440–2, "County Committee Certification or Recommendation." This form will be retained in the County Office file. The County Committee will comply with Subpart A of Part 1910 of this chapter.

(b) *Rejection.* If the County Committee determines the applicant ineligible the County Supervisor will inform the applicant in writing of the reasons for ineligibility. Reasons for unfavorable action will be given in the space provided on Form FmHA 440–2 above the space for signatures. The County Committee will comply with Subpart A of Part 1910 of this chapter. Also, the County Supervisor will complete Part III of Form(s) FmHA 1945–29 to show the rejection of the application, sign, date and forward to the appropriate ASCS county office in accordance with the FMI.

§ 1945.181 [Reserved].

§ 1945.182 Loan docket preparation.

(a) *Processing guide.* See Exhibit A of this subpart for Insured Emergency Loan Processing Guide. When a packager has developed the loan docket the County Supervisor will fully analyze the docket to assure it is complete and conforms with this EM loan regulation. The County Supervisor will reverify calculations in accordance with § 1945.183(a) and insure that the provisions of § 1945.183 of this subpart are met before final action is taken on the loan request.

(b) *Form FmHA 1940–1, "Request for Obligation of Funds".* A separate Form FmHA 1940–1 will be prepared for each EM loan which has a different interest rate and/or a different repayment period, as determined in accordance with § 1945.168 (a) and (b) of this subpart. Also, on Form FmHA 1940–1, for EM loans approved for borrowers presently indebted for an EM loan, but

having new qualifying losses from a subsequent authorized disaster, the new appropriate disaster authorization number will be shown.

(c) *Promissory note.* A separate promissory note will be prepared for each Form FmHA 1940–1 used in approving and obligating each of the EM loans.

(d) *Lease agreement.* Generally, a copy of the lease agreement between tenant applicants and their landlords will be obtained and made a part of the loan docket. When a written lease is not obtainable, a statement setting forth the terms and conditions of the agreement, which are not clearly reflected in Form FmHA 431–2, will be prepared and made a part of the loan docket.

§ 1945.183 Loan approval or disapproval.

(a) *Reverification before approval.* Before an EM loan is approved the following actions must be taken:

(1) A County Office employee will verify information provided by ASCS on all Forms FmHA 1945–29 in accordance with the FMI. If there have been any changes from the information originally provided and used in the loan docket preparation, appropriate changes will be made.

(2) A County Office employee will verify information provided by the Federal Crop Insurance Corporation (FCIC) regarding any insurance benefits which have been paid or will be paid. If there have been any changes from the information originally provided and used in the loan docket preparation, appropriate changes will be made.

(3) All calculations on Form FmHA 1945–22 and Form FmHA 1945–26 will be checked by a County Office clerical employee (either regular or temporary), using a calculator with a paper tape, to assure that mathematical errors are detected. The County Supervisor or designee will make any corrections necessary in the loan docket, when errors are located. The paper tape will be attached to Form FmHA 1945–26 or Form FmHA 1946–26 as appropriate.

(4) To prevent the duplication of benefits, FmHA and SBA have agreed to coordinate their respective EM and disaster loan program activities as follows; pursuant to the Memorandums of Understanding between FmHA and SBA, Exhibits B and B–1 of this subpart:

(i) The FmHA County Offices will notify the appropriate SBA Disaster Area Office of all EM loan applications received each day, including those received for loss of household contents.

(ii) FmHA County Offices will send a copy of each action taken with EM loan applicants to the appropriate SBA Disaster Area Office. Those actions include: The letter confirming county committee eligibility determination; loan approval, Form FmHA 1940–1; notification of application withdrawal; notification of loan denial; confirmation of request for reconsideration or appeal of loan denial; and final determination on an appeal. Copies of all written communications from FmHA County Offices to the SBA Area Offices will be sent to the State Director, Attention: Chief, Farmer Program; and the District Director.

(iii) Applicants who receive SBA loans may file for FmHA EM loans. In those cases, FmHA will either (A) reject the application, (B) reduce the FmHA EM loan by the amount of the SBA loan, which may require SBA to subordinate its lien position(s), or (C) refinance the SBA loan by using EM loan funds to pay SBA directly. An EM loan will not be approved until it is determined that the requirements of § 1945.163(d) of this subpart will be met. If an EM is approved, the FmHA County Office will notify the SBA Disaster Area Office pursuant to paragraph (a)(4)(ii) of this section.

(b) *Administrative determination and responsibilities.* When the County Committee certification has been made and the reverification has been completed, and before approving the loan, the loan approval official will determine administratively whether:

(1) The County Committee has certified that the applicant is eligible, likely to be successful in the proposed operations, and likely to achieve the objectives of the EM loan.

(2) The applicant has satisfactory tenure arrangements on the farm(s) to be operated.

(3) The proposed farm and home operations of the applicant are reasonably sound.

(4) The loan(s) being processed is proper and can be repaid from projected farm and/or nonfarm income as scheduled, and that in the planned typical year the farming operation will be self sustaining.

(5) The security requirements can be met.

(6) The certification(s) required of the applicant and the County Committee have been made and are a part of the loan docket.

(7) The proposed changes to be financed with the EM loan(s) are needed, and that the county office case file reflects the need for those changes.

(8) The loan meets all other FmHA requirements.

(c) *Loan docket transmittal to the Administrator.* (1) Transmittal memoranda accompanying EM loan dockets requiring National Office advice must set forth, as a minimum, the following information:

(i) Proposed loan(s), amount(s), rate(s) of interest, and term(s) of each loan.

(ii) Outstanding FmHA loan(s) balance(s) and the total proposed EM loan(s) indebtedness.

(iii) Status of outstanding FmHA loan(s).

(iv) Brief statements regarding:

(A) Cause and type of disaster losses.

(B) Inability to obtain other suitable credit.

(C) Purposes for which loan funds are to be used.

(D) Overall feasibility and soundness of the planned operation.

(E) Property offered as security for the loan(s).

(v) The State Director's specific positive recommendation that the requested actions be approved.

(2) Loan dockets should not be forwarded to the National Office for approval of any action unless the State Director is able to make a positive recommendation.

(3) Memoranda transmitting problem cases, on which State Directors are only seeking National Office counsel, should also contain their thinking, their interpretation of the appropriate FmHA regulations and policies, and their recommendations on how they believe the case in question should be handled.

(d) *Loan approval.* (1) The loan approval official must approve or disapprove applications within the deadlines set out in § 1910.4 of Subpart A of Part 1910 of this chapter.

(2) The loan approval official will date, sign and distribute Form FmHA 1940–1 in accordance with the FMI and set forth any special conditions of approval, including any special security requirements, in the appropriate section on Form FmHA 1940–1.

(3) The County Supervisor will complete Part III of Form FmHA 1945–29 and forward the form to the appropriate ASCS county office(s).

(e) *Loan disapproval.* The loan approval official must approve or disapprove applications within the deadlines set out in § 1910.4 of Subpart A of Part 1910 of this chapter.

(1) If a loan is disapproved, the loan approval official will indicate the reasons for the rejection in the running case record and on Form FmHA 1940–1. Suggestions of how to remedy the disapproval should be included.

(2) The County Supervisor or loan approval official will notify the applicant by letter of the reason(s) for rejection and will advise the applicant in that letter of appeal rights as set out in Subpart B of Part 1900 of this chapter.

The letter will also include any suggestions that could result in favorable action.

(3) The County Supervisor will complete Part III of Form FmHA 1945–29 and forward the form to the appropriate ASCS county office.

(4) In areas where EM loans are being made under a *major disaster declaration*, and where the FEMA has advised the State Director that Section 408 grants are available, a list of applicants with physical losses, who do not qualify for EM loans, will be prepared and sent to the FEMA by County Supervisors at the close of business each week. Those applicants who are not eligible for an EM loan because they are not farmers as defined in § 1945.154 of this subpart will be screened and referred to the SBA for disaster loan assistance. The State Director will be advised by the FEMA where to send the list and the State Director will so advise the County Supervisors. The list will be prepared in the following format:

United States Department of Agriculture

Farmers Home Administration

To: _____

_____

The following is a list of applicants not qualifying for Farmers Home Administration's Emergency loans in _____ County during the week ending _____, 19____.

Name _____

Address _____

_____

County Supervisor

§ 1945.184 [Reserved]

§ 1945.185 Actions after loan approval.

Loan funds must be provided to the applicant(s) within 15 days after loan approval, unless the applicant(s) agrees to a longer period. If no funds are available within 15 days of loan approval, funds will be provided to the applicant as soon as possible and within 15 days after funds become available, unless the applicant agrees to a longer period. If a longer period is agreed upon by the applicant(s), the same will be documented in the case file by the County Supervisor.

(a) *Cancellation of loan check and/or obligation.* If, for any reason, a loan check and obligation will be cancelled, the County Supervisor will notify the State Office and Finance Office of loan cancellation by using Form FmHA 1940–10, "Cancellation of U.S. Treasury Check and/or Obligation." If a check received in the County Office is to be cancelled, the check will be returned to the Finance Office with an original and one copy of Form FmHA 1940–10 (see FmHA Instruction 102.1, a copy of which is available in any FmHA office).

(b) *Cancellation of advances.* When an advance is to be cancelled, the County Supervisor must take the following actions:

(1) Complete and distribute Form FmHA 1940–10.

(2) When necessary, obtain a substitute promissory note reflecting the revised total of the loan and the revised repayment schedule. When it is not necessary to obtain a substitute promissory note, the County Supervisor will show on Form FmHA 440–57, "Acknowledgement of Obligated Funds/Check Request," the revised amount of the loan and the revised repayment schedule.

(c) *Increase or decrease in loan amount.* If it becomes necessary to increase or decrease the amount of the loan before closing, the County Supervisor will request that all distributed docket forms be returned to the County Office for reprocessing, unless the change is minor and replacement forms can be readily completed and submitted. In the latter case, a memorandum to that effect will be attached to the revised forms for referral to the Finance Office.

§ 1945.186—1945.187 [Reserved]

§ 1945.188 Chattel lien search.

See § 1941.63 of Subpart B of Part 1941 of this chapter for regulations concerning lien searches covering chattels.

§ 1945.189 Loan closing.

(a) *Closing loans secured by real estate.*—(1) *General.* Loans secured by real estate are considered closed on the date the mortgage is filed for record. Such loans will be closed in accordance with the applicable provisions of Part 1807 of this chapter (FmHA instruction 427.1).

(2) *Security instruments.* Security instruments referred to in paragraph (a) of this section are real estate mortgages or deeds of trust.

(i) FmHA real estate mortgage or deed of trust Form FmHA 427–1 (State), "Real Estate Mortgage for _____," will be used in all cases where real estate is taken as security.

(ii) Promissory note(s) will be prepared and completed at the time of loan closing in accordance with the FMI. If insured Rural Housing (RH) funds are advanced simultaneously with EM funds the RH loan will be evidenced by a separate note on the proper form as provided in Subpart A of Part 1944 of this chapter. However, all notes will be described on the same security instrument(s). When a loan is closed between December 1 and January 1, the first installment will be collected at the time of loan closing.

(iii) When subsequent loans are made, a new security instrument is required only when the existing instruments do not cover all required security or do not secure the subsequent loan.

(iv) A subsequent loan for any authorized purpose may be made without taking new security instruments when the existing security instruments cover all the property required to serve as security for the subsequent loan, the State law and the language of the existing security instruments will permit the future loan advance to be secured by the existing security instruments, and the existing security instruments will provide the same lien priority for the subsequent loan as for the initial loan. A new security instrument will be taken if any one of these requirements is not met.

(3) *Leaseholds.* Security instruments for loans secured by leaseholds will describe security in accordance with Part 1807 of this chapter (FmHA Instruction 427.1), and the following provisions will also apply:

(i) The following language, or similar language which in the opinion of the OGC is legally adequate, will be inserted just before the legal description of the real estate:

All Borrower's rights, title, and interest in and to the leasehold estate for a term of ____ years beginning on _____, 19____, created and established by a certain lease dated _____, 19____, executed by _____, as lessor(s), recorded on _____, 19____, in Book _____, page ____ of the _____ Records of said County and State, and any renewals and extensions thereof, and all Borrower's right, title, and interest in and to said Lease, covering the following real estate:

(ii) An additional covenant will be inserted in the mortgage to read as follows:

Borrowers will pay when due all rents and any and all other charges required by said Lease, will comply with all other requirements of said Lease, and will not surrender or relinquish, without the Government's written consent, any of the Borrower's right, title, or interest in or to said leasehold estate or under said Lease while this instrument remains in effect.

(iii) A copy of the lease will be made part of the loan docket.

(4) *Filing or recording security instruments.* The following appropriate actions will be taken after loan closing:

(i) When the original security instrument is returned by the recording

official, it will be retained in the borrower's case folder. When the original is retained by the recording official, a conformed copy, showing the date and place of recordation and the book and page number, will be prepared and filed in the borrower's case folder. A conformed copy of the security instrument will be sent to a prior lienholder if a substantial interest is held by that lienholder, or if it is required by a working agreement provision with that lienholder.

(ii) The original deed of conveyance, if any, and a copy of the security instrument will be delivered to the borrower.

(5) *Abstracts of Title.* Any abstract of title will be delivered to the borrower and Form FmHA 140–4, "Transmittal of Documents," will be prepared and a receipt obtained in accordance with the FMI. However, when an abstract is obtained from a third party with the understanding it will be returned, such abstract will be sent directly to the third party and a memorandum receipt will be obtained.

(6) *Requesting title service.* When the loan is approved, the County Supervisor will see that title service is requested in accordance with Part 1807 of this chapter (FmHA Instruction 427.1), if this has not already been done.

(7) *Fees.* The borrower will pay all filing, recording, notary and lien search fees incident to loan transactions from personal or loan funds. When FmHA employees accept cash for these purposes Form FmHA 440–12, "Acknowledgement of Payment for Recording, Lien Search, and Releasing Fees," will be executed. FmHA employees will make it clear to the borrower that any fee so accepted is only for paying fees on behalf of the borrower, and is not accepted as partial payment on a loan.

(8) *Supervised bank accounts.* If a supervised bank account is required, loan funds will be deposited following loan closing. Supervised bank accounts will be established in accordance with Subpart A of Part 1902 of this chapter. Loan funds not to be disbursed for specific purposes at loan closing and not needed within 30 days after closing, will not be requested until they are needed. The "Loan Disbursement System" will be used to request future advances at 30 day intervals or as needed. Only in unusual cases will loan funds be kept in supervised bank accounts for more than 60 days. When such funds are placed in an interest bearing supervised bank account, the interest earned will be applied on the EM loan immediately or used for an authorized EM loan purpose, if the planned EM funds are not sufficient to cover all of the planned items.

(b) *Closing loans secured by chattels and crops.* See Subpart B of Part 1941 of this chapter.

(c) *Loan closing review.* Immediately prior to loan closing, the FmHA official responsible for closing the loan(s) will review the file for compliance with Agency regulations.

§ 1945.190 Revision of the use of EM loan funds.

(a) *Requirements.* Loan approval officials or their delegates are authorized to approve changes in the purposes for which loan funds were planned to be used, provided:

(1) The loan, as changed, is within the respective loan approval official's authority.

(2) Such a change is for an authorized purpose and within applicable limitations.

(3) Such a change will not adversely affect either the feasibility of the operation or the Government's interest.

(4) Such a change is approved in advance of the loan funds being used for the new purpose(s).

(b) *Additional authority.* The State Director may delegate additional authority to approval officials to approve certain kinds of changes in the use of loan funds by issuing a State Supplement describing such changes, provided prior approval is obtained from the National Office.

(c) *Revisions.* When changes are made in the use of loan funds, no revision will be made in the repayment schedule on the promissory note. Appropriate changes with respect to the repayment will be made in Table K of Form FmHA 431–2 (and, if needed, on Form FmHA 1962–1) and will be initialed by the borrower. The County Supervisor will also make appropriate notations in the "Supervisory and Servicing Actions" section of Form FmHA 1905–1, "Management System Card—Individual."

§ 1945.191 [Reserved]

§ 1945.192 Loan servicing.

Loans will be serviced under Subpart A of Part 1962 and Subpart A of Part 1965 of this Chapter.

§ 1945.193—1945.199 [Reserved]

§ 1945.200 OMB control number.

The collection of information requirements in this regulation have been approved by the Office of Management and Budget and assigned OMB control number 0575–0090.

67. Exhibit A of Subpart D of Part 1945 is revised to read as follows:

Exhibit A to Subpart D—Processing Guide—Insured Emergency (EM) Loans

I. Purpose

This Exhibit outlines the basic steps involved in processing a loan application including an application kit, and identifies the FmHA forms which should be considered for use at each step as appropriate for EM loans.

II. General

A. The forms listed in this Exhibit will be considered in development of the application. Forms designated with an "X" are required and those designated with a "*" are used when applicable.

B. Consult the appropriate Forms Manual Insert (FMI) for instructions for completion, distribution, and procedural reference for each form.

III. Application Processing

A. Application Filing. The following should be done at the time the applicants file their applications.

1. County Office Assistants (COA) normally will have the first contact with potential applicants. During these contacts the COA should:

a. Be sympathetic and sensitive to applicant's needs.

b. Set up appointments for applicants to meet with supervisory personnel.

c. Inform applicants of the last date for receiving applications.

d. Discuss credit needs and FmHA's services.

e. Advise applicants eligible for other credit that they are not eligible for an EM loan and advise applicants appearing eligible for other credit who certified they are unable to get other credit, that they will be referred to other lenders to obtain written evidence they are unable to obtain their needed credit from such other lenders.

f. Begin running case record.

g. Provide applicants with an application kit and any other instructions that are needed to help expedite processing of the application and FmHA forms to be completed.

2. The application kit should have a cover sheet with instructions to the applicant, as is appropriate for individuals, corporations, cooperatives, joint operations and partnerships. The cover sheet will include a notice to the applicant that the completed application must be returned by the termination date shown on the cover sheet in order to be accepted and considered for EM loan assistance. The following FmHA Forms should be included in the kit: 410–1, 410–9, "Statement Required by the Privacy Act," 431–1, "Long Time Farm and Home Plan," 431–2, and 1945–22.

3. The County Office Assistant (COA) will set up a list of names and addresses for all recipients of EM applications given out. This list will be monitored daily or weekly and if an applicant does not keep a scheduled appointment, follow up will be accomplished with a letter or telephone call and recorded in the county case file.

4. Applicants will be promptly notified in writing of their eligibility status, and if

additional information is needed to make an eligibility determination, it will be requested in writing.

5. The following FmHA Forms will be used as appropriate:

Form No.	Name	Use
410-1	Application for FmHA Services	X
1910-5	Request for Verification of Employment.	*
410-7	Notification to Applicant on Use of Financial Information from Financial Institution.	X
410-8	Applicant Reference Letter	*
410-9	Statement Required by the Privacy Act.	*
410-10	Privacy Act Statement to References.	X
431-1	Long-Time Farm and Home Plan	*
431-2	Farm and Home Plan	X
431-4	Business Analysis—Nonagricultural Enterprise.	*
440-32	Request for Statement of Debts and Collateral.	*
440-34	Option to Purchase Real Property	*
440-58	Estimate of Settlement Costs "Settlement Costs" Booklet.	*
443-2	Option for Purchase of Farm—Land to be Subdivided.	*
443-3	Assignment of Interest in Option (Land to be Subdivided).	*
1924-14	Farmer Program Borrower Servicing Options Including Deferrals and Borrower Responsibilities.	*
1940-38	Request for Lender's Verification of Loan Application.	*
1940-51	Crop-Share-Cash Farm Lease	*
1940-53	Cash Farm Lease	*
1940-55	Livestock-Share Farm Lease	*
1940-56	Annual Supplement to Farm Lease	*
1945-20	Applicant's Environmental Impact Evaluation.	*
1945-22	Certification of Disaster Losses	X
1945-29	ASCS Verification of Farm Acreages, Production and Benefits.	*

B. Field Visit. Notify applicant of planned visit and its purpose.

1. Verification of disaster losses.

2. Evaluate the resources available to the applicant and their adequacy in fulfilling the requirements of the proposed plan of operation, taking into consideration development work planned.

3. Obtain information needed to complete required appraisals (chattel and real estate).

4. If development is planned, discuss plans, specifications, and estimates.

5. Hold landlord-tenant meeting, if necessary, to reach an agreement on the terms of the lease, resolve any problems, etc.; record in running case record.

6. Determine security requirements and record in running case record.

7. The following FmHA forms will be used as appropriate.

Form No.	Name	Use
422-1	Appraisal Report—Farm Tract	*
422-2	Supplemental Report—Irrigation, Drainage, Levee and Minerals.	*
422-3	Map of Property	*
422-10	Appraiser's Worksheet—Farm Tracts for Study of Comparable Properties.	*
424-1	Development Plan	*
424-2	Description of Materials	*
440-13	Report of Lien Search	*
440-21	Appraisal of Chattel Property	*
1945-15	Value Determination Worksheet	*
1922-11	Appraisal Form for Mineral Rights	*
1922-8	Residential Appraisal Report	*
1945-26	Calculation of Actual Losses	X

C. Eligibility Determination.

1. Obtain all needed application forms and other information from the applicant. Assist the applicant in completing these forms and/or in obtaining needed information, as necessary.

2. Request deed or other evidence of title.

3. Schedule meeting for Community Committee, review application and determine eligibility.

4. Inform applicant of the results of Committee action.

5. The following FmHA forms will be used as appropriate:

Form No.	Name	Use
403-1	Debt Adjustment Agreement	*
440-2	County Committee Certification or Recommendation.	X

IV. Docket Preparation

A. Obtain all information from the applicant, prior lienholder(s), landlord(s), etc., needed for the loan docket to be prepared.

B. Check to assure all security requirements have been or will be met by loan closing.

C. Prepare a loan narrative and enter it into the running case record.

D. Use the following FmHA forms as appropriate.

Form No.	Name	Use
400-4	Assurance Agreement	X
427-8	Agreement with Prior Lienholder	*
440-4	Security Agreement (Chattels and Crops).	*
440-6	Severance Agreement	*
440-15	Security Agreement (Insured Loans to Individuals).	*
1940-20	Request for Environmental Information.	*
440-25	Financing Statement	*
440-A25	Financing Statement (Carbon-Interleaved).	*
440-26	Consent and Subordination Agreement.	*
1940-21, 1940-22, or Exhibit H, Subpart G of Part 1940.	Environmental Review	*
441-5	Subordination Agreement	*
441-8	Assignment of Proceeds from the Sale of Products.	*
441-10	Nondisturbance Agreement	*
441-12	Agreement for Disposition of Jointly-Owned Property.	*
441-13	Division of Income and Nondisturbance Agreement.	*
441-17	Certification of Obligation to Landlord.	*
441-18	Consent to Payment of Proceeds from Sale of Farm Products.	*
441-25	Assignment of Proceeds from the Sale of Dairy Products and Release of Security Interest.	*
443-16	Assignment of Income From Real Estate Security.	*
443-17	Agreement to Sell Nonessential Real Estate.	*
1940-1	Request for Obligation of Funds	X

V. Loan Approval and Closing

A. Loan Approval.

1. Establish loan closing conditions and enter them in the running case record.

2. Execute and distribute all forms necessary for loan approval.

3. For chattel loan—file financing statement or chattel mortgage, and obtained a lien search.

4. For real estate loan—request preliminary title opinion.

B. Loan Closing.

1. Arrange for loan closing by escrow agent, designated attorney, or other authorized loan closing agent; furnish loan closing agent with appropriate instructions, forms, and other needed information for loan closing.

2. The following FmHA forms will be provided to and used by the appropriate loan closing agent, in addition to those forms listed under docket preparation which must be executed by the borrower or other party:

Form No.	Name	Use
140-4	Transmittal of Documents	*
400-1	Equal Opportunity Agreement	*
400-3	Notice to Contractors and Applicants.	*
400-6	Compliance Statement	*
402-1	Deposit Agreement	*
402-2	Statement of Deposits and Withdrawals.	*
402-5	Deposit Agreement (Non FmHA Funds).	
426-2	Property Insurance Mortgage Clause (Without Contribution).	*
427-1	Real Estate Mortgage or Deed of Trust for.	*
427-4	Transmittal of Title Information	*
427-5	Affidavit of Borrowers (or Transferees).	*
427-6	Affidavit of Sellers (or Transferors)	*
427-9	Preliminary Title Opinion	*
427-10	Final Title Opinion	*
427-11	Warranty Deed	*
440-45	Nondiscrimination Certificate (Individual Housing).	*
440-59	Settlement Statement	*
1924-14	Farmer Program Borrower Servicing Options Including Deferrals and Borrower Responsibilities.	X
1940-17	Promissory Note	X
1965-22	Information on Assumption on New Terms or Other Change of Terms.	*
1965-23	Supplemental Information on Assumption and/or Change of Terms.	*

68. Exhibit D of Subpart D of Part 1945 is amended by revising the introductory text of paragraph IV., the introductory text of paragraph VIII., and paragraph IX. B. to read as follows:

Exhibit D—Emergency Loans for Citrus Grove Rehabilitation and/or Reestablishment

* * * * *

IV. Eligibility

Sections 1945.163 and 1945.175 of this subpart are supplemented to the extent that EM loan may be made, under the provisions of this Exhibit, only to otherwise eligible applicants who are owner-operators of citrus groves. To be eligible, applicants must:

* * * * *

VIII. Rates and Terms

See § 1945.155(a) and FmHA Instruction 440.1, Exhibit B, (available in any FmHA office). Section 1945.168 of this subpart is hereby modified, authorizing future advances

of EM loans funds to be disbursed over a period of up to 5 years, when such loan funds are used to rehabilitate and/or reestablish a citrus grove(s). EM loans may have reduced annual installments scheduled, of at least partial interest, for up to 5 years. However, such reduced installments will not be scheduled longer than the amount of time projected as being needed to bring the citrus grove(s) back into profitable production. After the adjustment period, the promissory note may describe a graduated schedule of annual installments to coincide with projected increasing cash flow. A State Supplement will be issued setting forth several examples of a 5-year adjustment period showing scheduled annual installments.

* * * * *

IX. * * *

B. The best lien obtainable on real estate on which the citrus is to be grown, having sufficient collateral equity to fully secure the EM loan, based on the per acre appraised value of the citrus grove(s) as established on the day before the disaster occurred, or one year and one day before the disaster designation was requested by a State Governor or an FmHA State Director, whichever date has the higher value;

* * * * *

PART 1951—SERVICING AND COLLECTIONS

69. The authority citation for Part 1951 continues to read as follows:

Authority: 7 U.S.C. 1989; U.S.C. 1980; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Accounting Servicing Policies

70. Section 1951.44 is amended by revising paragraphs (a)(3) and (b)(1)(ii)(A) to read as follows:

§ 1951.44 Deferral of existing OL, FO, SW, RL, EM, EO, SL, RHF, and EE loans.

* * * * *

(a) * * *

(3) Unduly impaired standard of living: A condition whereby the borrower, due to circumstances beyond the borrower's control, is unable to pay essential family living expenses (partnerships, joint operators, corporations and cooperatives do not have family living expenses), pay normal farm operating expenses, including reasonable and customary hired labor and/or salary paid to the operator(s) of a partnership, a joint operation, a corporation or a cooperative, maintain essential chattels and real estate, and meet the scheduled payments of all debts.

(b) * * *

(1) * * *

(ii) * * *

(A) Accident, death, illness or injury to an individual borrower or dependent member of the borrower's family (stockholders, members, partners, or joint operators of an entity borrower are excluded, except when that stockholder, member, partner, or joint operator is the manager of the farming operation); or

* * * * *

PART 1955—PROPERTY MANAGEMENT

71. The authority citation for Part 1955 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Liquidation of Loans Secured by Real Estate and Acquisition of Real and Chattel Property

72. Section 1955.18 is amended by revising paragraph (a) to read as follows:

§ 1955.18 Actions required after acquisition of property.

(a) *Reporting acquisition.* When real or chattel property is acquired by the Government, the servicing official will prepare and distribute Form FmHA 1955–3, "Advice of Property Acquired," or Form FmHA 1965–19, "Multiple Family Housing Advice of Mortgaged Real Estate Acquired," according to the FMI immediately after a voluntary conveyance is closed, a foreclosure sale is completed, or property is acquired by any other means. The date of acquisition will be the date the deed to the Government is recorded for a voluntary conveyance; the date of the foreclosure sale; or for chattels, the date the bill of sale (and title, if applicable) is executed transferring ownership to FmHA. Form FmHA 1955–3 or Form FmHA 1965–19 will be submitted promptly without waiting for the final report on sale from OGC where required. The State Director will assign an advice number to the property and complete distribution according to the FMI. For MFH loans, the State Director will forward a copy of Form FmHA 1965–19 to the National Office for monitoring purposes. For MFH projects with rental assistance, Form FmHA 1944–55, "Multiple Family Housing Transfer of Rental Assistance," must be attached to Form 1965–19 indicating the status of the rental assistance while the property is in inventory. The County Supervisor will report the acquisition of farm property to the local Agricultural Stabilization and Conservation Service (ASCS) office by memorandum so that any allotments, marketing quotas or acreage bases established for the property will not lapse, terminate, be reduced or otherwise be adversely affected while the property is in inventory. The State Director will report any adverse effects on allotments, marketing quotas or acreage based on any farm inventory property to the Administrator.

* * * * *

Subpart B—Management of Property

73. Section 1955.63 is amended by redesignating paragraph (b) as (c) and paragraph (c) as (d) respectively and adding a new paragraph (b) to read as follows:

§ 1955.63 Suitability determination.

* * * * *

(b) *Grouping and subdividing surplus farm properties.* The State Director will subdivide surplus property whenever possible into parcels for the purpose of creating one or more suitable farm properties. The State Director may also group two or more individuals' surplus properties into one or more suitable farm properties. The environmental effects will be considered pursuant to Subpart G of Part 1940 of this chapter. Also refer to § 1955.140 of Subpart C of this part. The State Director, with prior approval of OGC, may issue a State Supplement addressing any applicable State laws.

* * * * *

74. Section 1955.64 is amended by revising paragraph (a)(3) to read as follows:

§ 1955.64 Securing, maintaining, and repairing inventory property.

* * * * *

(a) * * *

(3) *Farm property.* Only the farm service buildings and facilities typically essential for the type of farming in the area will be repaired, renovated, and/or improved as necessary to place in saleable condition. Conservation of soil, water, and forest resources will be considered and actions will be taken to correct severe problems upon advice of the Soil Conservation Service (SCS). The County Supervisor will request that the SCS prepare a conservation plan for the property, identify within the plan the location of any highly erodible land and recommend specific conservation practices for such land. The County Supervisor will carry out those practices in the SCS plan that are essential to preserve and protect the property and to place it in saleable condition. Chattel property will be managed as outlined in § 1955.80 of this subpart.

* * * * *

75. Section 1955.65 is amended by revising paragraphs (b) and (c)(1) to read as follows:

§ 1955.65 Management of inventory and/or custodial real property.

* * * * *

(b) *Management methods.* Management methods and requirements will vary depending on such things as the number of properties involved, their density of location, and market conditions. Management tools which may be used effectively range from contracts to secure an individual property, have the grass cut, or winterize a dwelling; a simple management contract to provide maintenance and other services on a group of properties (including but not limited to specification writing, inspection of repairs, and yard and directional signs and their installation), or manage an MFH project; blanket-purchase arrangement contracts to obtain services for more than one property; to a broad-scope management contract with a real estate broker or management agent which may include inspection and specification-writing services, making simple repairs, obtaining lessees, collecting rents, coordination with listing brokers in marketing the properties, and effecting eviction of tenants when necessary. A contractor may handle evictions only where State laws permit the contractor to do so in his/her own name; a contractor may not pursue eviction in the name of the Government (FmHA). Custodial property may be managed in the same manner as inventory property except that it may be leased only if it is habitable without repairs in excess of those authorized in § 1955.55(c) of this subpart. Farm or organization property, such as rental housing and community facilities, may be operated under a management contract if the State Director has determined it is appropriate to have the property in operation. In any case, the primary consideration in selecting the method of management to be used is to protect the Government's interest. If property is to be operated or leased under a management contract is located in an area identified by the Federal Insurance Administration as a special flood or mudslide hazard area, lessees or tenants must be notified to that effect in accordance with § 1955.66 (e) of this subpart. A management contract which covers property in such a hazard area may provide for the contractor to issue the required notices.

(c) * * *

(1) *Management contracts.* Management contracts are flexible instruments which may be tailored to meet the specific needs of almost any situation involving custodial or inventory property. This type of contract may be used to manage and maintain SFH properties, farms, and any other type of facility for which FmHA is responsible. Organization-type properties will be secured, maintained, repaired, and operated if authorized, in accordance with a management plan prepared by the District Director and approved by the State Director if the amount of total debt does not exceed the State Director's loan approval authority, or by the Administrator. For MFH, this plan should follow the guidance provided by Subpart C of Part 1930 of this chapter. An audit of the borrower's records may be required if recent financial information is not available. For MFH projects, tenant occupancy and selection will be in accordance with the occupancy standards set forth in Subpart C of Part 1930 of this chapter. Tenants will be required to sign a written lease if one does not exist when the property is acquired or taken into custody. If a contract involves management of an MFH project with 5 or more units, or 5 or more single-family dwellings located in the same subdivision, the contractor must furnish Form HUD 935.2, "Affirmative Fair Housing Marketing Plan," subject to FmHA's approval. Contracts for management of farm inventory property wil be offered on a competitive bid basis, giving preference to persons who live in, and own and operate qualified small businesses in the area where the property is located in accordance with the provisions in Exhibit J, paragraph II C, "Procurement Preference Program," of FmHA Instruction 2024–A (available in any FmHA office).

* * * * *

76. Section 1955.66 is amended by revising paragraphs (a)(2)(iii) and (b) and redesignating paragraph s (c) to (d), (d) to (e), (e) to (g), (f) to (i), (g) to (j), (h) to (k), (i) to (l) and (j) to (m), adding new paragraphs (c), (f) and (h) and revising newly designated paragraph (g) to read as follows:

§ 1955.66 Lease of Real Property.

* * * * *

(a) * * *

(2) * * *

(iii) *Farm Property.* Any CONACT property with a dwelling (whether located on or off the farm) that is possessed and occupied as a principal residence by one who was personally liable for a Farmer Program loan must be considered for dwelling retention under § 1955.73 of this subpart prior to lease under this section. The County Supervisor may approve the lease of farm property. When a lease with an option to purchase is signed, the lesses should be told that FmHA cannot make a committment to finance the purchase of the property in the future. Except for leases with an option to purchase, special stipulations will be made a part of farm leases to provide that the Government may terminate the lease in order to sell the farm, but in that event the lessee will retain the right to harvest growing crops and rental payment will be prorated between the Government and the purchaser of the property. The County Supervisor shall report all leases of farms to the local Agricultural Stabilization and Conservation Service ASCS) office and all subsequent changes in leases or sale of the property. Leases for mineral exploration and/or development will be on a form approved by OGC. In approval of a lease for mineral purposes, consideration will be given to impact on the environment, preservation of land for agricultural purposes as required by Subpart G of Part 1940 of this chapter, as well as effect on sale of the property. The Administrator may issue directives (available in any affected FmHA office) restricting the leasing of property which could be used to produce agricultural products determined to be in surplus supply. Chattel property will not normally be leased unless it is attached to the real estate as a fixture or would normally pass with the land.

* * * * *

(b) *Selection of lessees for other than farm property.* When the property to be leased is residential, a special effort will be made to reach prospective lessees who might not otherwise apply because of existing community patterns. A lessee will be selected considering the potential as an eligible applicant for purchase of the property (if property is suitable for program purposes) and ability to preserve the property. The leasing official may require verification of income and/or a credit report (to be paid for by the prospective lessee) as he/she deems necessary to assure payment ability and creditworthiness of the prospective lessee.

(c) *Selection of lessees for farm property.*—(1) *Farm plans.* All prospective lessees will be required to submit a farm plan for the upcoming crop year and to submit evidence of their income. The County Supervisor must determine that the terms of the lease can be fulfilled. The County Supervisor may require verification of income and/or a credit report (to be paid for by the prospective lessee).

(2) *Leasing priority.* Farm property will be leased in the following order of priority:

(i) The previous owner or operator of the property will be given the first opportunity to lease, with or without an option to purchase. The County Supervisor will notify the previous owner or operator, by certified letter, return receipt requested, of the availability of the property for lease as soon as it becomes avaialble for lease. The previous owner or operator will be given thirty days to contact the county office if interested in leasing, with or without an option to purchase. The County Supervisor must determine that the previous owner or operator has sufficient experience, management skills and financial resources to assure a reasonable prospect of success in the farming operation. In making this determination, the County Supervisor will evaluate the previous owner's or operator's financial and production records and determine whether or not the failure of the previous operation was caused by factors beyond the previous owner's or operator's control such as natural disasters, inflated farm prices, high interest rates and prices received that were below reasonable costs of production. If this determination is adverse to the previous owner or operator, the County Supervisor will notify, in writing, the previous owner or operator of the decision and will give the previous owner or operator the opportunity to appeal the determination in accordance with Subpart B of Part 1900 of this chapter. No lease will be signed with any prospective lessee until this appeal is concluded. If the appeal is concluded in FmHA's favor, the provisions of (h) of this section on advertising will be followed:

(ii) If the previous owner or operator is not interested in leasing the property, the County Supervisor will give performance to operators (as of the time immediately before a lease is entered into) of not larger than family-size farms who want to lease *with* an option to purchase. The County Supervisor must determine which of these prospective lessees can fulfill the terms of the lease, as required by paragraph (c)(1) of this section. If there is more than one prospective lessee in this category, the County Committee will select, by majority vote, the operator who has the best chance for success in operating the farm and exercising the option to purchase.

(iii) If the previous owner or opertor is not interested in leasing the property and no operator described in paragraph (c)(2)(ii) of this section wants to lease the property, the County Supervisor will give preference to operators (as to the time immediately before a lease is entered into) of not larger than family-size farms who want to lease *without* an option to purchase. The County Supervisor must determine which of these prospective lessees can fulfill the terms of the lease, as required by paragraph (c)(1) of this section. If there is more than one prospective lessee in this category, the County Supervisor will select the lessesse who made the first acceptable offer to lease the property.

(iv) If not prospective applicants fall into the categories in paragraphs (c)(2)(i), (ii), or (iii) of this section, the County Supervisor will select the lessee who can fulfill the terms of the lease, as required by paragraph (c)(1) of this section, and who made the first offer, which was in accordance with the conditions of the advertisement, to lease the property.

* * * * *

(f) *Highly erodible land.* Leases of farm inventory property land that is "highly erodible land" as determined by the SCS must contain, as requirements of the leases, conservation practices specified by the SCS and approved by the FmHA.

(g) *Lease with option to purchase.* For inventory property *only,* a lessee may be given the option to purchase. Terms of the option will be set forth as part of the lease as a special stipulation in accordance with the FMI for Form FmHA 1955–20. The purchase price (option price) will be the market value except for farm property. The purchase price (option price) for all farm property to be leased with option to purchase to eligible farm applicants will reflect the average annual income that may be reasonably anticipated to be generated from farming such property. Therefore, the option price will be the capitalization value of the farm as set forth in Subpart A of Part 1809 of this chapter (FmHA Instruction 422.1). The capitalization value will be supported by a current appraisal on Form FmHA 422–1, "Appraisal Report-Farm Tract." A lease with option to purchase farm property will normally not exceed 1 year, but may in justifiable cases be for a period not longer than 3 years. The lease payments will not be applied toward the purchase price.

(h) *Advertising farm property for lease.* Advertisement is not required when an existing lease will be renewed or renegotiated with the present lessee or when the previous owner or operator request to lease as outlined in paragraph (c)(2)(i) of this section. Otherwise, to assure fair and equitable treatment to all interested parties, public notice will be given of the availability of each inventory property for lease. Public notice means, as a minimum, advertisement in a newspaper or periodical that has a major circulation in the area where the inventory property is located. The public notice shall include as a minimum:

(1) All of the applicable qualifications, terms, conditions, restrictions, and stipulations associated with the lease, and how and when a lessee will be selected;

(2) A description of the property including its location and the presence of any natural hazards such as floodplains, wetlands and special mudslide hazard areas;

(3) The closing date and time for receiving written offers to lease;

(4) The terms of the lease;

(5) A statement that the Government reserves the right to reject all offers to lease;

(6) A statement that the property will be leased without regard to race, color, religion, sex, age, national origin or marital status.

* * * * *

Subpart C—Disposal of Inventory Property

77. Section 1955.103 is amended by revising paragraph (n) to read as follows:

§ 1955.103 Definitions

* * * * *

(n) *Regular FmHA sale.* Sale made by other than sealed bid, auction or negotiation by FmHA employees or real estate brokers. Except for farm property, regular FmHA sales are made at market value unless the price is administratively reduced. Farm property will be sold for a price that reflects the average income that may be reasonably anticipated to be generated from farming such property. Therefore, the price will be the capitalization value as determined by an appraisal made in accordance with Subpart A of Part 1809 of this chapter (FmHA Instruction 422.1).

* * * * *

78. Section 1955.106 is amended by revising the introductory text, and paragraphs (a) and (c), redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d) and by revising newly designated paragraph (e)(1), by redesignating newly designated (e)(2) through (e)(5) as (e)(3) through (e)(6) respectively, and adding new (e)(2) to read as follows:

§ 1955.106 Sale of suitable property (CONACT)

Except as provided in § 1955.109 of this subpart for farm property, CONACT real property which has been declared suitable for sale to eligible applicants will be offered for regular sale to eligible applicants in accordance with FmHA regulations that apply to the appropriate loan program. Real property will be managed in accordance with provisions of Subpart B of this part until sold under this section or reclassified as surplus and sold under § 1955.107 of this subpart.

(a) *Sale by FmHA.* When possible, the sale of suitable CONACT property should be handled by County Supervisors and District Directors. The date Form FmHA 1955–40, "Notice of Real Property for Sale," as posted is the date the property is offered for sale. As a minimum, farm property will be advertised for sale in at least one newspaper that is widely circulated in the county in which the farm is located and either Form FmHA 1955–40 or the "Notice of Sale," Form FmHA 1955–41, will be posted in a prominent place in the County Office. If an eligible applicant is not available locally, the official with responsibility for the property will advise other FmHA District and County Offices in the market area of the availability of the property. When requested by the County Supervisor, State Office Farmer Programs staff will assist in publicizing property for sale by informing other FmHA County, District, and/or State Offices. Maximum publicity should be given to the sale under guidance provided by § 1955.146 of this subpart and care should be taken to spell out eligibility criteria.

* * * * *

(c) *Price.* Except for farm property, property will be offered or listed for its market value, based on the condition of the property at the time it is made available for sale. Farm property will be sold for a price that reflects that average income that may be reasonably anticipated to be generated from farming such property. Therefore, the price will be the capitalization value as determined by an appraisal made in accordance with Subpart A of Part 1809 of this chapter (FmHA Instruction 422.1).

(d) *Selection of purchaser.* (1) Except for farm property, when more than one acceptable offer is received during business hours on the same day, the order in which they will be considered will be decided by lot. If otherwise acceptable, the contract should be signed and accepted subject to approval of credit. "Back-up" offers will be retained in case the first offer processed cannot be closed.

(2) If two or more eligible operators of not larger than family-size farms wish to purchase a suitable farm, the County Committee will select the operator who in their opinion has the best chance for success based upon an evaluation of their past farm records and proposed farm plans. This operator's offer will be accepted. The reasons explaining the County Committee's selection of the best qualified applicant will be fully documented on Form FmHA 440–2, "County Committee Certification or Recommendation." Some of the factors the committee will consider include but are not limited to:

(i) *Liquidity.* Consider working capital, each flow, the ratios of current assets to current liabilities and current liabilities to total liabilities.

(ii) *Solvency.* Consider net worth and the ratio of total liabilities to net worth.

(iii) *Profitability.* Consider net farm income and the ratio of net farm income to net worth.

(iv) *Efficiency.* Consider the ratios of cash operating expenses to gross receipts and debt repayment to gross receipts.

(e) * * *

(1) Form FmHA 1955–45, "Standard Sales Contract-Sale of Real Property By the United States," will be used to document the offer and acceptance for regular FmHA sales.

(2) The County Committee will certify to the applicant's eligibility on Form FmHA 440–2, in accordance with program eligibility requirements when required by the FmHA regulation that applies to the appropriate loan program.

* * * * *

79. Section 1955.107 is amended by revising paragraph (b) to read as follows:

§ 1955.107 Sale of surplus property (CONACT).

* * * * *

(b) *Sale by sealed bid or auction.* Surplus real property must first be offered for public sale by sealed bid or auction. The State Director will determine the method of sale, the minimum acceptable sale price and whether or not credit will be offered prior to the offering. The minimum acceptable sale price established may not be more than the market value. The minimum acceptable sales price established for farm property may not be more than the capitalization value as determined by an appraisal made in accordance with Subpart A of Part 1809 of this chapter (FmHA Instruction 422.1). For sealed bid sales, preference will be given to a cash offer which is at least *_____ percent of the highest offer requiring credit. [*Refer to Exhibit B of FmHA Instruction 440.1 (available in any FmHA office) for the current percentage.] Equally acceptable sealed bid offers will be decided by lot, except for the sale of farm property, where an acceptable sealed bid from an operator of not larger than a family farm will be given preference. If two or more operators of not larger than family-size farms wish to purchase a farm property, the County Committee will select the operator who in their opinion has the best chance for success based upon an evaluation of their past farm records and proposed farm plans. This operator's bid will be accepted. The reasons explaining the County Committee's selection of the best qualified applicant will be fully documented on Form FmHA 440–2. Some of the factors the committee will consider include but are not limited to:

(1) *Liquidity.* Consider working capital, cash flow, the ratios of current assests to current liabilities and current liabilities to total liabilities.

(2) *Solvency.* Consider net worth and the ratio of total liabilities to net worth.

(3) *Profitablility.* Consider the net farm income and the ratio of net farm income to net worth.

(4) *Efficiency.* Consider the ratios of cash operating expenses to gross receipts and debt repayment to gross receipts.

* * * * *

80. Section 1955.108 is amended by revising paragraph (a) to read as follows:

§ 1955.108 Processing and closing (CONACT).

(a) *Determining repayment ability and creditworthiness.* If a credit sale is involved, the applicant must furnish necessary financial information to assist in determining repayment ability and creditworthiness. Form FmHA: 431–2, "Farm and Home Plan," should be used for all eligible applicants unless the applicant has furnished all required information in another acceptable format. Information regarding eligibility, planned development and total operations will be provided the same as for the respective type of Farmer Program loan. Purchasers requesting credit on ineligible terms will be required to provide sufficient information to establish financial stability, creditworthiness and farm budgets to establish repayment ability. For organization property, information will be provided which is similar to an application including financial

information required for the respective loan program.

* * * * *

81. Section 1955.109 is added to read as follows:

§ 1955.109 Disposition of farm property.

(a) *Effects of farm property on farm values.* State Directors will analyze farm real estate market conditions within the geographic areas of their jurisdiction and determine whether or not the sale of the FmHA farm inventory properties will have a detrimental effect on the value of farms within these areas. Such analysis will be carried out in January of each year and as often throughout the year as necessary to reflect changing farm real estate conditions. If the analyses of farm real estate conditions indicate that such sales would put downward pressure on farm real estate values in any area, all farm properties within the area affected will be withheld from the market and managed in accordance with the provisions of Subpart B of this part until such time that a subsequent analysis indicates otherwise. The State Director will notify in writing the County Supervisor(s) servicing those areas that are restricted from selling farm inventory property. State Directors in consultation with other lenders, real estate agents, auctioneers, and others in the community will analyze all available information such as:

(1) The number of farms and acres that FmHA expects to acquire in inventory.

(2) The number of farms and acres other lenders expect to acquire in inventory

(3) The number of farms and acres that FmHA currently has in inventory.

(4) The number of farms and acres other lenders currently have in inventory.

(5) The number of farms not included in paragraphs (a)(3) and (a)(4) of this section which are currently listed for sale.

(6) Published real estate values and trend reports such as those available from the Economic Research Service or professional appraisal organizations.

(b) *Highly erodible land.* Leases of farm inventory property land that is "highly erodible land" as determined by the SCS must continue, as requirements of the leases, conservation practices specified by the SCS and approved by the FmHA as a condition for sale. Refer to § 1955.137(c) of this subpart for implementation requirements.

(c) *Disposition of farm property available for sale.* Unless withheld from sale as required by § 1955.109(a) of this section, farm property will be disposed of in the following order of priority:

(1) The previous owner or operator of the property will be given the first opportunity to purchase. The County Supervisor will notify the previous owner or operator, by certified letter, return receipt requested, of the availability of the property for sale as soon as it becomes available for sale. The previous owner or operator will be given thirty days to contact the County Office if interested in purchasing the farm. The purchase price will be as determined in § 1955.106(c) of this subpart. The property will be offered on eligible terms (if the previous owner or operator is eligible) and a credit sale processed in accordance with § 1955.106(d), or for cash or on ineligible terms of not less than ten percent (10%) down payment with the remaining balance amortized over a period not to exceed 25 years. The interest rate will be the current rate set forth in Exhibit B of FmHA Instruction 440.1 (available in any FmHA office).

(2) If the previous owner or operator of the property is not interested in purchasing the property, the previous owner or operator will be given the opportunity to lease, with or without an option to purchase, in accordance with § 1955.66(c)(2)(i) of Subpart B of this part.

(3) If the previous owner or operator of the property is not interested in purchasing or leasing the property, the property will be sold in accordance with §§ 1955.106 or 1955.107 of this subpart, as applicable.

82. Section 1955.137 is amended by adding paragraph (c) to read as follows:

§ 1955.137 Real property located in special areas or having special characteristics.

* * * * *

(c) *Highly erodible farmland.* (1) The County Supervisor will determine if any farmland inventory property contains highly erodible land as defined by the SCS and, if so, what specific conservation practices will be made a condition of a sale of the property. This should be done by reviewing the conservation plan prepared for the inventory property. See § 1955.64(a)(3) of Subpart B of this part. If this review determines that sufficient information does not exist on the location(s) of highly erodible land or recommended conservation practices, the SCS shall be contacted and requested to provide the necessary information.

(2) If the County Supervisor does not concur in the need for a conservation practice(s) recommended by SCS, any differences shall be discussed with the recommending SCS office. Failure to reach an agreement at the level shall require the State Director to make a final decision after consultation with the SCS State Conservationist.

(3) Whenever SCS technical assistance is requested in implementing these requirements and SCS responds that it cannot provide such assistance within a timeframe compatible with the proposed sale, the County Supervisor will determine if the sale arrangements should go forward or be delayed. If the property either is known to contain highly erodible land or there is visible evidence of erosion problems, a sale of the property will be delayed until SCS can respond. Otherwise, the sale may proceed, conditioned on the requirement that a purchaser will immediately contact SCS and have a conservation plan developed. The County Supervisor will monitor the borrower's compliance with the recommendations in the conservation plan. If problems occur in obtaining SCS assistance, the State Director should consult with the SCS State Conservationist. The potential for response to problems arising can be diminished by ensuring that all farmland in inventory has a conservation plan developed in accordance with § 1955.64(a)(3) of Subpart B of this part and that SCA assistance is requested immediately after acquiring title.

(4) The steps taken and results achieved in order to comply with the provisions of this paragraph shall be documented in the environmental review conducted for the proposed sale. All prospective purchasers must be made aware at the time of first inquiry of the conservation practices to be required. Therefore, the environmental review must be completed as soon as possible after acquiring title to the property.

83. Section 1955.139 is amended by revising paragraphs (a) and (b)(1) to read as follows:

§ 1955.139 Disposition of real property rights.

(a) *Easements, rights-of-way, development rights, restrictions or the equivalent thereof.* The State Director is authorized to convey these rights for conservation purposes, roads, utilities, and other purposes as follows:

(1) Except as provided in paragraph (a)(3) of this seciton, easements or rights-of-way may be conveyed to public bodies or utilities if the conveyance is in the public interest and will not adversely affect the value of the real estate. The consideration must be adequate for the inventory property being released or for a purpose which

will enhance the value of the real estate. If there is to be an assessment as a result of the conveyance, relative values must be considered, including any appropriate adjustment to the property's market value, and adequate consideration must be received for any reduction in value.

(2) Except as provided in paragraph (a)(3) of this section, easements or rights-of-way may be sold by negotiation for market value to any purchaser for cash without giving public notice if the conveyance would not make otherwise suitable property unsuitable or surplus, nor decrease the value by more than the price received. Sale proceeds will be handled in accordance with Subpart B of Part 1951 of this chapter.

(3) For farm properties only, easements, restrictions, or the equivalent thereof may be granted or sold separately from the underlying fee or sum of all other rights possessed by the Government if such conveyances are for conservation purposes and are transferred to a unit of local or State government or a private nonprofit organization.

(i) Conservation purposes include but are not limited to protecting or conserving the following environmental resources or land uses:

(A) Fish and wildlife habitats of local, regional or State importance,

(B) Floodplain and wetland areas,

(C) Highly erodible land as defined by SCS,

(D) Important farmland, prime forest land, or prime rangeland as defined in Departmental Regulation 9500–3, Land Use Policy,

(E) Aquifer recharge areas of local, regional or State importance,

(F) Areas of high water quality or scenic value, and

(G) Historic and cultural properties.

(ii) Development rights may be sold for conservation purposes for their market value directly to a unit of local or State governmental or a private nonprofit organization by negotiation.

(iii) An easement, restriction or the equivalent thereof may be granted or sold for less than market value to a unit of local or State government or a private nonprofit organization for conservation purposes providing the transaction will not adversely affect the financial interest of the FmHA. If such a conveyance will adversely affect the FmHA financial interest, the State Director will submit the proposal to the Administrator for approval, unless the State Director has been delegated approval authority in writing from the Administrator to approve such transactions based upon demonstrated capability and experience in processing such conveyances. Factors to be addressed in formulating such a request include the intended conservation purpose(s) and the environmental importance of the affected property, the impact to the Government's financial interest, the financial resources of the potential purchaser or grantee and its normal method of acquiring similar property rights, the likely impact to environment should the property interest not be sold or granted and any other relevant factors or concerns prompting the State Director's request.

(iv) Property interests under this paragraph may be conveyed by negotiation with any eligible recipient without giving public notice if the conveyance would not make otherwise suitable property unsuitable or surplus. Sales proceeds will be handled in accordance with Subpart B of Part 1951 of this chapter. Conveyances shall include terms and conditions which clearly specify the property interest(s) being conveyed as well as all appropriate restrictions and allowable uses. The conveyances shall also require the owner of such interest to permit the FmHA, and any person or government entity designated by the FmHA, to have access to the affected property for the purpose of monitoring compliance with terms and conditions of the conveyance. To the maximum extent possible, the conveyance should designate an organization or government entity for monitoring purposes. In developing the conveyance, the approval official shall consult with any State or Federal agency having special expertise regarding the environmental resource(s) or land uses to be protected.

(4) A copy of the conveyance instrument will be retained in the County or District Office inventory file. The grantee is responsible for recording the instrument.

(b) * * *

(1) Mineral and water rights, mineral lease interests, mineral royalty interests, air rights, and agricultural and other lease interests will be sold with the surface land and will not be sold separately, except as provided in paragrah (a) of this section and in § 1955.66(a)(2)(iii) of Subpart B of Part 1955 of this chapter. If the land is to be sold in separate parcels, any rights or interests that apply to each parcel will be included with the sale.

* * * * *

84. Section 1955.140 is amended by revising paragraph (a) to read as follows:

§ 1955.140 Sale in parcels.

(a) *Individual property subdivided.* An individual property may be offered for sale as a whole or subdivided into parcels as determined by the State Director. For MFH property guidance will be requested from the National Office for all properties other than RHS projects. When farm inventory property is classified surplus because it is larger than a family-size farm, the State Director will subdivide the property into one or more suitable farm tracts and sell the suitable tracts to eligible applicants in accordance with § 1955.106 of this subpart. Any remaining surplus property will be disposed of in accordance with § 1955.107 of this subpart. Division of the land or separate sales of portions of the property, such as timber, growing crops, inventory for small business enterprises, buildings, facilities, and similar items may be permitted if a better total price for the property can be obtained in this manner. The division of the property must not change its character from suitable to unsuitable or surplus unless authorized by the appropriate Assistant Administrator. Environmental effects should also be considered pursuant to Subpart G of Part 1940 of this chapter. Any applicable State laws will be set forth in a State Supplement and will be complied with in connection with the division of land. If property is to be subdivided, a plan will be provided by the State Director protecting the FmHA security interest when the subdivided portions are sold. The plan will provide for partial releases based upon 110 percent of the portion of the outstanding loan prorated to the property released.

* * * * *

PART 1962—PERSONAL PROPERTY

85. The authority citation for Part 1962 continues to read as follows:

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Servicing and Liquidation of Chattel Security

86. § 1962.3 is amended by adding paragraph (d) as follows:

§ 1962.3 Authorities and responsibilities.

* * * * *

(d) *Farms in more than one jurisdiction.* If the farm is situated in more than one State, County, or Parish, the loan will be serviced by the County Office serving the County in which the borrower's residence is located. If the borrower is a corporation, cooperative, partnership or joint operation is the borrower's residence is not on the farm,

the loan will be serviced by the County Office serving the County in which the farm or a major portion of the farm is located.

87. Section 1962.4 is amended by revising paragraph (c) to read as follows:

§ 1962.4 Definitions.

* * * * *

(c) *Borrower.* Individual(s), corporation, cooperative, partnership, or joint operation that is (are) liable for the loan(s) or any part thereof.

* * * * *

88. Section 1962.17 is amended by revising paragraphs (a), (b)(1), and (b)(2), by revising (b)(4), (b)(5) and (c)(5) and adding (c)(6) read as follow:

§ 1962.17 Disposal of chattel security, use of proceeds and release of lien.

(a) *General.* (1) The borrower must account for all security and will be instructed of this requirement by the County Supervisor when a loan is made and as often afterward as necessary. When the borrower sells security, the property and proceeds remain subject to the lien until the lien is released by the County Supervisor. Purchasers of security who inquire should be informed that the property is subject to FmHA's lien and will remain subject to it until they deliver any proceeds in cash to the County Supervisor or make checks payable jointly to the borrower and FmHA and the check has cleared. When the borrower fails to account properly for security, the County Supervisor will take the actions required in § 1962.18 of this subpart. Releases of sales proceeds will automatically be terminated when either Exhibit D or E to Subpart A of Part 1955 of this chapter is sent to the borrow. Termination of such release will not occur prior to that time.

(2) Section 1924.57 of Subpart B of Part 1924 of this chapter requires that there must always be a current Form FmHA 1962–1 in the file of a borrower with a loan secured by chattels. If a borrower asks FmHA to release proceeds from the sale of chattels and there is not a current Form FmHA 1962–1 in the file, the County Supervisor will immediately begin working with the borrower to develop one. If the borrower's request for a release is denied, the borrower must be given a Form FmHA 1924–14, written explanation of the reason for the denial, and the opportunity for an appeal in accordance with Subpart B of Part 1900 of this part. The appeal hearing must be held within 20 days of the denial unless the borrower requests a longer time.

(b) * * *

(1) County Supervisors are authorized to approve or disapprove dispositions of FmHA chattel security in accordance with this subpart. The County Supervisor with the assistance of the borrower, will complete Form FmHA 1962–1 in accordance with the Forms Manual Insert (available in any FmHA office) to show how, when and to whom the borrower will sell, exchange or consume security and use sales proceeds (including milk sales proceeds) and insurance proceeds derived from the loss of security. This includes, for example, sales proceeds on hand and crops in storage. The five conditions set out in the form must all be met. These conditions are: (i) The proceeds from the sale, if any, are used for purposes and in the amount set forth on the form; (ii) a current farm and home plan or other similar plan of operation acceptable to FmHA has been completed and signed by the borrower and FmHA for loans secured by crops, livestock, livestock products, or when otherwise required by the County Supervisor; (iii) the borrower's projected income and expenses are based on the borrower's proven record of production and financial management (if the borrower does not have records, the County Supervisor will use Agricultural Stabilization and Conservation (ASCS) records, ES data, County averages or other reliable sources of data to develop projections); (iv) the borrower is utilizing the key production and financial management practices required by FmHA; and (v) the property is sold or exchanged for its present market value. The conditions set out in paragraph (b) (2) of this section must also be met.

(2) Sales proceeds must be remitted to creditors with liens on the proceeds, in order of priority of these liens. Proceeds which are released by a prior lienholder or which are in excess of the amount due to a prior lienholder and which come to FmHA can be used as follows:

(i) If a borrower *has* been sent a Form FmHA 1924–25, "Notice of Intent to Take Adverse Action," and the existing Form FmHA 1962–1 expires, a new Form FmHA 1962–1 must be completed.

(A) The form *must* provide for releases of proceeds from the sale of crops, livestock, and livestock products planned to be marketed in the regular course of business so that the borrower can pay essential household and farm operating expenses. Essential expenses are those which are basic, crucial or indispensable. This will not include expenses for expansion of the operation. Excess proceeds must be applied to the FmHA debt or used to preserve existing security. If the sale of crops, livestock, and livestock products planned to be marketed in the regular course of business will not generate enough income to meet all essential household and farm operating expenses, the borrower may sell other chattel security (such as machinery, equipment or fountain livestock) to meet those expenses.

(B) Livestock can be used by the borrower's family for subsistence.

(C) Crops which serve as security may be marketed or fed to the borrower's livestock, provided FmHA obtains a lien on the livestock or livestock products.

(D) If the borrower responds to the Form FmHA 1924–25 and is granted a servicing action or prevails on appeal or makes restitution, the Form FmHA 1962–1 will be immediately revised in accordance with paragraphs (b)(2)(iii) of this section.

(E) If the borrower does not respond to the Form FmHA 1924–25, is not granted a servicing action, does not prevail on appeal or does not make restitution, releases will be made in accordance with paragraphs (b)(2)(i)(A)–(C) of this section until the borrower's account has been accelerated.

(ii) If the borrower *has not* been sent a Form FmHA 1924–25 *and cannot* complete a feasible farm plan, releases must be made in accordance with paragraph (b)(2)(i)(A)–(C) of this section.

(iii) If the borrower *has not* been sent a Form FmHA 1924–25 *and can* complete a feasible farm plan, proceeds can be used for any of the following purposes:

(A) Form FmHA 1962–1 must provide for releases of proceeds from the sale of crops, livestock, and livestock products planned to be marketed in the regular course of business so that the borrower can pay essential household and farm operating expenses. Essential expenses are those which are basic, crucial or indispensable.

(B) Proceeds can be applied to the FmHA debt.

(C) Proceeds can be used to purchase property better suited to the borrower's needs if FmHA will acquire a lien on the new property. The new property, together with any proceeds applied to the FmHA indebtedness, will have a value to FmHA at least equal to the value of the lien formerly held by FmHA on the old security.

(D) Proceeds can be used to preserve the security because of a natural disaster or other severe catastrophe, when the need for funds cannot be met by other means or with an FmHA loan or an FmHA loan cannot be made in time to prevent the borrower and FmHA from suffering a substantial loss.

(E) Property can be exchanged for property which is better suited to the borrower's needs if FmHA will acquire a lien on the new property, at least equal in value to the lien held on the property exchanged.

(F) Property can be consumed by the borrower as follows:

(*1*) Livestock can be used by the borrower's family for subsistence.

(*2*) If crops serve as security and usually would be marketed, the County Supervisor can allow such crops to be fed to livestock, provided, this is preferable to direct marketing and also provided that FmHA obtains in lien (or assignment) on the livestock and livestock products at least equal in value to the lien on the crops.

* * * * *

(*4*) If, for any sale, the amount of proceeds actually received is above or below the amount of proceeds planned to be received, as shown on Form FmHA 1962–1, the borrower will immediately notify the County Supervisor. Such notification may be by telephone to the County Office, by letter, by visit to the County Office, or any other method the borrower chooses. Changes which materially affect the borrower's operation will almost always require a visit to the County Office so that the County Supervisor and the borrower can complete a new Farm and Home Plan and revise Form FmHA 1962–1.

(*5*) If a borrower wants to dispose of chattels at a different time or in a different manner or wants to sell more or less than the planned quantity, the borrower must obtain FmHA's consent in advance of the sale. FmHA *must* give consent if the conditions set out on this form and in paragraph (b) of this section are met. When revisions are agreed to over the telephone, the County Supervisor should revise the Form FmHA 1962–1 contained in the borrower's case file, initial and date the change and mark the form "Revised." The County Supervisor will then either write to the borrower and confirm the revision, or send a copy of the "Revised" form to the borrower and ask the borrower to date and initial the change and return the form to the County Office. Otherwise, the County Supervisor will ask the borrower to date and initial the change the next time the borrower is in the County Office. Major changes in a borrower's operation will almost always require that the borrower visit the County Office so that a new Farm and Home Plan and a Form FmHA 1962–1 can be developed. If permission is not granted, see paragraph 1924.57(d)(2) of Subpart B of Part 1924 of this chapter.

(c) * * *

(5) Liens on separate items of chattels can be released to another creditor for purposes set out in paragraph (b)(2) of this section when it has been determined by a current appraisal that the value of the remaining security is substantially greater than the remaining FmHA debt.

(6) Liens on chattels for real estate type loans may be released when it has been determined by a current appraisal that the value of the remaining security is substantially greater than the remaining FmHA debt. Concurrence of the District Director must also be obtained for such a release and recorded in the running case record of the borrower's county office file.

* * * * *

89. Section 1962.34 is amended by revising paragraph (a)(3) to read as follows:

§ 1962.34 Transfer of chattel security and EO property and assumption of debts.

* * * * *

(a) * * *

(3) The transfer of EM actual loss loans, or EM loans made before September 12, 1975, will be made as provided under paragraph (b) of this section. However, when one or more of the borrowers or jointly obligated partners or joint operators withdraw from the operation and those remaining desire to assume the total indebtedness and continue the operation, a transfer to the remaining borrowers, partners, or joint operators may be made as an eligible transferee.

* * * * *

90. Section 1962.41 is amended by revising paragraph (e) to read as follows:

§ 1962.41 Sale of chattel security or EO property by borrowers.

* * * * *

(e)*Unpaid FmHA debt.* If the sale results in less than full payment of the FmHA debt, the borrower will be sent a letter similar to Exhibit F of Subpart A of Part 1955 of this chapter (available in any FmHA office). The account will be considered for debt settlement.

§ 1962.42 [Amended]

91. Section 1962.42 is amended by redesignating paragraph (c)(9) as paragraph (d).

PART 1965—REAL PROPERTY

92. The authority citation for Part 1965 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Servicing of Real Estate Security For Farmer Program Loans and Certain Note—Only Cases

93. Section 1965.2 is amended by designating the current paragraphs as paragraphs (a) and (b), respectively, and adding a new paragraph (c) to read as follows:

§ 1965.2 General policies.

(a) FmHA will service real estate security in a manner that best accomplishes the loan objectives and protects the Government's financial interest. To accomplish this, FmHA will service the real estate security in accordance with the security instruments and related agreements, including any authorized modifications and the provisions of this subpart.

(b) The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided that the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income is derived from any public assistance, program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with this law is the Federal Trade Commission, Equal Credit Opportunity, Washington, DC 20580.

(c) If the farm is situated in more than one State, county or parish, the loan will be serviced by the County Office servicing the county in which the borrower's residence is located. If the borrower is a corporaton, cooperative, partnership or joint operation or if the borrower's residence is not on the farm, the loan will be serviced by the County Office servicing the county in which the farm or a major portion of the farm is located.

94. Section 1965.26 is amended by revising paragraph (f)(6) as follows:

§ 1965.26 Liquidation action.

* * * * *

(f) * * *

(6) If a release from liability cannot be granted, the borrower will be sent a letter similar to Exhibit F of Subpart A of Part 1955 of this chapter (available in any FmHA office). The case will then be settled under the provisions of Part 1864 of this chapter (FmHA Instruction 456.1).

95. Section 1965.27 is amended by revising paragraph (b)(5) to read as follows:

§ 1965.27 Transfer of real estate security.

* * * * *

(b) * * *

(5) *Assumption on same terms.* In the following situations only, the debt will be assumed on the same terms as in the original note. The interest rate, final due date, account status (current, delinquent ahead of schedule) and repayment schedule will not be changed at the time of the assumption. The interest rate and repayment schedule may be changed after the assumption, in accordance with FmHA loan servicing regulations. Except as noted below, Forms FmHA 450–10, "Advice of Borrower's Change of Address or Name," FmHA 465–5, and FmHA 1965–13 must be prepared and distributed in accordance with the FMI in each of the following situations.

(i) EM actual loss loans may be assumed on the same terms by those who were actually involved in the operation at time of the loss and meet one of the following requirements:

(A) If an individual received the actual loss loan, the transferee must be either an individual who is an immediate family member of the borrower or an entity which is made up of only immediate family members of the borrower. Such a transferee can assume the entire amount of the actual loss loan on the same terms.

(B) If a partnership on a joint operation received the actual loss loan, the transferee must be either a partner or a joint operator who was a partner or joint operator in the partnership or joint operation at the time the actual loss loan was made, or an entity which is made up of only those who were partners in the partnership or joint operators in the joint operation at the time the actual loss loan was made. Such transferees can assume the entire amount of the actual loss loan on the same terms.

(C) If a corporation/cooperative received the actual loss loan, the transferee must be either a stockholder/member who was a stockholder/member of the corporation/cooperative at the time the actual loss loan was made or an entity which is made up of only stockholders/members who were stockholders/members of the corporation/cooperative at the time the actual loss loan was made. Such transferees can assume on the same terms only that portion of the actual loss loan equal to the transferee's percentage of ownership in the corporation/cooperative (or, in the case of an entity transferee, the combined percentages of the individual stockholders/members).

(ii) A deceased borrower's spouse, other relative or joint tenant who did not sign the note but who acquires title to the property will be allowed to assume the loan on the same terms. Form FmHA 465–5 will not be completed.

(iii) When one of the jointly liable individual borrowers withdraws from the operation and conveys his/her interest in the security to the remaining borrower, who will repay the total indebtedness, and assumption agreement is not required. This paragraph does not apply to partners in a partnership, joint operators in a joint operation, stockholders in a corporation or members of a cooperative. The previous joint owner will be released from liability for the indebtedness by completing Parts 1 and 3 of Form FmHA 1965–8, "Release from Personal Liability," provided:

(A) A divorce decree or property settlement document did not make the withdrawing party responsible for loan payments;

(B) The value of the security is at least equal to the debt;

(C) The withdrawing party's interest in the security is conveyed to the person with whom the loan will be continued; and

(D) The person with whom the loan will be continued has adequate repayment ability.

(iv) A family member of a borrower who wants to assume a debt with the existing borrower(s) may do so on the same terms. After the transfer, the assuming family member may own the property jointly with the existing borrower(s) or subject to a life estate of the existing borrower.

(v) If there is only one stockholder/member/partner/joint operator of a corporation/cooperative/partnership/joint operation who is personally liable on the note, and that stockholder/member/partner/joint operator withdraws from the operation or dies, *all* of the remaining individuals will be required to assume personal liability on the loan(s) or else the transfer will not be approved. A Form FmHA 465–5 does not have to be processed unless title to the real estate is transferred.

(vi) If a stockholder/member/partner/joint operator or another corporation/cooperative/partnership/joint operation buy out the ownership interest of the other stockholders/members/partners/joint operators and continues to operate the farm; and if the remaining stockholder(s)/member(s)/partner(s)/joint operator(s) is not personally liable on the note(s), that stockholder(s)/member(s)/partner(s)/joint operator(s) will be required to assume personal liability on the loan(s) or else the transfer will not be approved. A Form FmHA 465–5 does not have to be processed unless title to the real estate is transferred.

(vii) New stockholders/members/partners/joint operators entering the corporation/cooperative/partnership/joint operation will be required to assume personal liability on the loan or else the transfer will not be approved. A Form FmHA 465–5 does not have to be processed unless title to the real estate is transferred.

* * * * *

Dated: April 15, 1986.

Frank W. Naylor, Jr.,

Under Secretary for Small Community and Rural Development.

[FR Doc. 86–8831 Filed 4–18–86; 8:45 am]

BILLING CODE 3410-07-M

Food Safety and Inspection Service

9 CFR Parts 303 and 381

[Docket No. 86-007N]

Meat and Poultry Inspection; Exemptions for Retail Stores; adjustment of Dollar Limitations

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Announcement of Adjustment of dollar limitations.

SUMMARY: This notice announces that the dollar limitations currently in effect for the annual sales of meat and poultry product by retail stores, exempt from Federal inspection requirements, to consumers other than household consumers, such as hotels, restaurants and similar institutions, remain at $28,800 for meat products and at $28,200 for poultry products per calendar year.

EFFECTIVE DATE: April 21, 1986.

FOR FURTHER INFORMATION CONTACT: Dr. Irwin Dubinsky, Director, Policy Office, Policy and Planning Staff, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–6735.

SUPPLEMENTARY INFORMATION.

Background

Federal inspection of meat and poultry products prepared for sale and distribution in commerce and in States designated under section 301(c) of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 661(c)) and section 5(c) of the Poultry Products Inspection Act (PPIA) (21 U.S.C. 454(c)) is required by law and administered by the Food Safety and Inspection Service (FSIS). However, section 301(c)(2) of the Federal Meat Inspection Act (21 U.S.C. 661(c)(2)) and section 5(c)(2) of the Poultry Products Inspection Act (21 U.S.C. 454(c)(2)) state that the general requirement of routine

Federal inspection ". . . shall not apply to operations of types traditionally and usually conducted at retail stores . . . when conducted at any retail store . . . for sale in normal retail quantities . . . to consumers. . . ."

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

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

The BLS Consumer Price Index for 1985 indicates a price decrease in meat products of 1.0 percent and a price decrease in poultry products of 1.0 percent. When rounded off to the nearest $100, this price decrease amounts to $300 for each product category.

Since a change in excess of $500 is not indicated for either meat or poultry products, FSIS in accordance with §§ 303.1(d)(2)(iii)(*b*) and 381.10(d)(23)(iii)(*b*), has not changed the dollar limitations on product sales to consumers other than household consumers by establishments operating as retail establishments exemption from Federal inspection requirements. Therefore, the dollar limitations for 1986 remain at $28,800 for meat products and $28,200 for poultry products.

Done at Washington, DC, on: April 15, 1986.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 86-8871 Filed 4-18-86; 8:45 am]

BILLING CODE 3410-DM-M

FEDERAL RESERVE SYSTEM

12 CFR Part 205

[Reg. E; EFT-2]

Electronic Fund Transfers; Official Staff Commentary Update

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final official staff interpretation.

SUMMARY: The Board is publishing revisions to the official staff commentary to Regulation E (Electronic Fund Transfers). The commentary applies and interprets the requirements of Regulation E and is a substitute for individual staff interpretations of the regulation. The revisions represent final action on proposed changes published for comment in December 1985.

EFFECTIVE DATE: April 16, 1986.

FOR FURTHER INFORMATION CONTACT: Gerald P. Hurst or John C. Wood, Senior Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452-3667 or (202) 452-2412, or Earnestine Hill or Dorothea Thompson, Telecommunication Device for the Deaf (TDD) at (202) 452-3544.

SUPPLEMENTARY INFORMATION: (1) *General.* The Electronic Fund Transfer Act (15 U.S.C. 1693 *et seq.*) governs any transfer of funds that is electronically initiated and that debits or credits a consumer's account. This statute is implemented by the Board's Regulation E (12 CFR Part 205). Effective September 24, 1981, an official staff commentary (EFT-2, Supp. II to 12 CFR Part 205) was published to interpret the regulation. The commentary is designed to provide guidance to financial institutions in applying the regulation to specific situations. The commentary is updated periodically to address significant questions that arise. There have been three updates so far; these were published on April 6, 1983 (48 FR 14880), October 18, 1984 (49 FR 40794), and April 3, 1985 (50 FR 13180). A proposed fourth update was published for comment on December 11, 1985 (50 FR 50794); this notice contains the final version.

(2) *Explanation of revisions.* Question 3-7.5 deals with the issue of whether requiring payment by preauthorized electronic fund transfers (EFTs) as part of a biweekly mortgage program would violate the complusory use prohibition in section 913(1) of the Electronic Fund Transfer Act (15 U.S.C. 1693k(1)). In response to comments on the proposed version, the final version emphasizes that the repayment plan in question would be optional, notes that the lower finance charge results from the frequency of the payments, and makes clear that the interpretation is not limited to mortgage loans.

Question 10-18.6 (designated question 10-81.75 in the proposal) clarifies the statutory and regulatory provisions requiring preauthorized EFTs to be "authorized by the consumer only in writing" (15 U.S.C. 1693e(a) and 12 CFR § 205.10(b)). The issue is whether this statutory and regulatory requirement is met by a payee signing a written authorization as the consumer's agent, based on the consumer's oral authorization of the preauthorized EFTs in a taped telephone conversation.

Existing question 10-18.5 addresses the question of telephone authorizations, and sanctions the procedure of sending the consumer a form to sign and return following a telephone conversation. Although this question can be viewed as already dealing with the issue at hand, a new question was proposed to make clear that the addition of a tape recording (with the payee signing a written authorization on behalf of the consumer) does not satisfy the requirement that preauthorized transfers be authorized "only in writing" by the consumer.

After careful consideration of all comments received and further analysis of the statutory and regulatory language, the interpretation is being adopted essentially as proposed. (A phrase in the question and the final sentence in the answer have been deleted as unnecessary to the resolution of the issue.) The Electronic Fund Transfer Act makes distinctions between written and oral requirements, and in the case of preauthorized EFTs the Board believes that the position taken in question 10-18.6 reflects the plain meaning of the statutory language that authorization may be made by "the consumer *only* in writing" (emphasis added). Allowing payees to satisfy the requirement for a written authorization by signing an authorization on behalf of the consumer based upon a telephone conversation—even a tape recorded one—would in effect permit oral authorizations for preauthorized EFTs in contradiction of the language of the statute and regulation.

Although the term "writing" may be viewed as including a tape recording under other laws for some purposes—for example, some evidence rules include tape recordings as writings—the Board believes that, in the absence of an indication to the contrary in the statute or the legislative history, the phrase "only in writing" in the preauthorization of EFTs does not encompass the tape recording of a consumer's oral authorization. The Board believes that such an interpretation of the word "writing" would render the statutory and regulatory provisions meaningless by, in effect, allowing oral authorizations for preauthorized EFTs.

Some commenters expressed concern that the proposed interpretation would bar all authorizations of preauthorized EFTs by agents (including, for example, authorizations under power of attorney for incapacitated persons). The interpretation does not address agency questions generally; rather, it is limited to the question of a payee or a payee's agent acting under an oral authorization from the consumer.

Numerous commenters from the telemarketing industry believed that, if adopted, the proposed answer could make it impossible for telemarketing programs to arrange for payment by preauthorized EFTs. While the Board's position may require a change in procedure because a payee will have to obtain a written authorization from the consumer, the requirement could be satisfied, for example, by the telemarketer's sending the consumer a form to be signed and returned, as outlined in existing question 10–18.5.

Other commenters pointed out that the requirement for a written authorization means that there is a difference in the rules for preauthorizing EFTs and for authorizing credit card transactions. The divergent rules are based directly on the underlying statutes: the Truth in Lending Act, which governs credit card transactions, contains no limitation similar to that established by § 907 of the Electronic Fund Transfer Act. One reason for the variance in treatment may be the different nature of the accounts accessed. Electronic fund transfers involve a consumer asset account, such as a checking or savings account, in which withdrawals could have an immediate adverse impact on the consumer, by depleting the account of funds needed for housing or other living expenses, for example. Credit card transactions, on the other hand, involve a credit account and charges will first show up on a billing statement, so that transactions do not have an immediate impact on the consumer.

List of Subjects in 12 CFR Part 205

Banks, banking; Consumer protection; Electronic fund transfers; Federal Reserve System; Penalties.

1. The authority citation for Part 205 continues to read as follows:

Authority: Pub. L. 95–630, 92 Stat. 3730 (15 U.S.C. 1693b).

2. *Text of revisions.* The revisions to the Official Staff Commentary on Regulation E (EFT–2, Supp. II to 12 CFR Part 205) read as follows:

* * * * *

Section 205.3—Exemptions

* * * * *

Q 3–7.5: *Compulsory use—biweekly loan programs.* A lender offers consumers the option of a mortgage or other loan involving biweekly payments. Use of this option results in a somewhat lower total finance charge than a plan involving monthly payments. An integral part of this option is a requirement that consumers make the biweekly payments by preauthorized electronic fund transfers. Does this requirement violate the act's prohibition against compulsory use of electronic fund transfers?

A: No, because the biweekly repayment plan is optional and because the lower finance charge resulting from the more frequent payments offers a cost-related incentive. (§ 205.3(d)(3), section 913)

* * * * *

Section 205.10—Preauthorized Transfers

* * * * *

Q 10–18.6: *Preauthorized debits—authorization by agent.* A telemarketing company (directly or through an agent) asks consumers to make the monthly payments for their purchases by preauthorized electronic fund transfers. If a consumer agrees, the company obtains the consumer's bank account number and completes a written authorization based on the telephone conversation (which the company records). The company signs the authorization as the consumer's agent and sends the consumer a written confirmation of the transaction. Does this procedure satisfy the requirement of the act and regulation that preauthorized EFTs may be authorized by the consumer only in writing?

A: No. The requirement that preauthorized EFTs may be authorized by the consumer only in writing cannot be met by a payee signing a written authorization on the consumer's behalf, with only an oral authorization from the consumer. The tape recording of the telephone conversation does not constitute an authorization by the consumer "in writing" for purposes of the requirement. (§ 205.10(b))

* * * * *

Board of Governors of the Federal Reserve System, April 14, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86–8713 Filed 4–18–86; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85–ASW–31, Amdt. 39–5282]

Airworthiness Directives; McDonnell Douglas Helicopter Company (Hughes Helicopters, Inc.) Model 269 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which requires repetitive inspections of certain tail rotor blades and use of corrosion protection procedures, as necessary, on McDonnell Douglas Helicopter Company (MDHC) Model 269A, 269A–1, 269B, and 269C helicopters including military Model TH–55A. MDHC now produces improved blades. This amendment is needed to limit the applicability of the AD to tail rotor blades which have not had the improved cadmium plating process applied.

DATES: Effective date: May 19, 1986.

Compliance: As indicated in the body of the AD.

ADDRESSES: The applicable service information may be obtained from MDHC, Centinela Avenue and Teal Street, Culver City, California 90230. A copy of each document is contained in the Rules Docket at the Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, Room 158, Building 3B, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Sullivan, Aerospace Engineer, Airframe Section, ANM–172W, Western Aircraft Certification Office, Northwest Mountain Region, FAA, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009–2007, telephone (213) 297–1166.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an amendment to an airworthiness directive which requires inspection of tail rotor blade spars for corrosion on certain MDHC Model 269 series

helicopters was published in the Federal Register on December 9, 1985 (50 FR 50172). After issuing Amendment 39–3608 in 1979, the FAA has determined that the MDHC improved cadmium plating process used since 1983 in the manufacture of spars for tail rotor blades Part Number (P/N) 269A6035–21 and –23, has proven to be effective in controlling corrosion. Consequently, the tail rotor blades manufactured using this process shall no longer be included in the applicability paragraph of AD 79–23–03. As AD 79–23–03 is presently written, ever –21 and –23 tail rotor blade being produced is subject to the repetitive inspections imposed by the AD since the manufacturer did not assign a new part number to the improved blade. Therefore, the FAA is amending Amendment 39–3608 to include the pertinent serial numbers to limit the applicability of AD 79–23–03 to tail rotor blades P/N 269A6035–21, Serial Numbers (S/N's) 0877 and prior as well as P/N 269A6035–23, S/N's 2710 and prior, on MDHC Model 269 series helicopters.

This amendment also revises paragraph (j) to reflect the FAA aircraft certification office currently responsible for the continued airworthiness of the MDHC Model 269 series helicopters.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received. Accordingly, the proposed regulation is adopted without change.

The FAA has determined that this regulation provides relief in the form of limiting repetitive inspections to tail rotor blades which have not had the improved cadmium plating process applied. It would, therefore, remove an unnecessary economic burden from the public, and impose no additional regulatory burden on any person. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act because the anticipated impact is a minimal positive impact. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

List of Subjects 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

2. By amending Amendment 39–3608 (44 FR 65387), AD 79–23–03, by revising the applicability paragraph and paragraph (j) to read as follows:

McDonnell Douglas Helicopter Company (Hughes Helicopters, Inc.): Applies to Models 269A, 269A–1, 269B, and 269C, including military TH–55A, certificated in any category, equipped with tail rotor blades designated below:

Group I: * * *

Group II: P/N 269A6035–21, S/N's 0877 and prior, P/N 269A6035–23, S/N's 2710 and prior

* * * * *

(j) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Manager, Western Aircraft Certification Office, ANM–170W, FAA, Northwest Mountain Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009–2007;

* * * * *

This amendment becomes effective May 19, 1986.

Issued in Fort Worth, Texas, on April 1, 1986.

Don P. Watson,

Acting Director, Southwest Region.

[FR Doc. 86–8805 Filed 4–18–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 86–AWP–3]

Revised Description of the Palm Springs, CA, Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The revised description to the existing Palm Springs, California, Control Zone is necessary as a result of the upcoming name and identification change of the Palm Springs Very High Omni-directional Radio Range and Tactical Air Navigational Aid (VORTAC). This action does not change the actual dimensions of the existing control zone, but will only provide editorial changes to the description.

DATES: Effective Date: 0901 UTC, July 3, 1986. Comments must be received on or before June 16, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP–520, Docket No. 86–AWP–3, Air Traffic Division, P.O. Box 90027, WWPC, Los Angeles, California 90009.

The official docket may be examined in the Office of the Regional Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6W14, 15000 Aviation Boulevard, Lawndale, California.

An informal docket may also be examined during normal business hours at the Office of the Manager, Airspace Branch, Air Traffic Division, at the above address.

FOR FURTHER INFORMATION CONTACT: Frank T. Torikai, Airspace Specialist, Airspace Branch, AWP–520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90260; telephone (213) 297–1649.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves redefining the existing Palm Springs, California, Control Zone, and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.171 of Part 71 is to redefine the existing Palm Springs, California, Control Zone description. This action only provides editorial changes and does not alter the existing airpsace. To preclude numerous editorial changes to control zone description, this amended

description refers to geographical coordinates which are permanent in nature and not subject to change as names or location of navigational aids. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to redefine the Palm Springs, California, Control Zone. Therefore, I find that notice and public procedure under 5 U.S.C. 553(b) are impractical and contrary to the public interest. For the same reasons, I find that good cause exists for making this amendment effective coincident with the next charting date.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, control zones.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

PART 71—[AMENDED]

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

Authority: 49 U.S.C. 1348(a), 1354(a); 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

2. § 71.171 is amended as follows:

Palm Springs, CA—[Revised]

"Beginning at lat. 33°53'42" N., long. 116°28'19" W.; to lat. 33°55'01" N., long. 116°27'24" W.; to lat. 33°52'11" N., long. 116°21'32" W.; to lat. 33°49'10" N., long. 116°23'37" W.; to lat. 33°49'53" N., long. 116°25'06" W.; thence clockwise via the 5-mile radius of the Palm Springs Municipal Airport (lat. 33°49'41" N., long. 116°30'19" W.); to lat. 33°48'53" N., long. 116°25'05" W.; to lat. 33°47'20" N., long. 116°22'27" W.; to lat. 33°44'29" N., long. 116°24'51" W.; to lat. 33°46'02" N., long. 116°27'29" W.; thence clockwise via the 5-mile radius of the Palm Springs Municipal Airport (lat. 33°49'41" N., long. 116°30'19" W.); to the point of beginning."

Issued in Los Angeles, California, on April 9, 1986.

Wayne C. Newcomb,

Manager, Air Traffic Division.

[FR Doc. 86-8806 Filed 4-18-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Reg. No. 16]

Supplemental Security Income for the Aged, Blind, and Disabled; Subpart K—Income

AGENCY: Social Security Administration, HHS.

ACTION: Final rules.

SUMMARY: Under the decision of the United States Court of Appeals for the Seventh Circuit in the case of *Jackson* v. *Schweiker*, 683 F.2d 1076 (7th Cir. 1982), and pursuant to the orders of the United States District Court for the Northern District of Indiana in *Jackson* v. *Heckler*, No. S79-213 (N.D. Ind. Jan. 6, 1984 and Oct. 10, 1985), the Department is publishing this change in the Supplemental Security Income (SSI) regulations to provide that, in determining the eligibility for and amount of SSI benefits in the States in the Seventh Circuit (Illinois, Indiana, and Wisconsin), a claimant will be considered not to be receiving in-kind support and maintenance in the form of a rental subsidy if the amount of rent that must be paid under a rental agreement is equal to or greater than the presumed maximum value derived under the presumed value rule described in § 416.1140. The presumed maximum value is equal to one-third of the applicable Federal benefit rate plus the general income exclusion of $20. Specifically, the change provides that a claimant will be considered not to be receiving a rental subsidy if the amount of monthly rent that must be paid is equal to or greater than the presumed maximum value. If the amount of required monthly rent is less than the presumed maximum value, we will determine the amount of the rental subsidy, if any, by subtracting the required payment from either the presumed maximum value or the current market value, whichever is less. *Jackson* is a Seventh Circuit decision. Thus, this rule change applies only to SSI claimants in States in the Seventh Circuit.

DATE: These rules are effective April 1, 1986. We will accept comments we receive by June 20, 1986. Although we cannot change the provisions of the rules which were prescribed by the court, at least with respect to Indiana, we will take these comments into consideration in possible future changes to our rental subsidy policy.

ADDRESSES: Comments may be submitted in writing to the Acting Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203 or delivered to 3-A-3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235 between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Dave Smith, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, Telephone 301-594-7457.

SUPPLEMENTARY INFORMATION: Under the SSI program we count as unearned income any in-kind support and maintenance received by an individual. The Social Security Administration (SSA) values unearned income received in the form of in-kind support and maintenance using the presumed value rule in 20 CFR 416.1140. Under that rule we presume that the actual value of any food, clothing, or shelter an individual receives is equal to no more than one-third of the applicable Federal benefit rate plus the general income exclusion of $20 per month under § 416.1124(c)(12).

In *Jackson*, the plaintiff's SSI benefits had been suspended after the SSA determined that her unearned income, including a rental subsidy from her sister, gave her a monthly income greater than her Federal benefit rate. Ms. Jackson's Federal benefit rate was $189.40. Because she received a monthly Veterans Administration (VA) pension of $133, her monthly SSI benefit was $56.40. She rented the house in which she lived for $145 a month. The current market rental value of the house was $250 a month. Ms. Jackson was, therefore, determined to be receiving a rental subsidy of $105 a month. Using the presumed value rule, as described above, SSA imputed to Ms. Jackson a rental subsidy in the amount of $83.13

(one-third of $189.40 or $63.13, plus $20). The subsidy of $83.13 plus the VA pension of $133 caused Ms. Jackson's monthly countable income to exceed the Federal benefit rate of $189.40, and so her SSI benefit of $56.40 a month was suspended.

In *Jackson*, the Seventh Circuit decided that it was not enough that a claimant be provided "shelter or other basic necessities" below market value for those items to be counted as income for SSI purposes. Rather, the court held that, to be counted as income, the items provided must result in increased purchasing power to meet the claimant's basic needs.

The Seventh Circuit remanded the case to the district court with instructions to order the Secretary to amend either the regulations or procedures "to provide relief to affected class members consistent with this opinion." On January 6, 1984, the district court ordered the Secretary to amend the challenged regulations to reflect the holding of the court of appeals. We submitted a proposed regulation to the court on March 5, 1984. Plaintiff submitted proposed modifications, and the court approved the regulation as modified in an order dated October 10, 1985. We are publishing this regulation to comply with the court order of October 10, 1985. Because this revised regulation is being issued to comply with the Seventh Circuit's interpretation of the SSI statute and regulation, we are applying the revised regulation in all States in the Seventh Circuit.

Provisions of the Regulation

To implement the court's orders, we will apply a special rule to be applicable in the States of Illinois, Indiana, and Wisconsin. Under our usual rules, a claimant is not considered to be receiving a rental subsidy if he or she is paying the amount charged under a business arrangement. The new rule provides that a business arrangement exists when the amount of monthly rent required to be paid equals the current market rental value. Further, a business arrangement exists when the amount of monthly rent required to be paid is equal to or greater than the presumed maximum value derived under the presumed value rule described in § 416.1140. If the required rent is less than the presumed maximum value we will impute, as in-kind support and maintenance, the difference between the required amount of rent and either the presumed maximum value or the current market value, whichever is less. The result of this rule is that a claimant whose required rent does not exceed the presumed maximum value would always have funds at least equal to two-thirds of his or her Federal benefit rate minus $20 available to meet his or her other basic needs. (Required rent equals $132, Federal benefit rate equals $336, $204 remains available for other needs.)

Justification for Final Rules

The Department, even when not required by statute, as a matter of policy generally follows the Administrative Procedure Act (APA) notice of proposed rulemaking and public comment procedures specified in 5 U.S.C. 553 in the development of its regulations. The APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest. We have determined that under 5 U.S.C. 553(b)(B), good cause exists for waiver of proposed rulemaking and public comment procedures on these regulations because we are implementing court orders specifically mandating changes to the regulations.

Since the regulation is effective only for States in the Seventh Circuit, and that circuit mandated a revision of our rental subsidy policy, we find that use of notice and comment procedures is unnecessary. Directly affected members of the Indiana class had the opportunity to comment on the terms of the regulation through the court action. A certified class in Wisconsin and Illinois has requested that the relief ordered by the *Jackson* district court be extended to them. *See Beckless* v. *Heckler*, No. 84–C–9335 (N.D. Ill. filed Oct. 26, 1984). Moreover, we could not make any changes to the regulation as a result of public comment.

Use of notice and comment procedures is also impracticable. The district court has ordered us to issue notices and accept requests for reconsideration under the amended regulation in time frames that are too short to allow for prior notice and opportunity for comment. Therefore, these rules are being issued as final rules and will become effective on the first day of the month they are published in the **Federal Register.**

Regulatory Procedures

Executive Order 12291

This regulation has been reviewed under Executive Order 12291 and we have determined that it will not have an annual effect on the economy of $100 million or more, or otherwise meet the threshold of the Executive Order. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act

This regulation will impose no new reporting or recordkeeping requirements requiring clearance by the Office of Management and Budget.

Regulatory Flexibility Act

We certify that this regulation will not have a significant economic impact on a substantial number of small entities since it affects primarily aged, blind, or disable individuals in the States of Illinois, Indiana, and Wisconsin receiving, or applying for, SSI benefits. Those States will be affected because they supplement the Federal SSI benefit and so might incur additional costs. However, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act, 5 U.S.C. 601–612.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income (SSI).

Dated: March 19, 1986.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approved: March 27, 1986.

Otis R. Bowen,

Secretary of Health of Human Services.

PART 416—[AMENDED]

Part 416 of Chapter III of title 20 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Subpart K of Part 416 continues to read as follows:

Authority: Secs. 1102, 1611, 1612, 1613, 1614, and 1631 of the Social Security Act as amended; sec. 211 of Pub. L. 96–66; 49 Stat. 647, as amended; 86 Stat. 1466, 1468, 1470, 1471, and 1475; 87 Stat. 154; 42 U.S.C 1302, 1382, 1382a, 1382b, 1382c, and 1383. Sec. 202 of Pub. L. 96–265, 94 Stat. 449; 42 U.S.C. 1382c.

2. Paragraph (b) of § 416.1130 is revised to read as follows:

§ 416.1130 Introduction.

(a) * * *

(b) *How we define in-kind support and maintenance.* In-kind support and maintenance means any food, clothing, or shelter that is given to you or that you receive because someone else pays for it. Shelter includes room rent, mortgage payments, real property taxes, heating fuel, gas, electricity, water, sewerage, and garbage collection services. You are not receiving in-kind support and maintenance in the form of room or rent

if you are paying the amount charged under a business arrangement. A business arrangement exist when the amount of monthly rent required to be paid equals the current market rental values (see § 416.1101). *Exception:* In the States in the Seventh Circuit (Illinois, Indiana, and Wisconsin), a business arrangement exists when the amount of monthly rent required to be paid equals or exceeds the presumed maximum value described in § 416.1140(a)(1). In those States, if the required amount of rent is less than the presumed maximum value, we will impute as in-kind support and maintenance, the difference between the required amount of rent and either the presumed maximum value or the current market value, whichever is less.

* * * * *

[FR Doc. 86-8827 Filed 4-18-86; 8:45 am]
BILLING CODE 4190-11-M

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20 CFR Part 416

[Regulation No. 16]

Supplemental Security Income for the Aged, Blind, and Disabled; Eligibility; Filing of Applications; Amounts of Benefits; Suspensions and Terminations; Relationship; Prorating SSI Monthly Benefit Payments

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: We have revised our regulations to reflect section 1611(c) of the Social Security Act (the Act), as amended by section 181 of Pub. L. 97-248 (the "Tax Equity and Fiscal Responsibility Act of 1982") which was effective on October 1, 1982. The revised regulations provide that Supplemental Security Income (SSI) benefit payments for the month of initial eligibility will be prorated from the date of application or the date an individual meets all eligibility requirements, whichever is later. They will also provide that the SSI benefit payments for the month after a month or more of ineligibility will be prorated from the date an individual again meets all eligibility requirements.

EFFECTIVE DATES: These regulations are effective the month following the month of publication in the **Federal Register**, but the statutory changes which these regulations reflect were effective October 1, 1982.

FOR FURTHER INFORMATION CONTACT: Henry D. Lerner, Legal Assistant, Social Security Administration, Office of Regulations, 6401 Security Boulevard, 3-B-3 Operations Building, Baltimore, Maryland 21235, (301) 594-7463.

SUPPLEMENTARY INFORMATION: We published a Notice of Proposed Rulemaking which reflects the provisions of section 1611(c) of the Act, as amended by section 181 of Pub. L. 97-248, on September 5, 1985 (50 FR 36108) and provided a 60-day comment period. Since no comments were received during the comment period, we are publishing these final rules without change.

Prior Law

From January 1974 through September 30, 1982, an individual was paid SSI benefits from the first day of the first month the individual met all eligibility requirements, regardless of what day during that month he or she applied or on what day in the month he or she met the other factors of eligibility (attainment of age 65, onset of disability, etc.) for SSI benefits. Further, a person was also paid SSI benefits from the first day of the month in which he or she reacquired eligibility after a month or more of ineligibility, without regard to what day during the month all factors of eligibility were again met. Consequently, some individuals, when they met all eligibility requirements on a day other than the first day of the month, received an SSI benefit check which included benefits for days before the individual met all eligibility requirements.

Section 181 of Pub. L. 97-248

Section 181 of Pub. L. 97-248 amended section 1611(c) of the Act to change the way the amount of SSI benefits is determined in the month of initial eligibility and in the first month in which an individual again meets all eligibility requirements after a month or more of ineligibility. Effective October 1, 1982, such SSI benefit payments must be prorated.

When SSI benefit payments are prorated, an individual who meets all factors of eligibility on a day other than the first day of the month of initial eligibility or on a day other than the first day of the month after a month or more of ineligibility is paid an amount which is less than a full month's benefits. The amount of benefits for such month is based on the number of days in the month the individual meets all eligibility requirements, beginning with the day in that month the individual first meets the requirements through the end of the month.

The purpose of prorating SSI benefit payments is to ensure that SSI benefits are paid only for the period individuals meet all eligibility requirements for benefits.

The Provisions of These Regulations; General

These regulations provide that in a month of initial eligibility the amount of the SSI benefit payment is based on the number of days from and including the day on which an individual first meets all of the requirements for eligibility (filing an application is a requirement of eligibility) through the end of the month. When an individual again meets all eligibility requirements after a month or more of ineligibility, the amount of the SSI benefit payment is based on the number of days from and including the day on which an individual again meets all factors of eligibility through the end of month. Under these regulations, proration will apply to both Federal SSI benefits and federally administered optional State supplementation (OSS). Proration will not, however, apply to mandatory minimum State supplementation (MMSS).

Subpart B—Eligibility

Section 416.211 currently provides that with certain limited exceptions an individual is not eligibe for SSI benefits for any month throughout which he or she is a resident of a public institution. This section has been expanded by these regulations also to provide that an individual, who is a resident of a public institution at the time he or she applies for and first meets all other eligibility factors for SSI benefits, will be considered ineligible until the date on which he or she is no longer a resident of the public institution. That is, the SSI benefit amount for such a month will be prorated based on the date of discharge from the public institution.

We have made this change because the purpose of section 1611(c) is to assure that the amount of the SSI benefits payable for a month of initial eligibility or re-eligibility reflects only the number of days in which individuals establish their need for such benefits by meeting all eligibility requirements. The legislative history of this provision states, ". . . since SSI is available only to the needy the committee believes that benefits should not be provided for periods prior to the time the individual recognizes his need and requests assistance." S. Rep. No. 97-494, Vol. I, 97th Cong., 2d Sess. 56 (1982).

Section 1611(e) of the Act, which describes the limitations on eligibility for SSI benefits of certain individuals, provides in part that any individual who is a resident of a public institution throughout a month cannot be eligible

for SSI benefits. The proration provisions of section 1611(c) of the Act do not change the SSI eligibility requirements nor do they expressly provide that benefits can be prorated based on the date of discharge from a public institution. On the other hand, section 1611(c) does not specify those situations in which we must prorate SSI benefits. The statute merely specifies the month to which proration applies and the date to use as the basis for determining the prorated amount. Therefore, it is within the Secretary's authority to determine when SSI eligibility is met or restored for purposes of implementing proration.

The purpose of the proration provision as previously noted, is to pay an amount based on the days in the month an individual meets all eligibility requirements for such benefits. In carrying out this purpose, these regulations will prorate benefits from the date of discharge from the public institution both in cases of initial eligibility and reeligibility. During these months the needs of the individual are being met by the public institution until the date of discharge. Therefore, to pay SSI benefits from the date of discharge is within the purpose of section 1611(c).

Subpart C—Filing of Applications

These regulations will amend several sections of Subpart C to implement section 1611(c) as amended by section 181 of Pub. L. 97–248, to make changes that are technical and clarifying, and to make other changes that will make the regulations within Subpart C consistent with each other and to make them as consistent as is practicable with the rules dealing with the filing of applications that we follow in the Old-Age, Survivors, and Disability Insurance (OASDI) programs.

The current rules in § 416.325(b) that discuss the exceptions to the general rule as to when an application is considered filed and in § 416.340 that discuss the use of the date of a written statement as the application filing date are inconsistent. Section 416.325(b) provides that, when an application for SSI benefits is mailed, if using the date we receive the application results in a loss of benefits, we consider the application as being filed on the date shown by a United States postmark. Section 416.340 provides that the date a written statement, such as a letter, is received at a Social Security office (whether or not it was mailed) is to be considered the application filing date if the use of that date will result in eligibility for additional benefits. These regulations make §§ 416.325(b) and 416.340 consistent with one another.

We are revising §§ 416.325(b) and 416.340 to provide that we consider an application for SSI benefits as being filed on the date that the document (application or written statement) is received by us or by someone authorized to act on our behalf. If the application or written statement is mailed to us, we will use the date of mailing as shown by a United States postmark. By amending § 416.340 to permit the use of the postmark date of a written statement as an application filing date we also make the rules of Title XVI more consistent with the rules in the OASDI programs that deal with the filing of applications, and thus eliminate an element of confusion that now exists. Further, a written statement constitutes an intent to file for benefits. Therefore, a written statement should be given the same consideration as a mailed written application.

Sections 416.325(b) and 416.340 provide further that if there is no postmark or if it is unreadable, we will use the date of signature (if dated) or 5 days before the day the signed application or written statement was received, whichever date is later. In effect this revision will also amplify on and make these rules more specific. At present, § 416.325(b) simply indicates that when the postmark is not available or there was no postmark, we consider other evidence of when the application was mailed to us.

Section 416.325(b) is revised to provide that SSI benefits will be paid effective with the date on which an application is filed, if all other factors of eligibility are met on that date. The rules will also provide that benefits cannot be paid for any period before the date of application, when the application is filed on a date after all other factors of eligibility are met.

The revisions to § 416.330, for the most part, reflect changes that were proposed on May 16, 1983, in a separate NPRM that was published in the **Federal Register** at 48 FR 21967 to implement the provisions of section 306 of Pub. L. 96–265, the Social Security Disability Amendments of 1980. These changes relate to the effective period of applications when a hearing decision on the application is pending. The additional change that we are making in § 416.330 is simply to provide that if an individual meets all requirements of eligibility while an application is in effect, we will pay SSI benefits from the first day (rather than the first month) that he or she meets all the requirements.

We have changed the example in § 416.315 to reflect proration. The revision to the rules in § 416.320 is not substantive; it corrects a technical error. The revision to the rules in § 416.345 is editorial in nature.

Subparts D–Amount of Benefits and E–Payment of Benefits

Amendments to Subpart E (Payment of Benefits) that implement proration appear in the final rules implementing section 1611(c)(1) as amended by section 2341 of Pub. L. 97–35 which provides for retrospective monthly accounting (RMA). These final rules also include a change to Subpart D.

Section 1611(c) as amended by section 2341 of Pub. L. 97–35 requires, with certain exceptions, the use of RMA in the SSI program. Final regulations dealing with RMA, which were published in the **Federal Register** on November 26, 1985 (50 FR 48563) included amendments to Subpart D to implement RMA. The final RMA regulations that were published separately, were updated to take account of provisions of section 1611(c) as amended by section 181 of Pub. L. 97–248, so that the rules contained therein will not be incorrect and outdated. For this reason, amendments to §§ 416.501 and 416.502 of Subpart E and § 416.420(b)(1) of Subpart D have not been included in these rules.

Section 416.420 as included in the RMA regulations will provide that in the month of initial eligibility or reeligibility the SSI benefit amount will be prorated according to the number of days in the month that the individual is eligible beginning with the date of application or the date all eligibility requirements are met, whichever is later. Formerly, an application was considered to have been received on the first day of the month in which we received the application and SSI benefits were paid for the entire month.

Section 416.501, as amended in the RMA regulations, will provide that SSI benefits will be prorated and they will be paid beginning on the first day on which the individual meets all requirements for eligibility regardless of whether it is a month of initial eligibility or a month following a month or more of ineligibility. Since it is now possible for members of a couple to become eligible for SSI benefits on different days of the month, this section also provides that each member of a couple may receive different SSI payment amounts for a month if each meets the eligibility requirements on different days of the month.

Section 416.502, which describes the manner in which we pay SSI benefits, as included in the RMA regulations,

provides that SSI benefits payable to an individual will not be paid before the day on which the individual acquires or reacquires eligibility. This section also provides that, unless otherwise indicated, the monthly amount of SSI benefits payable to an eligible couple will be equally divided and paid.

These rules also amend Subpart D to include a new § 416.421 that explains the way we compute prorated benefits. Under these rules, the amount of the SSI benefit payment is prorated based on the date all eligibility factors, except income and resources, are met. For a fuller discussion of the policy on income and resources, see below under the heading "Subpart M—Suspensions and Terminations".

Payment Computation

In determining the amount of SSI benefit payments due for a month in which benefits are to be prorated:

(1) We first compute the amount of the SSI benefit payment which the claimant would receive for the month without proration. (We call this the unprorated benefit.)

(2) We then determine the date in the month on which the claimant meets all factors of eligibility. (We call this the proration date.)

(3) We then count the number of days in the month a claimant meets all eligibility factors, beginning with the proration date and counting through the end of the month. (We call these the benefit days.)

(4) We then multiply the unprorated benefit by the number of benefit days and divide by the number of days in the month for which benefits are being determined. The result is the amount of the SSI benefit payment due for the month in which the benefits are to be prorated.

These steps will be followed in computing the federally administered OSS also. We will do this since it is SSA policy to maintain consistent rules for determining OSS and Federal SSI benefits. We do this under our authority in section 1616(b) of the Act to establish rules, when consistent with the Act, that facilitate efficient administration of both the SSI and OSS programs.

Under these regulations, if an individual is eligible for both a Federal SSI benefit and a federally administered OSS, we compute and prorate the Federal SSI and OSS benefit amounts separately. The results in either computation that include a fraction of a cent will be raised to the next higher cent. We then add the two prorated amounts to get the total payment due for the month.

Under these rules, proration will not apply to federally administered mandatory minimum State supplements (MMSS). Although we have the authority to apply the rules for Federal SSI benefits to the MMSS we can do so only if the rule is consistent with the purpose of MMSS. The purpose of the MMSS is to assure that an individual's total income is not reduced below its December 1973 level. Since the application of proration could result in a reduction in an individual's December 1973 level, it cannot be applied to MMSS.

Subpart M—Suspensions and Terminations

Subpart M provides in part that suspension of SSI benefit payments is required when an individual is alive but no longer meets the requirements of eligibility under title XVI of the Act and termination in accordance with §§ 416.1331–416.1335 does not apply. SSI benefit payments are not resumed until the individual again meets all requirements for eligibility except for the filing of a new application. These rules also provide, upon requesting reinstatement of SSI benefit payments, that an individual is required to submit such evidence as may be necessary to establish that he or she again meets all the requirements for eligibility.

The revisions to the rules in Subpart M provide that the amount of the SSI benefit payments for the first month in which an individual again becomes eligible after a month or more of ineligibility will be prorated. A month of ineligibility for purposes of determining when to prorate the SSI benefit payment for a subsequent month, is a month for which the individual is ineligible for any Federal SSI benefit and any federally administered State supplementation.

When an individual again meets all eligibility requirements after a month or more of ineligibility, under these rules, proration will apply only when an individual reacquires eligibility after being ineligible for at least one of the following reasons:

(1) The individual was a resident of a public institution throughout a month. Eligibility is reacquired as of the date of discharge if all other eligibility requirements are met (see § 416.1325).

(2) The individual failed to comply with the requirement to accept treatment for drug addiction or alcoholism. Eligibility is reacquired as of the earliest date of the first month on which the recipient complies with the required treatment or other direction, and all other eligibility requirements are met (see § 416.1326).

(3) The individual was absent from the United States throughout a month. If the individual is outside the United States for 30 consecutive days or more, the individual is considered as remaining outside the United States until he or she has returned and remained in the United States for 30 consecutive days. Eligibility is reacquired as of the day following the 30th consecutive day of presence in the United States if all other eligibility requirements are met. If the individual is outside the United States for a full calendar month but less than 30 days (i.e. absent during February) eligibility is reacquired as of the day the individual returns to the United States if all other factors of eligibility are met (see § 416.1327).

(4) The individual was not a resident of the United States. Eligibility is reacquired as of the date the individual is a resident of the United States if all other eligibility requirements are met (see § 416.1329).

(5) The individual did not meet the definition of United States citizen, "alien lawfully admitted for permanent residence", or permanent resident of the United States under color of law. Eligibility is reacquired as of the date on which the individual regains his or her status in one of these categories, if all other eligibility requirements are met (see§ 416.1329).

(6) The individual failed to comply with the requirement to accept vocational rehabilitation services. Eligibility is reacquired as of the date on which he or she complies if all other eligibility requirements are met (see§ 416.1328).

(7) The individual failed to comply with the requirtement to file for and obtain other benefits. Eligibility is reacquired as of the date the individual complies, if all other eligibility requirements are met (see§ 416.1330).

Under these rules, if the reason that a recipient's benefits were suspended was excess resources, excess income, or failure to comply with a request for information, benefits for the first month that benefits are reinstated will not be prorated. We will not prorate benefits for the first month that benefits are reinstated under each of these circumstances for differing reasons. First, we will not prorate based on income since we count income for the entire month. If an individual has excess income for a month he or she is ineligible for that month. Income cannot be spent down and eligibility established during the month. In addition, using countable income for the entire month is necessary to calculate the prorated benefit amount under section 1611(c)(2)(B) of the Act. Second, we regarded the failure to provide information as being not so much a factor of eligibility as it is a failure to substantiate eligibility based on other factors. These rules clarify that once the information is provided, benefits are reinstated for any previous months the individual met the eligibility requirements. Last, regarding resources, the reason we are not having proration

apply to the first month for which benefits are reinstated after suspension due to excess resources is that, like income, resources are counted for an entire month. Resources cannot be spent down and eligibility established during the month. Also, not prorating in these instances reflects our ongoing concern for effective and efficient administration. Paying benefits for only full months in these situations is simpler, will result in fewer errors and is less costly to administer because it is less complicated than the prorating of benefits in these instances.

Subpart R—Relationships

Current regulations at § 416.1802(d) of Subpart R provide, if an individual gets married during a month, even on the first day of the month, that we will treat that individual as being single until the next month. Alternatively, this section provides that if an individual's marriage ends, even on the first day of the month, we will treat that individual as married until the next month. Thus, an individual's marital status at the beginning of a given month determines whether we consider that individual to be single or married when we compute the amount of that individual's SSI benefits for the month.

Before the proration of benefits pursuant to section 1611(c) as amended by section 181 of Pub. L. 97–248 began, this policy worked effectively at assuring that the SSI benefit which we paid an individual for a month accurately reflected the individual's marital status at the point in time at which he or she became eligible for SSI benefits. This was because an individual was considered to have filed for benefits on the first day of the month and was paid benefits for the full month as long as he or she became eligible to receive benefits at some point during that month.

Now that SSI benefits are being prorated, our regulations can no longer provide this assurance. For this reason we have amended § 416.1802(d) of Subpart R. Under that rule, the current provisions of § 416.1802(d) will remain in effect. However, this section will also include one very limited exception. The exception provides that during the month in which two individuals get married to one another, we will treat them as an eligible couple if each becomes eligible for SSI benefits in such month on a day after the date on which they were married. A very limited number of individuals would be affected by our change; for the individuals that would be affected, the amount of benefits they receive will be less than that which they would be paid if we treated them as single. However, to treat them as single seems incongruous, since they are married at the point at which their eligibility for SSI benefits is first met. Similarly, if, in the month a marriage ends, each member of the couple becomes eligible for SSI benefits after the date the marriage ends, we will treat them as eligible individuals.

Regulatory Procedures

Executive Order No. 12291

These regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major rule. The policies reflected in these rules will generate estimated program savings of $44 million in fiscal year (FY) 1986 and $46 million in FY 1987. A one-time administrative cost of $7.2 million was incurred in FY 1983. Also, implementation of these provisions will result in annual Medicaid savings of $20 million because the Medicaid program follows SSI policy. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act of 1980

These regulations impose no reporting and recordkeeping requirements requiring clearance by the Office of Management and Budget.

Regulatory Flexibility Act

We certify that these regulations, will not have a significant economic impact on a substantial number of small entities because they primarily affect the States and individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disabled, Public assistance programs, Supplemental Security Income (SSI).

Dated: January 22, 1986.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approved: February 26, 1986.

Otis R. Bowen,

Secretary of Health and Human Services.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Part 416 of Title 20 of the Code of Federal Regulations is amended as follows:

Subpart B—Eligibility

1. The authority citation for Subpart B of Part 416 is revised to read as follows:

Authority: Secs. 1102, 1602, 1611, 1614, and 1631 of the Social Security Act as amended, secs. 211 and 212 of Pub. L. 93–66, 49 Stat. 647 as amended, 86 Stat. 1465, 86 Stat. 1446, 86 Stat. 1471, and 86 Stat. 1475 (42 U.S.C. 1302, 1381a, 1382, 1382c, and 1383).

2. In § 416.211, paragraph (a) is revised to read as follows:

§ 416.211 You are a resident of a public institution.

(a) *General rule.* (1) You are not eligible for SSI benefits for any month throughout which you are a resident of a public institution (defined in § 416.201). In addition, if you are a resident of a public institution when you first apply for SSI benefits and meet all other eligibility requirements you cannot be eligible until the day of your release from the institution. The amount of SST benefits for the month of your release will be prorated (see Subpart D) beginning with the date of your release.

(2) By "throughout a month" we mean that you reside in an institution as of the beginning of a month and stay the entire month. If you have been a resident of a public institution, you remain a resident if you are transferred from one public institution to another or if you are temporarily absent for a period of not more than 14 consecutive days. A person also is a resident of an institution throughout a month if he or she is born in the institution during the month and resides in the institution the rest of the month or resides in the institution as of the beginning of a month and dies in the institution during the month.

* * * * *

Subpart C—Filing of Applications

3. The authority citation for Subpart C of Part 416 is revised to read as follows:

Authority: Secs. 1102, 1611 as amended, and 1631 of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1466, 86 Stat. 1475 (42 U.S.C. 1302, 1382, 1383).

4. In § 416.315 the example is revised to read as follows:

§ 416.315 Who may sign an application.

* * * * *

Example: Mr. Smith comes to a Social Security office to file an application for SSI disability benefits for Mr. Jones. Mr. Jones, who lives alone, just suffered a heart attack and is in the hospital. He asked Mr. Smith, whose only relationship is that of a neighbor and friend, to file the application for him. We will accept an application

signed by Mr. Smith since it would not be possible to have Mr. Jones sign and file the application at this time. SSI benefits are payable starting with the day an application is filed or the date all other requirements for eligibility are met, whichever is later. If Mr. Smith could not sign an application for Mr. Jones, a loss of benefits would result if it is later determined that Mr. Jones is in fact disabled.

§ 416.320 [Amended]

5. In § 416.320 the last sentence of paragraph (a)(2) is amended by removing the words "or an institution" and adding the words "of an institution" in lieu thereof.

6. In § 416.325 paragraph (b)(1) is revised to read as follows:

§ 416.325 When an application is considered filed.

* * * * *

(b) *Exceptions.* (1) When we receive an application that is mailed, we will use the date shown by the United States postmark as the filing date if using the date the application is received will result in a loss of benefits. If the postmark is unreadable or there is no postmark, we will use the date the application is signed (if dated) or 5 days before the day we receive the signed application, whichever date is later.

* * * * *

7. Section 416.330 is revised to read as follows:

§ 416.330 Filing before the first month you meet the requirements for eligibility.

If you file an application for SSI benefits before the first month you meet all the other requirements for eligibility, the application will remain in effect until we make a final determination on your application unless there is a hearing decision on your application. If there is a hearing decision, your application will remain in effect until the hearing decision is issued.

(a) If you meet all the requirements for eligibility while your application is in effect, we will pay you benefits from the first month that you meet all the requirements. The amount of such benefits is based on the number of days you meet all eligibility requirements beginning with the first day you meet all of the requirements through the end of the month.

(b) If you first meet all the requirements for eligibility after the period for which your application was in effect, you must file a new application for benefits. In this case, we will pay you benefits only from the first month that you meet all the requirements based on the new application. The amount of such benefits is calculated as in § 416.330(a) above.

8. Section 416.335 is revised to read as follows:

§ 416.335 Filing in or after the month you meet the requirements for eligibility.

When you file an application in the month that you meet all the other requirements for eligibility, your application is good for payment as of the first day in the month that you meet all eligibility requirements. If you file an application after the month you first meet all the other requirements for eligibility, you cannot be paid for any months before the month you filed an application. See §§ 416.340, 416.345 and 416.350 on how a written statement or an oral inquiry made before the filing of the application form may affect the filing date of the application. The amount of SSI benefits you are paid in the first month that you meet all eligibility requirements is based on the number of days you meet all such requirements, starting with the first day on which you meet all eligibility requirements through the end of the month.

9. Section 416.340 is amended by revising the introductory text and revising paragraph (d)(1) to read as follows:

§ 416.340 Use of date of written statement as application filing date.

We will use the date a written statement, such as a letter, an SSA questionnaire or some other writing, is received at a social security office, at another Federal or State office designated by us, or by a person we have authorized to receive applications for us as the filing date of an application for benefits, only if the use of that date will result in your eligibility for additional benefits. If the written statement is mailed, we will use the date the statement was mailed to us as shown by a United States postmark. If the postmark is unreadable or there is no postmark, we will use the date the statement is signed (if dated) or 5 days before the day we receive the written statement, whichever date is later, as the filing date of an application for benefits. In order for us to use your written statement to protect your filing date, the following requirements must be met:

* * * * *

(d)(1) The claimant is alive when the application is filed on a prescribed form, or

* * * * *

10. In § 416.345, paragraph (e)(1) is revised to read as follows:

§ 416.345 Use of date of oral inquiry as application filing date.

* * * * *

(e)(1) The claimant is alive when the application is filed on a prescribed form, or

* * * * *

Subpart D—Amount of Benefits

11. The authority citation for Subpart D of Part 416 is revised to read as follows:

Authority: Secs. 1102, 1611, 1612, and 1631 of the Social Security Act as amended; 49 Stat. 647 as amended, 86 Stat. 1466, 86 Stat. 1488, 86 Stat. 1475 (42 U.S.C. 1302, 1382, 1382a, and 1383).

12. A new § 416.421 is added to read as follows:

§ 416.421 Determination of benefits; computation of prorated benefits.

(a) In the month you are first eligible for benefits, your benefit will be prorated according to the number of days in the month that you are eligible beginning with the date of application or the date on which you meet all eligibility requirements, whichever is later. In the month that you reacquire eligibility after a month or more of ineligibility (see § 416.1321(b)), your benefit will be prorated according to the number of days in the month that you are eligible beginning with the date on which you meet all eligibility requirements.

(b) In determining the amount of your benefit for a month in which benefits are to be prorated, we first compute the amount of the benefit that you would receive for the month as if proration did not apply. We then determine the date on which you meet all factors of eligibility. (The income limits must be met based on the entire month and the resource limit must be as of the first day of the month.) We then count the number of days in the month beginning with the day on which you first meet all factors of eligibility through the end of the month. We then multiply the amount of your unprorated benefit for the month by the number of days for which you are eligible for benefits and divide that figure by the number of days in the month for which your benefit is being determined. The result is the amount of the benefit that you are due for the month in which benefits are to be prorated.

Example. Mr. X applies for SSI on April 16, 1984. He has no income. He first meets all factors of eligibility on April 16, 1984. His Federal benefit rate is $314 per month. Mr. X's unprorated benefit for April is $314. The number of days from when he first meets all factors of eligibility (including that day) through the end of the month is 15. The

unprorated benefit ($314) multiplied by the number of days for which he is eligible for benefits (15) is $4710. That amount divided by the number of days in April (30) is $157. This is the amount that Mr. X is due for the month of April.

Subpart M—Suspensions and Terminations

13. The authority citation for Subpart M of Part 416 is revised to read as follows:

Authority: Secs. 1102, 1611–1615, and 1631 of the Social Security Act, as amended, 49 Stat. 647, as amended, 86 Stat. 1466–1477 (42 U.S.C. 1302, 1382–1382d, 1383), unless otherwise noted.

14. In § 416.1321, paragraph(b) is revised to read as follows:

§ 416.1321 Suspensions; general.

* * * * *

(b) *Effect of suspension.* (1) When payments are correctly suspended due to the ineligibility of a recipient, payments shall not be resumed until the individual again meets all requirements for eligibility except the filing of a new application. Such recipient, upon requesting reinstatement, shall be required to submit such evidence as may be necessary (except evidence of age, disability, or blindness) to establish that he or she again meets all requirements for eligibility under this part. Payments to such recipient shall be reinstated effective with the first day such recipient meets all requirements for eligibility except the filing of a new application.

(2) A month of ineligibility for purposes of determining when to prorate the SSI benefit payment for a subsequent month, is a month for which the individual is ineligible for any Federal SSI benefit and any federally administered State supplementation.

* * * * *

15. Section 416.1322 is revised to read as follows:

§ 416.1322 Suspension due to failure to comply with request for information.

(a) Suspension of benefit payments is required effective with the month following the month in which it is determined in accordance with § 416.714(b) that the individual is ineligible for payment due to his or her failure to comply with our request for necessary information. When we have information to establish that benefit payments are again payable, the benefit payments will be reinstated for any previous month for which the individual continued to meet the eligibility requirements of § 416.202. If the reason that an individual's benefits were suspended was failure to comply with our request for information, the payments for the months that benefits are reinstated will not be prorated under § 416.421.

(b) A suspension of payment for failure to comply with our request for information will not apply with respect to any month for which a determination as to eligibility for or amount of payment can be made based on information on record, whether or not furnished by an individual specified in § 416.704(a). Where it is determined that the information of record does not permit a determination with respect to eligibility for or amount of payment, notice of a suspension of payment due to a recipient's failure to comply with a request for information will be sent in accordance with §§ 416.1336 and 416.1404.

16. In § 416.1323, paragraph (b) is revised to read as follows:

§ 416.1323 Suspension due to excess income.

* * * * *

(b) *Resumption of payments.* If benefits are otherwise payable, they will be resumed effective with the first month in which a recipient's monthly countable income becomes less than the applicable Federal benefit rate (or the sum of that rate and the level for any federally administered State supplementary payment) for that month. If the reason that a recipient's benefits were suspended was excess income, the payment for the first month that benefits are reinstated will not be prorated under § 416.421.

17. In § 416.1324, paragraph (b) is revised to read as follows:

§ 416.1324 Suspension due to excess resources.

* * * * *

(b) *Resumption of payments.* If benefits are otherwise payable, they will be resumed effective with the start of the month after the month in which a recipient's countable resources no longer exceed the limit that applies. If the reason that a recipient's benefits were suspended was excess resources, the payment for the first month that benefits are reinstated will not be prorated under § 416.421.

18. Section 416.1325 is revised to read as follows:

§ 416.1325 Suspension due to status as a resident of a public institution.

(a) Except as provided in § 416.211 (b) and (c), a recipient is ineligible for benefits for the first full calendar month in which he or she is a resident of a public institution (as defined in § 416.201) throughout the calendar month (as defined in § 416.211(a)), and payments are suspended effective with such first full month. Such ineligibility continues for so long as such individual remains a resident of a public institution.

(b) *Resumption of payments.* If benefits are otherwise payable, they will be resumed effective with the earliest day of the month in which a recipient is no longer a resident of a public institution. See § 416.421. A transfer from one public institution to another or a temporary absence from the institution lasting 14 days or less, however, will not change his or her status as a resident, and the suspension will continue.

19. Section 416.1326, paragraph (b) is revised to read as follows:

§ 416.1326 Suspension for failure to accept treatment for drug addiction or alcoholism.

* * * * *

(b) *Resumption of payments.* When payments are suspended because a disabled recipient who is medically determined to be a drug addict or an alcoholic is not undergoing the required treatment, such ineligibility continues until he or she demonstrates compliance by actually undergoing the required treatment and such compliance is verified by the responsible authority at the institution or facility providing the treatment (see Subpart O of this part). Benefits will be resumed effective with the earliest day of the month on which the recipient complies with the required treatment or other direction, provided such compliance is first verified by the responsible official and provided the recipient otherwise establishes eligibility for benefits for such month. See § 416.421.

Example: Payments to C, a drug addict, were suspended effective May because C failed to report for treatment. On June 25, C reported for treatment and otherwise established eligibility for benefits. The responsible State official reported on August 2 that C had reported June 25 and was complying with the required treatment. SSI payment may be resumed effective with June. The amount of SSI benefits payable for June will be based on the number of days starting with June 25 through the end of the month.

20. Section 416.1327 is revised to read as follows:

§ 416.1327 Suspension due to absence from the United States.

(a) *Suspension effective date.* A recipient is not eligible for SSI benefits if he is outside the United States for a full calendar month. For purposes of this paragraph—

(1) "United States" means the 50 States, the District of Columbia, and the Northern Mariana Islands:

(2) "Day" means a full 24-hour day; and

(3) In determining whether a recipient has been outside the United States for a full calendar month, it must be established whether the recipient is outside the United States for 30 consecutive days or more. If yes, he or she will be treated as remaining outside the United States for a period of 30 consecutive days. When a recipient had been outside the United States, the first period of 30 consecutive days of absence is counted beginning with the day after the day the recipient departs from the United States and ending with the day before the day on which he or she returns to the United States. When a recipient has returned to the United States, the second period of 30 consecutive days starts on the day the individual returned and ends on the 30th day of continuous presence in the United States. Benefits will be suspended effective with the first full calendar month in which a recipient is outside the United States.

(b) *Resumption of payments after absence from the United States.* If benefits are otherwise payable they will be resumed—

(1) Effective with the day following the 30th day of continuous presence in the United States after the recipient's return if the absence was for 30 consecutive days or more.

(2) Effective with the day the recipient returned to the United States, if the absence from the United States was for a full calendar month, but for less than 30 consecutive days (this can occur only for the calendar month of February).

Example 1: Mike left the United States on March 1 and returned on April 1. Counting March 2 through March 31, he was outside the United States for 30 consecutive days; thus he is also deemed to be outside the United States for 30 additional consecutive days. Therefore, for April 1 through April 30, he is deemed to be outside the United States and not eligible for the calendar month of April. Payments start effective May 1.

Example 2: Mary left the United States on April 15 and returned on July 1. Counting April 16 through June 30, she was actually outside the United States and not eligible for the calendar months of May and June. Since she was absence for more than 30 consecutive days, she is deemed to be outside the United States for 30 additional consecutive days. Therefore, for July 1 through July 30, she is deemed to be outside the United States and not eligible for payment until July 31.

21. In § 416.1328, paragraph (b) is revised to read as follows:

§ 416.1328 Suspension due to refusal to accept vocational rehabilitation services.

* * * * *

(b) *Resumption of payments.* If benefits are otherwise payable, they will be resumed effective with the earliest day of the month on which the recipient no longer refuses without good cause to accept vocational rehabilitation services. See § 416.421.

22. Section 416.1329 is revised to read as follows:

§ 416.1329 Suspension due to loss of United States residency, United States citizenship, or status as an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law.

(a) A recipient ceases to be an eligible individual or eligible spouse, under section 1614(a)(1)(B) of the Act, when he or she ceases to meet the requirement of § 416.202(b) with respect to United States residency, United States citizenship, or status as an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law. Payments are suspended effective with the first month after the last month in which a recipient meets the requirements of § 416.202(b).

(b) *Resumption of payments.* If benefits are otherwise payable, they will be resumed effective with the earliest day of the month on which the recipient again meets both the residence and citizenship or lawfully admitted alien or color of law requirements. See § 416.421.

23. Section 416.1330 is revised to read as follows:

§ 416.1330 Suspension due to failure to apply for and obtain other benefits.

(a) *Suspension effective date.* A recipient ceases to be an eligible individual or eligible spouse when, in the absence of a showing of incapacity to do so, or other good cause, he or she fails within 30 days after notice from the Social Security Administration of probable eligibility, to take all appropriate steps to apply for and, if eligible, to obtain payments such as an annuity, pension, retirement, or disability benefit, including veterans' compensation, old-age, survivors, and disability insurance benefit, railroad retirement annuity or pension, or unemployment insurance benefit. Benefit payments are suspended due to such ineligibility effective with the month in which the recipient was notified in writing of the requirement that he or she file and take all appropriate steps to receive the other benefits. See § 416.210(e).

(b) *Resumption of payment.* If benefits are otherwise payable, they will be resumed effective with the earliest day of the month on which the recipient takes the necessary steps to obtain the other benefits. See § 416.421.

Subpart R—Relationship

24. The authority citation for Subpart R of Part 416 continues to read as follows:

Authority: Secs. 1102, 1614 (b), (c), and (d), and 1631(d)(1) of the Social Security Act; 49 Stat. 647 as amended, 86 Stat. 1473 and 1476 (42 U.S.C. 1302, 1382c (b), (c) and (d), and 1383(d)(1)).

25. In § 416.1802, paragraph (d) is revised to read as follows:

§ 416.1802 Effects of marriage on eligibility and amount of benefits.

* * * * *

(d)(1) *General rule:* Benefits depend on whether you are married or not married at the beginning of each month If you get married, even on the first day of a month we will treat you as single until the next month. If your marriage ends, even on the first day of a month, we will treat you as married until the next month.

(2) *Exception: If you both meet eligibility requirements after your date of marriage or after your marriage ends.* If, in the month that you marry, each of you first meets all eligibility requirements after the date of your marriage, we will treat you as an eligible couple for that month. If, in the month that your marriage ends, each of you first meets all eligibility requirements after the date your marriage ends, we will treat you as eligible individuals. (See Subparts D and E regarding how your benefits will be prorated.)

[FR Doc. 86-8826 Filed 4-18-86; 8:45 am]
BILLING CODE 4190-11-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 602

[T.D. 8025]

OMB Control Numbers Under the Paperwork Reduction Act; Returns Relating to Cash Payments in Excess of $10,000 Received in a Trade or Business

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction.

SUMMARY: This document contains a correction to Treasury Decision 8025, which was published in the Federal Register on May 23, 1985 (50 FR 21239). T.D. 8025 issued temporary regulations

relating to the requirement of reporting cash in excess of $10,000 received in a trade or business and other issues arising under the Tax Reform Act of 1984.

EFFECTIVE DATES: The correction is effective May 23, 1985.

FOR FURTHER INFORMATION CONTACT: Dale D. Goode of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attn: CC:LR:T). Telephone: 202-566-3935 (not a toll-free number).

Background

On May 23, 1985, the **Federal Register** published (51 FR 21239) Treasury Decision 8025 relating to the reporting of cash in excess of $10,000 received in a trade or business. This document contains temporary regulations under section 6050I of the Internal Revenue Code of 1954, as added by section 146 of the Tax Reform Act of 1984.

Need for Correction

As published, T.D. 8025 contains a typographical error on page 21243, second column, line 28.

Correction of Publication

Accordingly, the publication of Treasury Decision 8025 which was the subject of FR Doc. 85-11902 is corrected in § 602.101, on page 21243, second column, line 28, by adding the letter "T" immediately after "§ 1.6050I-1" to read "§ 1.6050I-1T".

Paul A. Francis,

Acting Director, Legislation and Regulations Division.

[FR Doc. 86-8876 Filed 4-18-86; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Wage and Hour Division

29 CFR Part 5

Amendments to Federal Contract Labor Standards Regulations Eliminating Daily Overtime Requirements on Federal and Federally Assisted Contracts

Correction

In FR Doc. 86-7726 beginning on page 12264 in the issue of Wednesday, April 9, 1986, make the following correction: On page 12265, in the third column, in § 5.8(a), in the fourth line, "one-" should read "one and one-".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRL-3003-2]

Approval and Promulgation of State Implementation Plan: Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today approves the amendments to the Oregon State Implementation Plan (SIP) which will modify the Veneer and Plywood Manufacturing Operations Rule (OAR 340-25-315) so as to apply uniform emission limits for veneer dryers throughout the state. In addition, the revision will also delete a section of the rule dealing with the implementation of compliance dates which have already passed.

EFFECTIVE DATE: This action will be effective on June 20, 1986, unless notice is received before May 21, 1986, that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460;

Air Programs Branch (10A-85-18), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101;

State of Oregon, Department of Environmental Quality, 522 S.W. Fifth, Yeon Building, Portland, Oregon 97204.

Copy of the State's submittal may be examined at: The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, DC.

Comments should be addressed to: Laurie M. Kral, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Ann Williamson, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101. Telephone: (206) 442-8633, FTS: 399-8633.

SUPPLEMENTARY INFORMATION:

I. Background

The Oregon Environmental Quality Commission adopted the existing visible emission limits for veneer dryers in April 1977. In March 1979, standards for particulate mass emissions for wood-fired veneer dryers were adopted. These rules did not apply to veneer dryers located within "special problem areas," specifically the Portland, Eugene-Springfield, and Medford-Ashland Air Quality Maintenance Areas (AQMAs). It was expected that more stringent emission standards would be considered for sources in those areas.

During the period since the adoption of the current standards, veneer dryers within the special problem areas have been subject to the same emission limits as dryers elsewhere in the state. These limits were implemented by application of the "highest and the best practicable treatment and control" criterion and by placing emission limits in the permits for those facilities.

Since 1979, the Oregon Department of Environmental Quality (DEQ) and the Lane Regional Air Pollution Control Authority (LRAPA) have evaluated the need for more stringent controls on veneer dryers in special problem areas. This evaluation considered the needs of the airsheds, the availability of more effective controls, and the performance of controls that have been installed.

In 1983 and 1984, DEQ conducted a comprehensive study of veneer dryer visible emissions. The survey evaluated the performance and effectiveness of emission controls on 121 of the state's 230 veneer dryers. Based on these evaluations, DEQ feels that the more stringent emission standards for special control areas are not needed at this time.

Specific visible emission limits for veneer dryers in some of the special problem areas have already been established. The Specific Air Pollution Control Rules for the Medford AQMA designates visible emission limitations the same as for those dryers outside the special problem areas. LRAPA Rules require similar air emission controls for veneer dryers in the Eugene-Springfield area. At the present time, no visible emission limits apply to veneer dryers in the Portland AQMA. Additionally, no standard has been set for particulate mass emissions from wood-fired veneer dryers located in any of the special problem areas. This rule will serve to provide consistency for emission standards throughout the state.

A total of 21 veneer dryers would be affected by this rule change (including the two wood-fired operations under the jurisdiction of LRAPA). All of these dryers have demonstrated compliance with the current visible emission standards in OAR 340-25-315. This degree of emission control has been achieved by applying the requirement for "highest and best practicable

treatment and control" (OAR 340–25–310) and by placing limits in permits.

Eleven of the 18 affected wood-fired dryers have already been source tested to verify compliance with the mass particulate standard. Based on an extrapolation of visible emission performance of the tested systems, it is expected that the remaining untested dryers would have similar mass emission compliance results. Thus, the impact of the rule modification on the mill operations and the airshed is expected to be minor.

At the present time, DEQ has not identified a need for more stringent veneer dryer emission standards inside the special problem areas. The rule modification will delete the wording "located outside the special problem areas" where reference is made to standards for emissions from veneer dryers (OAR 340–25–315(1)(a)(b) and (c)).

An additional revision to the rule would delete a section on compliance schedules for veneer dryers for which the dates are now passed. The deletion of this section of the rule would have no present or future effect on the implementation or maintenance of veneer dryer emission controls since the dates have passed.

II. Summary of Rulemaking Action

EPA is approving today the amendments to the Oregon SIP which revise the current Veneer and Plywood Operations Rule (OAR 340–25–315) to make the emission limits for veneer dryers consistent throughout the state and to delete any and all references to compliance dates and schedules.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this **Federal Register** 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 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 June 20, 1986.

III Procedural Review

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under 5 U.S.C. section 605(b), I certify that this revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709)

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 20, 1986. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2))

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Reporting and recording requirements.

Dated: April 10, 1986.

Lee M. Thomas,

Administrator.

Note.—Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of Federal Register on July 1, 1982.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 Code of Federal Regulations is amended as follows:

Subpart MM—Oregon

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1970 is revised by adding paragraph (c)(76) as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(76) Revisions to the Oregon State Implementation Plan were submitted by the Director of the Department of Environmental Quality on August 5, 1985. Revisions are: extension of existing emission standards for veneer dryers (OAR 340–25–315) to include sources located in special problem areas, and the deletion of any references to the implementation of compliance dates which have already passed.

(i) Incorporation by Reference.

(a) Letter of August 5, 1985, from the Department of Environmental Quality to EPA and Amendments to OAR 340–25–315, Veneer and Plywood Operations Rule, as adopted by the Environmental Quality Commission on July 19, 1985.

[FR Doc. 86–8637 Filed 4–18–86; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 280

[OSW-FRL 2911-6]

Hazardous Waste; Notification Requirements for Owners of Underground Storage Tanks; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: This document corrects the dates for notification by depositors provided in the final rule implementing the notification requirements for owners of underground storage tanks under section 9002 of the Resource Conservation and Recovery Act, as amended (RCRA). These regulations were published on November 8, 1985 (50 FR 46602). This action is necessary so that the period of notification by depositors to owners or operators of underground storage tanks will be in accordance with the period specified in the law (section 9002(a)(5) of RCRA).

DATES: The final rule was effective on November 8, 1985. From December 8, 1985 through June 8, 1987 depositors of regulated substances in underground storage tanks must reasonably notify tank owners or operators of the owners' notification obligations.

ADDRESS: The public docket for this final rule [Docket No. 9002] is located in Room S–212, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: The RCRA/Superfund Hotline at (800) 424–9346 (toll free) or (202) 382–3000 in Washington, DC; or Virginia Cummings, Office of Underground Storage Tanks (WH–562A), United States Environmental Protection Agency, Washington, DC, 20460, (202) 382–7925.

SUPPLEMENTARY INFORMATION: The following corrections are made on page 46602 in the issue of November 8, 1985:

1. On page 46603, column 1, last paragraph, "From December 9, 1985 through May 9, 1987" is corrected to read, "From December 8, 1985 through June 8, 1987."

2. On page 46613, column 2, 40 CFR 280.3(g) is correctly revised to read as follows:

§ 280.3 Notification requirements.

* * * * *

(g) Beginning on December 8, 1985 through June 8, 1987, any person who deposits regulated substances in an underground storage tank must make reasonable efforts to notify the owner or operator of such tank of the owner's

obligations under paragraphs (a) through (c) of this section.

* * * * *

Dated: April 15, 1986.

Ronald Brand,

Director, Office of Underground Storage Tanks.

[FR Doc. 86-8832 Filed 4-18-86; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 101-25, 101-26, and 101-28

[FPMR Amdt. E-261]

Customer Supply Center Program

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: This regulation provides policy for the GSA customer supply center program and deletes policy and references relating to the GSA self-service store program which are no longer applicable. The regulation is necessary to establish the policy governing the use of customer supply centers and to provide agencies with information concerning the program and the related responsibilities.

EFFECTIVE DATE: April 21, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Donald Genova, Director, Logistics Planning Division (703-557-7970).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule, has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits, and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Parts 101-25, 101-26, and 101-28

Government Property Management Warehouses.

1. The authority citation for Parts 101-25, 101-26, and 101-28 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

PART 101-25—GENERAL

Subpart 101-25.1—General Policies

2. Section 101-25.107 is amended by revising paragraph (b) to read as follows:

§ 101-25.107 Guidelines for requisitioning and proper use of consumable or low cost items.

* * * * *

(b) Approval of requisitions for replenishment of cupboard storeroom stocks should be restricted to officials at a responsible supervisory level to ensure that supply requirements are justified on the basis of essentiality and quantity. Where requisitions are not required, such as in obtaining items from GSA customer supply centers, informal "shopping lists" should be approved at the same level.

* * * * *

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101-26.1—General

3. Section 101-26.106 is revised to read as follows:

§ 101-26.106 Consolidation of requirements.

Full consideration shall be given to the consolidation of individual small volume requirements to enable the Government to benefit from lower prices normally obtainable through definite quantity contracts for larger volume procurements. This policy pertains to procurement from commercial sources either directly or through an intermediary agency and does not apply to GSA stock items or small volume requirements normally obtained from GSA customer supply centers. When it is practical, each agency shall establish procedures that will permit planned requirements consolidation on an agencywide basis. When it is impractical to plan requirements on an agencywide consolidated basis, the requirements consolidation effort may be limited to a bureau, to other agency segments, or to a program, if such limited consolidation will provide significant price advantages when procurement is effected on a volume basis. Requisitions for item requirements exceeding maximum order limitations in Federal Supply Schedule contracts shall be submitted to GSA in accordance with the applicable instructions in the respective schedules. Special buying services desired by agencies for procurement of other consolidated item requirements shall be requested from GSA in accordance with § 101-26.102.

Subpart 101-26.4—Purchase of Items From Federal Supply Schedule Contracts

4. Section 101-26.408-4 is amended by revising paragraph (c) to read as follows:

§ 101-26.408-4 Placement of orders against multiple-award schedules.

* * * * *

(c) GSA customer supply centers are immediate sources of supply for Federal agencies and are responsible for providing small quantity issues of administrative supplies and other selected items to fulfill short-term official agency requirements. In furtherance of this responsibility, these centers stock a variety of high demand items including a number which may be other than a lowest priced item available from a multiple-award Federal Supply Schedule. In such instances, the GSA centers are exempt from the requirements of the § 101-26.408-4 pertaining to the inclusion of justification of purchase in the delivery order file. When an agency makes a purchase of more than $500 per line item from a GSA customer supply center which is other than a similar lowest priced item available from a multiple-award schedule, GSA will assume that a justification has been prepared and made a part of the buying agency's purchase file. Availability of products, regardless of the total amount of the line item price, does not relieve an agency of the responsibility to select the lowest priced item commensurate with needs of the agency.

PART 101-28—STORAGE AND DISTRIBUTION

5. The table of contents for Part 101-28 is amended by revising the following subpart:

Subpart 101-28.3—Customer Supply Centers

Sec.

101-28.300 Scope of subpart.
101-28.301 Applicability.
101-28.302 Mission of customer supply centers.
101-28.303 Benefits provided by customer supply centers.
101-28.304 Item selection and stockage criteria.
101-28.304-1 Types of items.
101-28.304-2 Determining items to be stocked.
101-28.305 Prices of customer supply center items.
101-28.306 Customer supply center (CSC) accounts and related controls.

Sec.
101-28.306-1 Establishment of a CSC account by a customer activity.
101-28.306-2 Use of customer supply centers.
101-28.306-3 Limitations on use.
101-28.306-4 Expiration or cancellation.
101-28.306-5 Safeguards.
101-28.306-6 Sensitive items.
101-28.306-7 Responsibility for operation.

6. Part 101-28 is amended to revise Subpart 101-28.3 to read as follows:

Subpart 101-28.3—Customer Supply Centers

§ 101-28.300 Scope of subpart.

This subpart provides policy for the GSA customer supply center program, including policy on item stockage, services provided, and Federal agency participation.

§ 101-28.301 Applicability.

This subpart is applicable to all activities that are eligible to use customer supply centers. Eligible activities include executive agencies, elements of the legislative and judicial branches of the Government, and cost reimbursable contractors. Customer supply centers are for the use of activities located within the market area of a customer supply center as determined by GSA.

§ 101-28.302 Mission of customer supply centers.

Customer supply centers are retail supply distribution outlets established by GSA to provide efficient, economical support of frequently needed common-use expendable items for the accomplishment of customer agency missions.

§ 101-28.303 Benefits provided by customer supply centers.

The customer supply centers (CSCs) provide the following:

(a) Overall savings to the Federal Government through volume purchases.

(b) Quick and easy catalog item selection and simplified order placement by telephone, mail, electronic mail, or customer walk-in for urgent agency requirements.

(c) Next business day shipment to the customer for most orders.

(d) Same day pick up of emergency walk-in and telephone orders.

(e) Immediate stock availability information for all telephone and walk-in orders.

(f) Extensive inventory designed to meet the needs of customer agencies within the geographic area served by each CSC.

(g) A detailed catalog which lists the items stocked and procedures for use of the CSC.

(h) Automated biweekly billings (consistent with DOD MILSBILLS).

(i) Other services as approved by the GSA Regional Administrator.

§ 101-28.304 Item selection and stockage criteria.

§ 101-28.304-1 Types of items.

Items stocked in customer supply centers are based on customer agency requirements for common use expendable items. In addition to administrative type items commonly used in Government offices, janitorial supplies, handtools, and other industrial-type items are stocked when required to meet the mission-related needs of the activities supported by the CSC.

§ 101-28.304-2 Determining items to be stocked.

(a) Each CSC will stock administrative items normally required by Federal agencies for day-to-day operations. In addition to those items, each CSC will stock additional items as determined by the requirements of the activities within the geographic area it serves.

(b) Regional FSS offices will canvass customer agencies periodically to identify items for which there is an official need within their support area.

(c) Customer agencies may request that specific items be stocked by their support CSC. The requests must be submitted in writing to the appropriate FSS Bureau Director and must be signed by a customer agency official at a level of responsibility (division director or higher) acceptable to the GSA Regional Administrator. All requests must indicate the expected monthly usage of the item requested. Each request will be evaluated and the submitting activity notified of the results of the evaluation.

§ 101-28.305 Prices of customer supply center items.

The selling price of a CSC item is an average price which is calculated automatically by the CSC computer at the time the item is ordered. Items stocked in CSCs that are obtained from GSA wholesale supply distribution facilities are input into the computer at the price in effect at the time of shipment from the facilities (this price is normally the price shown in the GSA Supply Catalog). Items stocked in CSCs that are not available from GSA wholesale supply distribution facilities but which are obtained from other Government supply sources or commercial sources are input into the computer at the invoice cost. Due to cost averaging, item prices listed in the CSC catalog may differ somewhat from the sale price for a particular transaction.

§ 101-28.306 Customer supply center (CSC) accounts and related controls.

§ 101-28.306-1 Establishment of a CSC account by a customer activity.

(a) Eligible agencies should contact the GSA Regional Federal Supply Service Bureau to obtain full information on the use of the CSC for their locale. FSS Bureau personnel will provide assistance to agencies in the establishment of the CSC account, brief personnel on the use of the CSC to meet local, retail supply requirements, and provide copies of the CSC catalog.

(b) An appropriate level management official (division director of higher) authorized to obligate agency funds must sign the GSA Form 3525, Application for Customer Supply Services, requesting establishment of the CSC account for the activity.

§ 101-28.306-2 Use of customer supply centers.

(a) Orders are received by the CSC via phone, mail, electronic mail, or in person on a walk-in basis for urgent agency requirements. All use of the CSC is based upon the customer access code assigned at the time of establishment of the activity account. The customer access code determines the ship-to point for orders placed with the CSC. The ship-to point cannot be changed, one established, except by the submission of a written request signed by an appropriate agency official.

(b) All orders placed with the CSC, except emergency pickup orders, described in § 101-28.306-1(c), will be shipped to the activity placing the order via mail or small parcel carrier not later than the end of the next business day.

(c) Walk-in orders for urgent requirements are accepted and filled immediately provided the individual placing the order has proper identification. Telephone orders placed in the morning may be picked up in the afternoon of the same day provided that the individual picking up the order possesses proper identification and the order ticket number provided by the CSC personnel at the time the order is placed.

§ 101-28.306-3 Limitations on use.

(a) Agencies shall establish internal controls to ensure that the use of the CSC account by the agency or other authorized activities is limited to the purchase of items for official Government use. The controls shall include written instructions that contain a statement prohibiting the use of the

CSC account in acquiring items for other than Government use. When an agency makes a purchase of more than $500 per line item from a GSA customer supply center which is other than a similar lowest priced item available from a multiple-award schedule, GSA will assume that a justification has been prepared and made a part of the buying agency's purchase file. Availability of products, regardless of the total amount of the line item price, does not relieve an agency of the responsibility to select the lowest priced item commensurate with needs of the agency.

(b) Office supplies needed by Members of Congress and the Delegate of the District of Columbia for use in their offices in the House or Senate Office Buildings should be obtained from the Senate and Houses Representatives supply rooms, as appropriate. Members of Congress, except for the Delegate of the District of Columbia, should limit their use of the CSCs to those located outside of the District of Columbia. The Delegate of the District of Columbia may obtain office supplies for the use of his or her district offices from the CSC serving the District of Columbia.

§ 101-28.306-4 Expiration or cancellation.

(a) CSC accounts established for Federal agencies or members of the Federal judiciary are valid for an indefinite period of time unless canceled by the Commissioner, FSS, GSA, or by a GSA Regional Administrator.

(b) CSC accounts established for authorized contractors or Members of Congress will contain an expiration date reflecting the termination date of the contract or term of office. New accounts will be established for reinstated contractors or reelected Members of Congress upon submission of a new application.

(c) Any CSC customer may request cancellation of his/her account when no longer required or whenever there is cause to believe that the customer access code has been compromised. Agencies shall keep GSA advised of any changes in organization or accounting structures that might have an impact on their CSC accounts.

(d) The Commissioner FSS, GSA, may periodically direct a nationwide purge of all CSC accounts to cancel those that are duplicates, not needed, or for which the customer access code has been compromised. Selective account cancellations may be directed by the GSA Regional Administrator in coordination with FSS Central Office. Under the procedures of a nationwide purge, CSC accounts become invalid as of a specific date established by the Commissioner, FSS, GSA, or by a Regional Administrator, and new CSC accounts are established upon receipt of new applications.

§ 101-28.306-5 Safeguards.

Agencies shall establish internal controls to ensure that the customer access codes assigned for their accounts are properly protected. It is by use of these access codes that orders are accepted by the CSC and these codes determine the ship-to points for all orders filled by the CSC with the exception of orders picked up at the CSC by the customer. GSA will not change the ship-to location associated with the customer access code except upon receipt of a written request to do so, signed by a duly authorized official of the customer activity.

§ 101-28.306-6 Sensitive items.

Many items stocked by the CSCs may be considered sensitive based upon standard criteria factors such as propensity for personal use, the potential for embarrassment of GSA and customer agencies, the level of customer complaints, and control as an accountable item of personal property. Each customer activity shall take all appropriate measures necessary to ensure that all items are properly controlled within its activity and are purchased solely for official Government use.

§ 101-28.306-7 Responsibility for operation.

The GSA Regional Administrator is responsible for the operation of any CSCs located within his or her region.

Dated: March 26, 1986.

Paul Trause,

Acting Administrator of General Services.

[FR Doc. 86-8851 Filed 4-18-86; 8:45 am]

BILLING CODE 6820-24-M

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41 CFR Part 105-67

[ADM 7900.10]

Debarment/Suspension of Contractors From Purchases of Federal Personal Property

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services Administration Property Management Regulation (GSPMR) is amended to add Part 105-67 to implement the October 9, 1985, amendment to the Federal Property Management Regulation (FPMR) which applied the Governmentwide policies, procedures, and requirements of Subpart 9.4 of the Federal Acquisition Regulation (FAR) on suspension, debarment and ineligibility to contractors who purchase Federal personal property. The new subpart implements FPMR Subpart 101-45.6 within GSA by applying the policies, procedures and requirements of Subpart 509.4 of the General Services Administration Acquisition Regulation (GSAR) on suspension, debarment and ineligibility to contractors who purchase Federal personal property.

EFFECTIVE DATE: April 21, 1986.

FOR FURTHER INFORMATION CONTACT: Edward C. Loeb, Procurement Analyst, Office of GSA Acquisition Policy and Regulations (VP), (202) 535-7791.

SUPPLEMENTARY INFORMATION:

Background

On December 26, 1985, the General Services Administration (GSA) published in the **Federal Register** (50 FR 52806) Notice ADM 7900.10 inviting comments from interested parties on these proposed changes to the regulation and provided a 30-day comment period. No comments were received from the public. Comments from various GSA offices have been reviewed, reconciled, and incorporated, when appropriate, in the final rule.

Impact:

This is not a major rule as defined in Executive Order 12291. Therefore, preparation of a regulatory impact analysis was not necessary. The GSA certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

List of Subjects in 41 CFR 105-67

Debarred, Suspended and ineligible contractors.

Authority: 40 U.S.C. 486(c).

Part 105-67 is added to read as follows:

PART 105-67—SALE OF PERSONAL PROPERTY

Sec.

105-67.100 Scope of subpart.
105-67.101 Debarred, suspended and ineligible contractors.

§ 105-67.100 Scope of subpart.

This subpart prescribes policies and procedures governing the debarment or suspension of contractors from purchases of Federal personal property (see FPMR Part 101-45).

§ 105-67.101 Debarred, suspended and ineligible contractors.

The policies, procedures and requirements of Subpart 509.4 of the General Services Administration Acquisition Regulation (GSAR) are incorporated by reference and made applicable to contracts for, and to contractors who engage in, the purchase of Federal personal property.

Dated: April 14, 1986.

Paul Trause,

Acting Administrator of General Services.

[FR Doc. 86-8852 Filed 4-18-86; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 431 and 435

Medicaid and Unemployment Compensation Programs

Correction

In FR Doc. 86-4260 beginning on page 7178 in the issue of Friday, February 28, 1986, make the following corrections: On page 7213, in the second column, the section number now reading "§ 435.460" should be changed to read "§ 435.960"; and in the first line of the section, the paragraph designation should be "(a)".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 205

Duplication of Benefits

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule will implement the duplication of benefits provisions of the Disaster Relief Act of 1974 (Pub. L. 93-288), section 315, 42 U.S.C. 5155. This will establish Federal Emergency Management Agency (FEMA) regulations on duplication of benefits, replacing those which are currently in effect at 44 CFR 205.10. This rule specifies policies for preventing duplication of benefits and for remedying it when it has occurred.

EFFECTIVE DATE: May 21, 1986.

FOR FURTHER INFORMATION CONTACT: Donna M. Dannels, Individual Assistance Division, Office of Disaster Assistance Programs, State and Local Programs and Support, Federal Emergency Management Agency, 500 'C' St., SW, Washington, D.C. 20472, (202) 646-3662.

SUPPLEMENTARY INFORMATION: The duplication of benefits regulations being withdrawn basically repeat the law and do not provide specific procedures or policies. New procedures have been developed based on input FEMA solicited from other agencies involved in the duplication of benefits process. These new procedures have appeared in program guidance. The proposed regulations are more specific than the existing regulations and prescribe policy more clearly. On May 22, 1985, FEMA published a proposed rule and accepted comments until July 22, 1985. Comments were received from seven parties. Responses were directly sent to the commentors. The Department of Emergency and Military Affairs in Arizona commented in a supportive manner and did not request any revisions to the rule. The Alliance of American Insurers and the American Insurance Association questioned FEMA's authority to obtain coverage and/or settlement information on disaster victims from the insurers. The rule has been changed to place the responsibility for providing settlement information to FEMA on the insured, thus making requests from the insurers unnecessary. The Federal Insurance Adminstration (FIA) and the Alliance of American Insurers noted that references to flood insurance in the rule imply that coordination is needed only with the National Flood Insurance Program. The rule was revised and instructs coordination with the FIA. The FIA maintains information on not only policies with the National Flood Insurance Program, but also privately provided Write-Your-Own policies. The FIA inquired about which agencies the quality control reviews referred to in (b)(3) and (d)(3) would apply. The phrase "government and voluntary agencies" was added in (d)(3) for clarification. The Texas Department of Human Resources and the Small Business Administration (SBA) suggested that the actual delivery sequence be shown in this rule. This sequence will appear in section (c)(1). The SBA and a FEMA regional office asked for clarification of section (c)(3) when exceptional circumstances are involved. This section has been revised to clarify recoupment responsibilities when the delivery sequence is disrupted. The SBA also requested a definition of which agencies are covered in section (d) Program Guidance. This is differentiated in the rule as programs covered under the Disaster Relief Act, (d)(4), and programs under other authorities, (d) (1) and (2), but does not list the specific agencies. Another FEMA regional office comment requested that the FEMA Regional Director's responsibility in recovering duplicated assistance be limited to preventive measures. The Disaster Relief Act prohibits this in section 315 as it specifically states a responsibility for directing the person, business concern or other entity to repay the Treasury. The remaining comments from the commentors mentioned in this section are editorial or nonsubstantive and do not require replies.

Environmental Considerations

This regulation is procedural, and based on the following criteria, FEMA has determined that the implementation of this regulation will have no significant impact on the environment:

(1) Minimal or no effect on environmental quality;

(2) No significant change to existing environmental conditions; and

(3) No significant cumulative environmental impact. Executive Order 12291 and Regulatory Flexibility Act.

This rule has been determined not to be a "major rule" within the sense of Executive Order 12291, for the following reasons:

(1) It will not have an annual effect on the economy of $100 million or more;

(2) It will not result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and

(3) It will not have a significant adverse effect 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.

Also, it has been determined that this regulation will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis will not be prepared.

There are no information collection requirements in this regulation.

Content of the Rule

This rule implements section 315 of the Disaster Relief Act of 1974, 42 U.S.C. 5155. It states the agency policy for preventing duplication of benefits and for remedying it when it has occurred.

List of Subjects in 44 CFR Part 205

Community facilities, Disaster assistance, Grant programs, Housing and community development.

Accordingly, 44 CFR Part 205 is amended as follows:

PART 205—FEDERAL DISASTER ASSISTANCE (PUB. L. 93-288)

1. The authority citation for Part 205 is revised to read as follows and all authority citations within Subpart A are removed.

Authority: 42 U.S.C. 5201 Reorganization Plan No. 3 of 1978, Executive Order 12148.

2. Section 205.10 is revised to read as follows:

§ 205.10 Duplication of benefits.

(a) *Purpose.* This section establishes the policies for implementing Section 315 of the Disaster Relief Act, entitled Duplication of Benefits.

(b) *Agency Policy.* It is FEMA policy:

(1) To prevent duplication of benefits between its own programs and insurance benefits, and between its own programs and other disaster assistance, by providing assistance under the Act only when other assistance, which is the primary responsibility of another State or Federal agency to provide, will be significantly delayed or is unavailable, and when the delay or unavailability is not caused by the applicant;

(2) To examine a debt resulting from duplication to determine that the likelihood of collecting the debt and the best interests of the United States government justify taking the necessary recovery actions to remedy duplication which has occurred when other assistance has become available;

(3) To assure, by consultation with other Federal agencies and by performing selected quality control reviews, that the other disaster relief agencies establish and follow policies and procedures to prevent and remedy duplication among their programs, other programs, and insurance benefits; and

(4) To coordinate the effort of agencies providing assistance so that each agency understands the prevention and remedial policies of the others and is able to fulfill its own responsibilities regarding duplication of benefits.

(c) *Delivery Sequence.* (1) Duplication occurs when an agency has provided assistance which was the primary responsibility of another agency, and the agency with primary responsibility later provides assistance. A delivery sequence establishes the order in which disaster relief agencies and organizations provide assistance. The specific sequence, in accordance with the mandates of the assistance programs, is to be followed in the delivery of assistance. When the delivery sequence has been disrupted, the disrupting agency is responsible for rectifying the duplication. The delivery sequence pertains to that period of time in the recovery phase when most of the traditional disaster assistance programs are available.

(2) The delivery sequence is, in order of delivery:

First—volunteer agencies' emergency assistance (except expendable items such as clothes, linens, and basic kitchenware); insurance (including flood insurance);

Second—temporary housing assistance (to include provision of a housing unit and minimal repairs);

Third—Small Business Administration and Farmers Home Administration disaster loans;

Fourth—Individuals and Family Grant program assistance;

Fifth—volunteer agencies' "additional assistance" programs; and

Sixth—the "Cora Brown Fund."

(3) Two significant points about the delivery sequence are that:

(i) Each assistance agency should, in turn, offer and be responsible for delivering assistance without regard to duplication with a program later in the sequence; and

(ii) The sequence itself determines what types of assistance can duplicate other assistance (e.g., a Federal program can duplicate insurance benefits, however, insurance benefits cannot duplicate the Federal assistance). An agency's position in the sequence determines the order in which it should provide assistance and what other resources it must consider before it does so.

(4) If following the delivery sequence concept would adversely affect the timely receipt of essential assistance by a disaster victim, the following exception may be invoked. When there is a time delay, an agency may offer assistance which is the primary responsibility of another agency. There may be cases when an agency (Agency B) delivers assistance which is normally the primary responsibility of another agency (Agency A) because Agency A has, for good cause, denied assistance. After the assistance is delivered, Agency A re-opens the case. If the primary response Agency A then provides assistance, that Agency A is responsible for coordinating with Agency B to either: (i) Assist Agency B in preventing the duplication of benefits or (ii) in the case where the disaster victim has refused assistance from Agency A, notify Agency B that it must recover assistance previously provided.

(d) *Program Guidance.*—(1) *Programs Under the Act v. Other Agency Assistance.*

(i) In making an eligibility determination, the FEMA Regional Director, in the case of Federally operated programs, or the State, in the case of State operated programs, shall determine whether assistance is the primary responsibility of another agency to provide, according to the delivery sequence; and determine whether that primary response agency can provide assistance in a timely way.

(ii) If it is determined that timely assistance can be provided by the agency with primary responsibility, refrain from providing assistance under the Act. If it is determined that assistance from the agency with primary responsibility will be significantly delayed, assistance under the Act may be provided, but then must be recovered from the applicant when the other assistance becomes available.

(2) *Programs Under the Act v. Insurance.* In making an eligibility determination, the FEMA Regional Director or State shall:

(i) Remind the applicant about his/her responsibility to pursue an adequate settlement. The applicant must provide information concerning insurance recoveries. The burden of proof is on the applicant to prove that, despite conditions of settlement or expected settlement, the need for disaster assistance is paramount;

(ii) Determine whether the applicant's insurance settlement will be sufficient to cover the loss or need without disaster assistance; and

(iii) Determine whether insurance benefits (including flood insurance) will be provided in a timely way, thus precluding the need for disaster assistance, or whether assistance should be provided immediately to prevent a hardship. Where flood insurance is involved, the Regional Director shall coordinate with the Federal Insurance Administration. The purpose of this coordination is to obtain information about flood insurance coverage and settlements.

(3) *Random Sample.* Each disaster assistance agency is responsible for preventing and rectifying duplication of benefits under the coordination of the Federal Coordinating Officer (FCO) and the general authority of section 315. To determine whether duplication has occurred and established procedures have been followed, the Regional Director shall, within 90 days after the close of the disaster assistance programs' application period, for selected disaster declarations, examine on a random sample basis, FEMA's and other government and voluntary agencies' case files and document the findings in writing.

(4) *Duplication When Assistance Under the Act is Involved.* If duplication is discovered, the Regional Director shall determine whether the duplicating agency followed its own remedial procedures.

(i) If the duplicating agency followed its procedures and was successful in correcting the duplication, the Regional Director will take no further action. If the agency was not successful in correcting the duplication, and the Regional Director is satisfied that the duplicating agency followed its remedial procedures, no further action will be taken.

(ii) If the duplicating agency did not follow its duplication of benefits procedures, or the Regional Director is not satisfied that the procedures were followed in an acceptable manner, then the Regional Director shall provide an opportunity for the agency to take the required corrective action. If the agency cannot fulfill its responsibilities for remedial action, the Regional Director shall notify the recipient of the excess assistance, and after examining the debt, if it is determined that the likelihood of collecting the debt and the best interests of the United States government justify taking the necessary recovery actions, then take those recovery actions in conjunction with agency representatives for each identified case in the random sample (or larger universe, at the Regional Director's discretion).

(5) *Duplication When Assistance Under Other Authorities is Involved.* When the random sample shows evidence that duplication has occurred and corrective action is required, the Regional Director and the FCO shall urge the duplicating agency to follow its own procedures to take corrective action, and shall work with the agency toward that end. Under his/her authority in section 315, the Regional Director shall require the duplicating agency to report to him/her on its attempt to correct the duplications identified in the sample.

(e) *Recovering FEMA Funds: Debt Collection.* FEMA's Debt Collection Regulations (44 CFR Part 11) and policy statements give agency debt collection officers and the Comptroller certain responsibilities in recovering funds due to FEMA. In addition, they specify thresholds for compromise, suspension, and termination of debts. These regulations prescribe the procedures FEMA will follow to recover duplications FEMA is responsible for acting upon.

Dated: April 11, 1986.

Samuel W. Speck,

Associate Director, State and Local Programs and Support.

[FR Doc. 86-8544 Filed 4-18-86; 8:45 am]

BILLING CODE 6718-02-M

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44 CFR Part 205

Temporary Housing Assistance

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule establishes the Federal Emergency Management Agency (FEMA) program regulations for the Temporary Housing Assistance (THA) Program under section 404 of the Disaster Relief Act of 1974. THA is provided to applicants who qualify for it as a result of a major disaster or emergency declared by the President. The regulations specify agency policies concerning eligibility criteria; avoidance of duplication of benefits and the types and extent of assistance to be provided.

EFFECTIVE DATE: This Rule is effective May 21, 1986.

FOR FURTHER INFORMATION CONTACT: Sarah L. Wise, Individual Assistance Division, Office of Disaster Assistance Programs, State and Local Programs and Support, FEMA, 500 'C' Street, SW., Washington, D.C. 20472, (202) 646-3657.

SUPPLEMENTARY INFORMATION: On December 6, 1985, FEMA published a proposed rule in the **Federal Register.** Two responses were received. One commentor objected to the statement that a greater share of the burden of relief was being shifted to disaster victims. Paragraph (b), Program Intent, has been reworded to better state FEMA's intent. Field tests of the new procedures clearly show that people are able to help themselves when given the financial assistance to do so. Concerns about duplication of insurance benefits were raised. Duplication of benefits is addressed in the regulations and agency procedures due to the explicit prohibition of such duplication in section 315(b) of Pub. L. 93-288. However, the regulations allow sufficient flexibility to assist people when benefits are unavoidably delayed.

Concern was also expressed that removing technical detail from the regulations and expanding the Regional Director's authority may result in too much variation in program administration. It should be noted that FEMA is issuing accompanying instructions and policy statements to its Regional Offices to insure consistency, while enabling the Regional Director the flexibility to cope with unique and changing disaster situations.

The definition of financial ability in paragraph (c)(5) has also been reworded for clarity.

One commentor requested that FEMA make transient housing available. Such assistance has always been and still is available and is unaffected by these regulations. Prompt placement of mobile homes was also raised as a concern. The use of mobile homes has always been an option in the program and these regulations do not change past or current policies.

One commentor expressed concern that FEMA was placing the burden of determining eligibility on pre-disaster renters. This determination will continue to be done by FEMA. The only burden the disaster victim will have to bear is placing a toll free call if they wish to apply for additional assistance.

Comments were received on the dollar limitations for minimal repairs. One commentor objected to FEMA placing a $100 deductible on the minimal repair grant. The minimum dollar limitation is not a deductible—it is a threshhold. In extreme hardship cases this threshhold can be waived. It is FEMAs position that any damages under $100 can normally be assumed by the applicant. One of the commentors expressed concern that a maximum amount for minimal repairs is not specified. Paragraph (g)(1)(ii)(C) has been changed to give the Associate Director authority to establish both a minimum and a maximum dollar limitation. The dollar limitations established by the Associate Director are $100 as a minimum and $5,000 as a maximum. A notice will be published in the **Federal Register** if either of these amounts are changed.

One comment concerned the reference in paragraph (d)(1) to "rent-free" housing. Pub. L. 93-288 (404(a)) mandates that no rental shall be established during the first twelve months of occupancy. Continued occupancy is based on need, therefore the reference is appropriate.

Comments received on Disaster Application Center procedures are noted but are not germane to this regulation and have been addressed in separate correspondence to the commentor.

In addition to the changes made as a result of the comments received there were several other changes made based on experiences in more recent disaster operations. The most significant of these changes are to the minimal repairs form of assistance, paragraph (g). Items (G) and (I) of the minimal repairs scope of work have also been slightly reworded

to eliminate the connotation that all minimal repairs performed under this program are temporary. Item (O), involving repairs to foundations, walls, and footings that affect the essential living area has been added. By modifying the scope of work, FEMA can assure that the most economical form of assistance which is appropriate to the situation is used. Because of the dollar limitations, FEMA has determined that major reconstruction could not be undertaken and therefore the use of minimal repairs remains consistent with the intent of the Act.

Other changes made include: Changing all delegations of authority to the Regional Director or Associate Director (further guidance on redelegation will be provided by memorandum); adding a new condition of ineligibility involving evacuation solely as a precautionary measure; identifying an applicant who is refused continued rental assistance (after receiving an initial rental payment) as one who may request a reconsideration of that decision (paragraph (f)(2)(ix)); and eliminating paragraph (k)(3)(iii)(E) since it was redundant given paragraph (k)(3)(ii).

FEMA has determined that there will be no significant impact on the environment caused by implementation of this final rule. An environmental assessment resulting in a finding of no significant impact is on file and may be inspected or obtained at the Office of Disaster Assistance Programs, Individual Assistance Division; or at the Office of Rules Docket Clerk, FEMA, 500 'C' Street, SW., Washington, D.C. 20472.

This rule has been determined not to be a "major rule" within the meaning of Executive Order 12291, for the following reasons:

(1) It will not have an annual effect on the economy of $100 million or more;

(2) It will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and,

(3) It will not have a significant adverse impact on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Further, the program applies to individuals and thus it is certified it will not have a significant economic impact on a substantial number of small entities.

Therefore, no regulatory analyses have been prepared.

Subsection 205.52(s) provides for collection of information. This request, OMB # 3067-0124, has been approved and is effective until July 1986.

List of Subjects in 44 CFR Part 205

Disaster assistance grant programs, Community disaster loans.

Accordingly, 44 CFR Part 205 is amended as follows:

PART 205—FEDERAL DISASTER ASSISTANCE (PUB. L. 93-288)

1. The authority citation for Part 205 is revised to read as follows:

Authority: 42 U.S.C. 5201, Reorganization Plan No. 3 of 1978; E.O. 12148.

2. § 205.52 is revised to read as follows:

§ 205.52 Temporary housing assistance.

(a) *Purpose.* This section prescribes the policy to be followed by the Federal Government or any other organization when implementing section 404, Disaster Relief Act of 1974, 42 U.S.C. 5174.

(b) *Program Intent.* Assistance under this program is made available to applicants who require temporary housing as a result of a major disaster or emergency that is declared by the President. Eligibility for assistance is based on need created by disaster-related uninhabitability of a primary residence or other disaster-related displacement, combined with a lack of adequate insurance coverage. Eligible applicants may be paid for authorized accommodations and/or repairs. In the interest of assisting the greatest number of people in the shortest possible time, applicants who are able to do so will be encouraged to make their own arrangements for temporary housing (e.g., renting an apartment or contracting for minimal repairs), using the funds provided by this program. Ineligibility relates only to the criteria for temporary housing assistance; denial of such assistance does not imply that repairs to a residence are not required. Although numerous instances of minor damage may cause some inconvenience to the applicant, the determining eligibility factor must be the habitability of the residence. FEMA has also determined that it is reasonable to expect applicants or their landlords to make some repairs of a minor nature.

(c) *Definitions.* (1) "Adequate alternate housing" means housing that:

(i) Accommodates the needs of the applicant(s)/occupant(s);

(ii) Is within reasonable commuting distance of work, school or other centers of household activity;

(iii) Is within the financial ability of the applicant(s)/occupant(s); and

(iv) Does not impose an undue burden upon the applicant(s)/occupant(s) in the realization of a reasonable permanent housing plan.

(2) "Effective date of assistance" means either the date the eligible applicant obtained his/her own FEMA approved temporary housing or the date FEMA provides assistance but, where applicable, only after appropriate insurance benefits are exhausted.

(3) "Essential living area" means that area of the residence essential to normal living, i.e., kitchen, one bathroom, dining area, living room, entrances and exits, and essential sleeping areas. It does not include family rooms, guest rooms, garages, or other nonessential areas, unless hazards exist in these areas which impact the safety of the essential living area.

(4) "Fair market rent" means a reasonable amount to pay in the local area for the size and type of accommodations provided. (Formula is provided in paragraph (g)(2) of this section.)

(5) "Financial ability" is the determination of the applicant(s)/occupant(s) ability to pay housing costs. The determination is based upon the amount paid for housing before the disaster, provided the household income has not changed subsequent to or as a result of the disaster or 25 percent of gross post disaster income if the household income change. When computing financial ability, extreme or unusual financial circumstances may be considered by the Regional Director.

(6) "Household" means all residents of the predisaster residence who request temporary housing assistance, plus any additions during the temporary housing period, such as infants, spouses or part-time residents who were not present at the time of the disaster but who are expected to return during the temporary housing period.

(7) "Housing costs" means shelter rent and mortgage payments including principal, interest, real estate taxes, real property insurance, and utility costs, where appropriate.

(8) "Occupant" means an eligible applicant residing in temporary housing provided under this section.

(9) "Owner-occupied" means that the residence is occupied by: The legal owner; a person who does not hold formal title to the residence and pays no rent but is responsible for the payment of taxes, maintenance of the residence; or a person who has lifetime occupancy rights with formal title vested in another.

(10) "Primary residence" means the dwelling where the applicant normally lives during the major portion of the calendar year, or a dwelling which is

required because of proximity to employment.

(d) *Duplication of benefits.*—(1) *Requirement to avoid duplication.* Assistance under section 404 shall not be made available to an applicant if such assistance has been provided by any other source. If any State or local government or voluntary agency has provided temporary housing, the assistance under this section begins at the expiration of such assistance and may continue rent-free, not to exceed twelve months provided the criteria for continued assistance, paragraph (k)(3) of this section, are met. If it is determined that temporary housing assistance will be provided under this section, notification shall be given to those agencies which have the potential to duplicate such assistance. In the instance of insured applicants, assistance shall not be provided unless:

(i) Payment of the applicable benefits has been significantly delayed;

(ii) Applicable benefits have been exhausted;

(iii) Applicable benefits are insufficient to cover the temporary housing need; or

(iv) Housing or the required services ae not available on the private market.

(2) *Recovery of funds.* Prior to provision of assistance, the applicant must agree to repay to FEMA from insurance proceeds or recoveries from any other source an amount equivalent to the value of the temporary housing assistance provided. In no event shall the amount repaid to FEMA exceed the amount recovered by the applicant. All claims shall be collected in accordance with Agency Regulations at 44 CFR Part 11, Subpart C and procedures for debt collection.

(e) *Applications.*—(1) *Application period.* Applications for temporary housing assistance shall be accepted for a 60-day period following the date of the declaration of a major disaster or emergency, unless additional time for submission of applications is authorized by the Regional Director in order to achieve uniformity of application periods in contiguous States. After the established period, applications shall be accepted; however, processing shall not be completed unless authorized by the Regional Director on a case-by-case basis.

(Approved by the Office of Management and Budget under OMB Control Number 3067-0009)

(2) *Household composition.* Members of a household shall be included on a single application and be provided a single temporary housing residence unless it is administratively determined that the size of the household requires that more than one residence be provided.

(f) *General eligibility guidelines.* Temporary housing assistance may be made available to those applicants who, as a result of a major disaster or emergency declared by the President, are qualified for such assistance.

(1) *Conditions of eligibility.* Temporary housing assistance may be provided only when *both* of the following conditions are met:

(i) The applicant's primary residence has been made uninhabitable or the applicant has been displaced as the result of a major disaster or emergency because:

(A) The residence has been destroyed, essential utility service has been interrupted, or the essential living area has been damaged as a result of the disaster to such an extent as to constitute a serious health or safety hazard which did not exist prior to the disaster. The Regional Director shall prepare additional guidelines when necessary to respond to a particular disaster;

(B) The residence has been made inaccessible as a result of the incident to the extent that the applicant cannot reasonably be expected to gain entry due to the disruption or destruction of transportation routes, other impediments to access, or restrictions placed on movement by a responsible official due to continued health and safety issues.

(C) The owner of the applicant's residence requires the residence to meet his/her personal needs because the owner's predisaster residence was made uninhabitable as a result of the disaster;

(D) Financial hardship resulting from the disaster has led to eviction or dispossession; or

(E) Other circumstances resulting from the disaster, as determined by the Regional Director, prevent the applicant from occupying his/her predisaster primary residence.

(ii) Insured applicants have made every reasonable effort to secure insurance benefits, available proceeds are insufficient as defined in paragraph (d) of this section, and the insured has agreed to repay FEMA from whatever insurance proceeds are later received, pursuant to paragraph (d)(2) of this section.

(2) *Conditions of ineligibility.* Temporary housing assistance shall not be provided:

(i) To an applicant who is displaced from other than his/her primary residence; or

(ii) To an applicant who is displaced solely as a consequence of a redevelopment program undertaken by a community; or

(iii) When the residence in question is habitable, i.e., only minor damage exists and it can reasonably be expected to be repaired by the applicant/owner or the landlord; or

(iv) When the applicant owns a secondary or vacation residence, or unoccupied rental property which meets his/her temporary housing needs; or

(v) To an applicant who has adequate rent-free housing accommodations; or

(vi) To an applicant who has adequate insurance coverage and there is no indication that benefits will be delayed; or

(vii) To an applicant who has adequate insurance but has made no effort to obtain the benefits; or

(viii) When a late application is not approved for processing by the Regional Director as authorized in paragraph (e)(1) above, or

(ix) To an applicant who evacuated his/her residence in response to official warnings solely as a precautionary measure, and who is able to return to the residence immediately after the incident, (i.e., the applicant is not otherwise eligible for temporary housing assistance).

(g) *Forms of temporary housing assistance.*—(1) *Minimal repairs.* Minimal repairs may be authorized to quickly repair or restore to a habitable condition that portion of or areas affecting the essential living area of, or private access to, an owner-occupied primary residence which was damaged as a result of the disaster. Such assistance shall not be used for major reconstruction or rehabilitation. Installation of utilities or conveniences not available in the residence prior to the disaster shall not be provided under minimal repairs. However, repairs which are authorized shall conform to applicable local and/or State building codes; upgrading of existing damaged utilities may be authorized when required by these codes.

(i) *Options for minimal repairs.* Eligible applicants approved for minimal repairs may be assisted through one or a combination of the following methods:

(A) *Cash payment.* Payment shall be limited to the reasonable costs for the repairs and replacements in the locality, as determined by the Regional Director.

(B) Provision of materials and replacement items.

(C) Government awarded repair contracts when authorized by the Associate Director.

(ii) *Feasibility.* Minimal repairs may be provided to those eligible applicants:

(A) Who are owner-occupants of the residence to be made habitable;

(B) Whose residence can be made habitable by repairs to the essential living area within 30 days following the feasibility determination. The Regional Director may extend this period for extenuating circumstances by determining that this type of assistance is still more cost effective, timely and otherwise suitable than other forms for temporary housing; and

(C) Whose residence can be made habitable by the performance of minimal repairs to the essential living area, the cost of which do not exceed the dollar limitations established by the Associate Director. The Regional Director may, on a case-by-case basis, waive the dollar limitations when minimal repairs are more cost effective and appropriate than other forms of housing assistance or when extenuating circumstances warrant.

(iii) *Scope of work.* The type of repair or replacement authorized may vary depending upon the nature of the disaster. Items will be repaired where feasible or replaced only when necessary to insure the safety, security, or health of the occupant. Replacement items shall be of minimum quality, size, and capacity taking into consideration the needs of the applicant(s). Minimal repairs shall be disaster related and shall be limited to:

(A) Repairs to the plumbing system, including repairs to or replacement of fixtures, providing service to the kitchen and one bathroom;

(B) Repairs to the electrical system providing service to essential living areas, including repairs to or replacement of essential fixtures;

(C) Repairs to the heating unit, including repairs to duct work, vents, and integral fuel and electrical systems. If repair or replacement through other forms of assistance cannot be accomplished before the start of the season requiring heat, minimal repairs may be authorized. Replacement of a heating unit may be authorized by the Regional Director when an inspection shows that the unit has been damaged beyond repair, or when the availability of necessary parts or components makes repair impossible.

(D) Repairs to or replacement of essential components of the fuel system to provide for cooking, and to provide for heating when assistance through other programs cannot be accomplished before the start of the season requiring heat;

(E) Pumping and cleaning of the septic system, repairs to or replacement of the tank, drainfield, or repairs to sewer lines;

(F) Flushing and/or purifying the water well, and repairs to or replacement of the pump, controls, tank, and pipes;

(G) Repairs to or replacement of exterior doors, repair of windows and/or screens needed for health purposes;

(H) Repairs to the stove and refrigerator, when feasible in lieu of provision of these items under paragraph (j) of this section;

(I) Minimal repairs to the roof, when the damages affect the essential living area;

(J) Minimal repairs to interior floors, when severe buckling or deterioration creates a serious safety hazard;

(K) Blocking, leveling, and anchoring of a mobile home;

(L) Reconnecting and/or resetting mobile home sewer, water, electrical and fuel lines, and tanks;

(M) Towing necessary to remove a mobile home from its original site, only when necessary to accomplish other authorized minimal repairs;

(N) Emergency repairs to private access routes, limited to those repairs that meet the minimum safety standards are using the most economical materials available. Such repairs are provided on a one-time basis when no alternative access facilities are immediately available;

(O) Minimal repairs to the foundation piers, walls or footings when the damages affect the structural integrity of the essential living area;

(P) Elimination of other health and safety hazards or performance of essential repairs which are authorized by the Regional Director as not available through emergency services provided by voluntary or community agencies, and cannot reasonably be expected to be completed on a timely basis by the applicant without FERMA assistance.

(iv) *Requirements of the Flood Disaster Protection Act.* FEMA has determined that flood insurance purchase requirements need not be imposed as a condition of receiving minimal repairs. Minimal repairs recipients will normally receive assistance for further repairs from other programs which will impose the purchase and maintenance requirements. However, except for items which are not insurable under the National Flood Insurance Program (e.g., access, sewer and septic systems) minimal repairs may not be provided in zones A or V of a suspended or sanctioned community.

(2) *Existing resources.* These may include locally available Government-owned or assisted properties, private or commercial properties, transient accommodations, and staying with family and friends.

(i) *Government-owned or assisted properties.* Payment for the use of such properties shall be in accordance with existing memoranda of understanding between FEMA and the providing agency.

(ii) *Private and Commercial properties.* Rental for private or commercial properties may be paid in accordance with the fair market rent guidelines for the type and size of residence required. At each disaster site, fair market rent guidelines for each size residence shall be established by averaging the cost of available residence per number of bedrooms for each locality where temporary housing will be provided. Where privately owned mobile homes are to be used, a separate guideline should be developed if there is a substantial difference in rent between this type of residence and conventional housing. Guidelines for hotels, motels, and other short-term resources shall be developed only when there is a substantial variance in price among the available supply. The purpose of these fair market rent guidelines is to prevent development of an inflated rental market resulting from the disaster and to insure cost effectiveness. These guidelines reflect the desired maximum payment. Use of resources more costly than the guidelines may be authorized for full payment only when other existing resources are not available. When authorized by the Regional Director, the Federal Government may pay for security deposits; however, the owner or occupant shall reimburse the full amount to the Federal Government before or at the time that temporary housing assistance is terminated.

(iii) *Staying with Family and Friends.* Sharing of accommodations with family or friends is an allowable form of assistance only when an eligible applicant elects it as his/her form of assistance.

(iv) *Transient accommodations.* Immediately following a Presidentially declared major disaster or emergency, disaster victims are expected to stay with family or friends without FEMA assistance, or to make use of mass shelters to the fullest extent possible for short-term housing. Transient accommodations may be provided when individual circumstances warrant such assistance for only a short period of time or pending provision of other temporary housing resources. Transient accommodations may be provided for up to 30 days unless this period is extended by the Regional Director.

Authorized expenditures for transient accommodations shall be restricted to the rental cost including utilities except for those which are separately metered. Payment for food, telephone, or other similar services is not authorized under this section.

(3) Mobile homes, travel trailers, and other manufactured housing units. Government-owned or privately owned mobile homes, travel trailers, and other manufactured housing units may be placed on commercial, private, or group sites. The placement must comply with applicable State and local codes and ordinances as well as FEMA's floodplain management regulations at 44 CFR Part 9, Floodplain Management and Protection of Wetlands, and the environmental assessment regulations at 44 CFR Part 10, Environmental Considerations.

(i) A commercial site is a site customarily leased for a fee because it is fully equipped to accommodate a housing unit. The Associate Director has determined that leasing commercial sites at Federal expense is in the public interest. When the Regional Director determines that upgrading of commercial sites or installation of utilities on such sites will provide more cost-effective, timely, and suitable temporary housing than other types of resources, he/she may authorize such action at Federal expense.

(ii) A private site is a site provided or obtained by the applicant at no cost to the Federal Government. The Associate Director has determined that the cost of installation or repairs of essential utilities on private sites is authorized at Federal expense when such actions will provide more cost-effective, timely, and suitable temporary housing than other types of resources.

(iii) A group site is a site which accommodates two or more units and is provided or obtained by a State, local government or other entity completely developed with all essential utilities at no cost to the Federal Government. However, the Associate Director may authorize development of group sites, including installation of essential utilities, at Federal expense, based upon a recommendation from the Regional Director indicating that all other efforts to obtain funding have been exhausted.

(h) *Appropriate form of temporary housing.* The form of temporary housing provided should not exceed eligible applicants' minimum requirements, taking into consideration items such as timely availability, cost effectiveness, permanent housing plans, special needs (handicaps, etc.) of the applicants, and the requirements of FEMA's floodplain management regulations at 44 CFR Part 9. An applicant shall receive one form of temporary housing, except for transient accommodations or when provision of an additional form is in the best interest of the Government. An eligible applicant is expected to accept the first offer of temporary housing; unwarranted refusal shall result in forfeiture of temporary housing assistance. Existing resources shall be utilized to the fullest extent practicable prior to provision of government-owned mobile homes.

(i) *Utility costs.* All utility costs shall be the responsibility of the occupant except where utility services are not metered separately and are therefore a part of the rental charge. Utility use charges and deposits shall always be the occupant's responsibility.

(j) *Supplemental assistance.* Essential furniture may be provided to eligible temporary housing applicants when such assistance is required to occupy the primary or temporary housing residence. However, loss of furniture does not in and of itself constitute eligibility for temporary housing assistance.

(1) Assistance shall be provided in the most practical manner either by cash payment or obtaining the furniture items by purchase, lease, lease with an option to buy or from Federal stock. Items provided shall be of average construction and quality. Luxury items shall not be provided.

(2) Furniture made available to temporary housing applicants shall be disposed of in one of the following ways:

(i) In those instances where furniture has been leased with a purchase option, the occupant may purchase the items from the lessor before his/her temporary housing assistance is terminated; or

(ii) If the furniture has been purchased by the Federal Government it shall be disposed of in accordance with Federal property management procedures at 41 CFR 101–45.5, Abandonment or Destruction of Surplus Property.

(k) *Duration of assistance.*—(1) *Commencement.* Temporary housing assistance may be provided as of the date of the incident of the major disaster or emergency as specified in the Federal Register notice. An effective date of assistance shall be established for each applicant.

(2) *Continued assistance.* Predisaster renters normally shall be provided no more than 1 month of assistance unless the Regional Director determines that continued assistance is warranted in accordance with paragraph (k)(3). All other occupants of temporary housing shall be certified eligible for continued assistance in increments not to exceed 3 months. Recertification of eligibility for continued assistance shall be in accordance with paragraph (k)(3), taking into consideration the occupant's permanent housing plan. A realistic permanent housing plan shall be established for each occupant requesting additional assistance no later than at the time of the first recertification.

(3) *Criteria for continued assistance.* A temporary housing occupant shall make every effort to obtain and occupy permanent housing at the earliest possible time. A temporary housing occupant will be required to provide receipts and shall be eligible for continued assistance when:

(i) Adequate alternate housing is not available;

(ii) The permanent housing plan has not been realized through no fault of the applicant; or

(iii) The occupant(s) is in compliance with the terms of the lease/rental agreement including:

(A) Prompt payment of utility, rent, and other appropriate charges;

(B) Maintenance of the temporary housing residence and behavior of occupants in a manner normally expected of a tenant of rental housing;

(C) Utilization of the residence as a dwelling for the occupant's household; and

(D) Reimbursement to the Government where all or a portion of the temporary housing assistance represents a duplication of benefits.

(l) *Rental policy.* Provided the occupant is eligible for continued assistance, no rental shall be established for the first twelve months of occupancy in temporary housing including occupancy in transient accommodations. Thereafter, rentals shall be established based on the fair market rent for the accommodations provided. Such rentals shall be adjusted to take into consideration the financial ability of the household. Based on information obtained through recertification, occupants will be notified of the date and the amount of the first rental payment at least 30 days before the expiration of the first 12 months of occupancy.

(m) *Termination of assistance.* Termination of temporary housing assistance shall be initiated with a 15-day written notice after which the occupant shall be liable for such additional charges as are deemed appropriate by the Regional Director including, but not limited to, the fair market rental for the temporary housing residence.

(1) *Grounds for Termination.* Temporary housing assistance may be

terminated for reasons including, but not limited to the following:

(i) Adequate alternate housing is available to the occupant(s);

(ii) The temporary housing assistance was obtained either through misrepresentation or fraud; or

(iii) Failure to comply with any term of the lease/rental agreement including those defined in paragraph (k)(3)(iii).

(2) *Termination procedures.* These procedures shall be utilized in all instances except when a State is administering the Temporary Housing Assistance Program. States shall be subject to their own procedures provided they afford the occupant(s) with due process safeguards described in paragraph (m)(2)(v)(B).

(i) Notification of Occupant. Written notice shall be given by FEMA to the occupant(s) at least 15 days prior to the proposed termination of assistance. This notice shall specify: The reasons for termination of assistance/occupancy; the date of termination, which shall be not less than 15 days after receipt of the notice; the administrative procedure available to the occupant if he/she wishes to dispute the action; and the occupant's liability after the termination date for additional charges.

(ii) *Filing of Appeal.* If the occupant desires to dispute the termination, upon receipt of the written notice specified in paragraph (m)(2)(i), he/she shall present an appeal in writing to the appropriate office in person or by mail within five business days. The appeal must be signed by the occupant and state the reasons why the assistance or occupancy should not be terminated. If a hearing is desired, the appeal should so state.

(iii) *Response to Appeal.* If a hearing pursuant to paragraph (m)(2)(ii) has not been requested the occupant has waived the right to a hearing. The appropriate program official shall deliver or mail a written response to the occupant within 5 business days after the receipt of the complaint.

(iv) *Request for hearing.* If the occupant requests a hearing pursuant to paragraph (m)(2)(ii), FEMA shall schedule a hearing date within 10 business days from the receipt of the appeal, at a time and place reasonably covenient to the occupant, who shall be notified promptly thereof in writing. The notice of hearing shall specify the procedure governing the hearing.

(v) *Hearing.*—(A) *Hearing Officer.* The hearing shall be conducted by a Hearing Officer, who shall be designated by the Regional Director, and who shall not have been involved with the decision to terminate the occupant's temporary housing assistance, nor be a subordinate of any individual who was so involved.

(B) *Due Process.* The occupant shall be afforded a fair hearing and provided the basic safeguards of due process, including cross-examination of the responsible official(s), access to the documents on which FEMA is relying, the right to counsel, the right to present evidence and the right to a written decision.

(C) *Failure to appear.* If a occupant fails to appear at a hearing the Hearing Officer may make a determination that the occupant has waived his/her right to a hearing, or may, for good cause shown, postpone the hearing for no more than 5 business day.

(D) *Proof.* At the hearing, the occupant must first attempt to establish that continued assistance is appropriate; thereafter, FEMA must sustain the burden of proof in justifying that termination of assistance is appropriate. The occupant shall have the right to present evidence and arguments in support of his/her complaint, to controvert evidence relied on by FEMA, and to cross examine all witnesses on whose testimony or information FEMA relies. The hearing shall be conducted by the Hearing Officer and any evidence pertinent to the facts and issues raised may be received without regard to its admissibility under rules of evidence employed in formal judicial proceedings.

(vi) *Decision.* The decision of the Hearing Officer shall be based solely upon applicable Federal and State law, and FEMA regulations and requirements promulgated thereunder. The Hearing Officer shall prepare a written decision setting forth a statement of findings and conclusions together with the reasons therefor, concerning all material issues raised by the complainant within five (5) business days after the hearing. The decision of the Hearing Officer shall be binding on FEMA, which shall take all actions necessary to carry out the decision or refrain from any actions prohibited by the decision.

(A) The decision shall include a notice to the occupant that he/she must vacate the premises within three (3) days of receipt of the written notice or on the termination date stated in the original notice of termination, as required in (m)(2)(i), whichever is later. If the occupant does not quit the premises, appropriate action shall be taken and, if suit is brought, the occupant may be required to pay court costs and attorney fees.

(B) If the occupant is required to give a specific number of days notice which exceeds the number of days in the termination notice, the Regional Director may approve the payment of rent for this period of time if requested by the occupant.

(n) *Disposition of temporary housing units.*—(1) *Acquisition.* The Associate Director may purchase mobile homes or other manufactured housing units for those who require temporary housing. After such temporary housing is vacated, it shall be returned to one of the FEMA-operated Strategic Storage Centers for refurbishment and storage until needed in a subsequent major disaster or emergency. When returning the unit to a Strategic Storage Center is not feasible or cost effective, the Associate Director may prescribe a different method of disposition in accordance with applicable Federal regulations.

(2) *Sales.*—(i) *Eligibility.* When adequate alternate housing is not available, the Regional Director shall make available for sale directly to a temporary housing occupant(s) any mobile home or manufactured housing unit, acquired by purchase, in accordance with the following:

(A) The unit is to be used as a primary residence;

(B) The purchaser has a site that complies with local codes and ordinances as well as FEMA's floodplain management regulations at 44 CFR Part 9 (in particular § 9.13(e)); and

(C) The purchaser has sufficient funds to purchase and, if necessary, relocate the unit.

The Associate Director may approve the sale of a mobile home or manufactured housing unit to a temporary housing occupant when adequate alternate housing is available but only when such sales are clearly in the best interest of the Government.

(ii) *Sales price.* Units shall be sold at prices that are fair and equitable to the purchaser and to the Government, as determined by the Associate Director. The purchaser shall pay the total sales price at the time of sale.

(iii) *Adjustment to the sales price.* (A) Adjustments to the sales price may be provided only when both of the following conditions are met:

(*1*) There is a need to purchase the unit for use as the purchaser's primary residence because other adequate alternate housing is unavailable. Adequate alternate housing must meet the criteria in paragraph (c)(1) of this section, and may consist of:

(*i*) Existing housing;

(*ii*) Additional resources such as disaster-damaged rental accommodations which can reasonably be expected to be repaired and become available in the near future;

(*iii*) New housing construction or housing to be made available through Government subsidy which is included in the immediate recovery plans for the area; and

(*iv*) Residences which can be repaired by the predisaster owner/occupant through funds available from insurance, other disaster assistance programs, or through his/her own resources.

(*2*) In addition to his/her own resources, the purchaser cannot obtain sufficient funds through insurance proceeds, disaster loans, grants, and commercial lending institutions to cover the sales price.

(B) To determine the adjusted sales price, the current available financial resources of the applicant shall be calculated. If the financial resources are equal to or greater than the basic sales price, then no adjustment shall be approved. If the applicant's financial resources are less than the basic sales price, the sales price shall be adjusted to take into consideration the financial resources available but shall include some consideration. Deviations from this rule may be reviewed on a case-by-case basis by the Associate Director.

(C) The Regional Director must approve all adjustments to the sales price of a mobile home.

(iv) *Other conditions of sale.* (A) A unit shall be sold "as is, where is" except for repairs necessary to protect health or safety, which are to be completed prior to sale. There shall be no implied warranties. In addition, the purchaser must be informed that he/she may have to bring the unit up to codes and standards which are applicable at the proposed site.

(b) In accordance with the Flood Disaster Protection Act of 1973, Pub. L. 93–234, as amended, the sale of a unit for the purpose of meeting the permanent housing need of an individual or family may not be approved where the unit would be placed in a designated special flood hazard area which has been identified by the Director for at least one year as floodprone unless the community in which the unit is to be located after the sale is, at the time of approval, participating in the National Flood Insurance Program. The purchaser must agree to buy and maintain an adequate flood insurance policy for as long as the unit is occupied by the purchaser. An adequate policy for purposes of this paragraph shall mean one which provides coverage for the basic sales price of the unit. The purchaser must provide proof of purchase of the initial flood insurance policy.

(3) *Transfer.* The Associate Director may lend temporary housing units purchased under section 404(a) of the Act directly to States, other Governmental entities, or voluntary organizations. Such transfers may be made only in connection with a Presidential declaration of a major disaster or emergency. Donations may be made only when it is in the best interest of the Government, such as when future re-use by the Federal Government would not be economically feasible. As a condition of such transfers, the Associate Director shall require that the recipient:

(i) Utilize the units for the purpose of providing temporary housing for victims of major disasters or emergencies in accordance with the written agreement; and

(ii) Comply with the current applicable FEMA policies and regulations, including this section; 44 CFR Part 9 (especially §§ 9.13 and 9.14), Floodplain Management and Protection of Wetlands; 44 CFR Part 10, Environmental Assessment; and 44 CFR 205.16, Non-discrimination in Disaster Assistance. The Associate Director may order returned any temporary housing unit made available under this section which is not used in accordance with the terms of transfer.

(o) *Mortgage and rental payments.* Assistance in the form of mortgage or rental payments may be paid or be provided on behalf of applicants who, as a result of a major disaster or emergency, have received written notice of dispossession or eviction from their primary residence by foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease entered into prior to the disaster. Written notice, for the purpose of this paragraph, means a communication in writing by a landlord, mortgage holder, or other party authorized under State law to file such notice. The purpose of such notice is to notify an occupant of impending termination of a lease, foreclosure of a mortgage or lien, or cancellation of any contract of sale, which would result in the occupant's dispossession or eviction. Applications for this type of assistance may be filed up to one year following the date of declaration. This assistance may be provided for a period not to exceed one year or for the duration of the period of financial hardship, as determined by the Regional Director, whichever is less. The location of the residence of an applicant for assistance under this section shall not be a condition of eligibility.

(p) *Reconsiderations.* (1) An applicant declared ineligible for temporary housing assistance, an applicant whose application has been cancelled for cause, an applicant whose application has been refused because of late filing, or an applicant who received a direct housing payment but is not eligible for continued assistance in accordance with paragraph (k)(3) above shall have the right to dispute such a determination within five (5) calendar days following notification of such action. The Regional Director shall reconsider the original decision within 15 calendar days after its receipt. The applicant shall be given a written notice of the disposition of the reconsideration. The decision of the Regional Director is final.

(2) An occupant who has been notified that his/her request to purchase a mobile home or manufactured housing unit or that a request for an adjustment to the sales price has been denied shall have the right to dispute such a determination within five (5) business days after receipt of such notice. The Regional Director shall reconsider the original decision within 15 calendar days after receipt of the complaint. The occupant shall receive written notice of the disposition of the reconsideration. The decision of the Regional Director is final.

(q) *Reports.* The Associate Director, Regional Director, or Federal Coordinating Officer may require from field operations such reports, plans, and evaluations as they deem necessary to carry out their responsibilities under the Act and these regulations.

(r) *Federal responsibility.* The Federal financial and operational responsibility for the Temporary Housing Assistance Program shall not exceed 18 months from the date of the declaration of the major disaster or emergency. This period may be extended in writing by the Associate Director, based on a determination that it is necessary and in the public interest. The Regional Director may authorize continued use on a non-reimbursable basis of Government property, office space, and equipment by a State, other Government entity, or voluntary organization after the 18 month period.

(s) Non-Federal administration of temporary housing assistance. A State may request authority to administer all or part of the Temporary Housing Assistance Program in the Governor's request for a declaration or in a subsequent written request to the Regional Director from the Governor or his/her authorized representative. The State must have an approved plan prior to the incident and an approved operational annex within three (3) days of the declaration in order to administer the program. When administering the program the State must comply with FEMA program regulations and policies.

(1) *State temporary housing assistance plan.* (i) States which have an interest in administering the Temporary Housing Assistance Program shall be required to develop a plan that includes, at a minimum, the items listed below:

(A) Assignment of temporary housing assistance responsibilities to State and/or local officials and agencies;

(B) A description of the program, its functions, goals and objectives of the program, and proposed organization and staffing plan;

(C) Procedures for:

(*1*) Accepting applications at Disaster Assistance Centers and subsequently at a State established disaster housing office;

(*2*) Determining eligibility utilizing FEMA's habitability contract and notifying applicants of the determination;

(*3*) Preventing duplication of benefits between temporary housing assistance and assistance from other means, as well as a recoupment procedure when duplication occurs;

(*4*) Providing the various types of assistance (minimal repairs, existing resources, transient accommodations, and mobile homes);

(*5*) Providing supplemental assistance;

(*6*) Recertifying occupants for continued assistance;

(*7*) Terminating assistance;

(*8*) Contracting for services and/or supplies;

(*9*) Quality control;

(*10*) Maintaining a management information system;

(*11*) Financial management;

(*12*) Public information;

(*13*) Processing appeals; and

(*14*) Arranging for a program review.

(ii) The Governor or his/her designee may request the Regional Director to provide technical assistance in the preparation of an administrative plan.

(iii) The Governor or his/her designee shall submit the plan to the Regional Director for approval. Plans shall be revised, as necessary, and shall be reviewed at least annually by the Regional Director.

(2) *Operational annex.* Prior to the State administering the program, the State must submit an operational annex which tailors the approved State plan to the particular disaster or emergency. The annex must be reviewed and approved by the Regional Director within three (3) days of the declaration or the State shall not be permitted to administer the program. The operational annex shall include but not be limited to:

(i) Organization and staffing specific to the manager disaster or emergency;

(ii) Pertinent goals and management objectives;

(iii) A proposed budget; and

(iv) A narrative which describes methods for orderly tracking and processing of applications; assuring timely delivery of assistance; identification of potential problem areas; and any deviations from the approved plan.

The Regional Director may require additional annexes as necessary for subsequent phases of the operation.

(3) *Evaluation of capability.* State and local government assumption of the temporary housing assistance program for a particular disaster shall be approved by the Regional Director based on an evaluation of the capabilities and commitment of the entity. At a minimum, the evaluation shall include a review of the following:

(i) The State temporary housing assistance plan which has been approved by the Regional Director prior to the incident, and the specific operational annex which has been approved in accordance with paragraph(s)(2).

(ii) Past performance in administration of temporary housing assistance or other similar operations;

(iii) Management and staff capabilities; and

(iv) Demonstrated understanding of the task to be performed.

(4) *Grant application.* Approval of funding shall be obtained through submission of a project application by the State or local government through the Governor's Authorized Representative. (Approved by the Office of Management and Budget under OMB Control Number 3067–0043.) The State shall maintain adequate documentation to enable analysis of the program in accordance with FEMA Regulations 44 CFR 205.115. Final reimbursement to the State, or final debt collection, shall be based on an examination of the voucher filed by the State.

(5) *Authorized costs.* All expenditures associated with administering the program are authorized if in compliance with this section and OMB Circular A–87 Revised, Cost Principles for State and Local Governments (46 FR 9548). Specifically, the following expenses are authorized when applicable:

(i) Administrative expenses.

(A) Regular salaries;

(B) Overtime;

(C) Travel;

(D) Communications;

(E) Space rental;

(F) Equipment rental;

(G) Furniture rental;

(H) Supplies;

(I) Printing and reproduction;

(J) Liability insurance premiums; and

(K) Program reviews and audits.

(ii) Program costs.

(A) Minimal repairs;

(B) Costs associated with rental payments reimbursements for temporary housing including transient accommodations and commercial site rental;

(C) Mobile home installation and maintenance;

(D) Mobile home private site development;

(E) Cost of supplemental assistance;

(F) Mortgage and rental payments; and

(G) Other necessary costs, when approved by the Associate Director.

All contracts require the review and approval of the Regional Director prior to award, in order to be considered as an authorized expenditure.

(6) *Federal monitoring and oversight.* The Regional Director shall monitor State-administered activities since he/she remains responsible for the overall delivery of temporary housing assistance. In addition, policy guidance and interpretations to meet specific needs of a disaster shall be provided through the oversight function.

(7) *Technical assistance.* The Regional Director shall provide technical assistance as necessary to support State-administered operations through training, procedural issuances, and by providing experienced personnel to assist the State and local staff.

(8) *Operational resources.* The Regional Director shall make available for use in State or locally administered operations Federal stand-by contracts, memoranda of understanding with Government and voluntary agencies, and Federal property, such as government-owned mobile homes and travel trailers.

(9) *Program Reviews and Audits.* The State shall conduct a program review of each operation. All operations are subject to Federal audit.

Samuel W. Speck,

Associate Director, State and Local Programs and Support.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

45 CFR Part 201

Aid to Families With Dependent Children; Grants to States for Public Assistance Programs; Reporting the Federal Share of Child Support Collections by States

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: This final regulation, which implements section 407(c) of Pub. L. 96–265, the Social Security Disability Amendments of 1980, requires the Department of Health and Human Services to reduce the quarterly grant award made to a State under title IV–A by the appropriate Federal share of child support collections made by a State. This final rule is a technical change to clarify that the amount of the quarterly grant award made to a State will be reduced by the Federal share of child support collections made, like any other pro rata share of recovered funds to which the Federal government is entitled.

EFFECTIVE DATE: April 21, 1986; Compliance retroactive to the statutory implementation date of January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara M. Levering, Director, Office of Intergovernmental Communications, Office of Family Assistance, Social Security Administration, 2100 Second Street, SW., Washington, DC, 20201, telephone (202) 245–2637.

SUPPLEMENTARY INFORMATION: On August 21, 1985, a notice of proposed rulemaking was published in the **Federal Register** (50 FR 33784–33786).

Section 403(b)(2)(B) of the Social Security Act requires the Department to reduce the amount of the quarterly grant award made to a State under title IV–A by a sum equivalent to the pro rata share to which the Federal government is equitably entitled from the net amount recovered during any prior quarter by a State or political subdivision within a State. In 1980, Congress clarified the Department's authority to reduce quarterly grant awards by child support collections when it passed Pub. L. 96–265. (Section 407(c) of Pub. L. 265) amended the Social Security Act (the Act) by adding a new section 403(B)(2)(C) to title IV–A that specifically provided that the quarterly grant awards made to a State under the AFDC program are to be reduced by whatever amount is necessary to assure that the appropriate Federal share of child support collections made by a State are returned to the Federal government.

This rule implements section 407(c) by amending 45 CFR 201.5(a)(3) to provide that States must report on their quarterly statement of expenditures the appropriate Federal share of child support collections that they make.

If States do not fully or properly report the Federal share of child support collections made on their quarterly statement of expenditures, the Federal government will adjust the Federal share reported accordingly. The adjustment will be made pursuant to 45 CFR 201.5(c). We saw no need to amend 45 CFR 201.5(c) since that section already requires quarterly grant awards to be reduced "because of over- or under-estimate for the prior quarter and for other adjustments." We would consider any recovery of child support payments to be an "other adjustment."

Response to Public Comments on Notice of Proposed Rulemaking

A 60-day comment period was provided in the August 21, 1985, notice of proposed rulemaking. We received one letter from one State agency indicating awareness of the published proposal with no further comment.

Regulatory Procedures

Executive Order 12291

This regulation does not meet the criteria specified in Executive Order 12291 for a major regulation and no regulatory impact analysis is required.

Paperwork Reduction Act

Pursuant to the Paperwork Reduction Act of 1980 (Pub. L. 96–511) the Quarterly Statement of Expenditures (SSA–41) in its present format—which is used by States to report their expenditures and the Federal share of all collections has been approved by the Office of Management and Budget under existing OMB No. 9060–0294. There is no further or new collection of information request being imposed on State agencies by this technical regulatory change.

Regulatory Flexibility Act

We certify that this regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities because it affects only the transfer of funds between the Federal government and the States. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance Program No. 13.808—Public Assistance—Maintenance Assistance (State Aid).)

List of Subjects in 45 CFR Part 201

Aid to families with dependent children, Family assistance office, Grant programs—Social programs, Guam, Public assistance programs, Puerto Rico, Virgin Islands.

Dated: February 20, 1986.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approved: March 18, 1986.

Otis R. Bowen,

Secretary of Health and Human Services.

PART 201—[AMENDED]

45 CFR Part 201 is amended as set forth below.

1. The authority citation for Part 45 CFR Part 201 is revised to read as follows:

Authority: Secs. 403 and 1102 of the Social Security Act, as amended; 49 Stat. 628, as amended; 49 Stat. 647, as amended; 42 U.S.C. 603, and 1302, and 1302.

2. Section 201.5 is amended by revising the introductory text and paragraph (a)(3) to read as follows:

§ 201.5 Grants.

To States with approved plans, grants are made each quarter for expenditures under the plan for assistance, services, training and administration. The determination as to the amount of a grant to be made to a State is based upon documents submitted by the State agency containing information required under the Act and such other pertinent facts, including for title IV–A the appropriate Federal share of child support collections made by the State, as may be found necessary. Progressive reductions in Federal Medicaid payments to the States under sections 1903(g) and (t) of the Act for fiscal years 1982–1984 are described in 45 CFR Part 433, Subpart E.

(a) *Form and manner of submittal. (1)*

* * *

* * * * * *

(3) The State agency must also submit a quarterly statement of expenditures for each of the public assistance programs under the Act. This is an accounting statement of the disposition of the Federal funds granted for past periods and provides the basis for making the adjustments necessary when the State's estimate for any prior quarter was greater or less than the amount the State actually expended in that quarter. The statement of expenditures also shows the share of the Federal

Government in any recoupment, from whatever source, including for title IV–A the appropriate Federal share of child support collections made by the State, of expenditures claimed in a prior period, and also in expenditures not properly subject to Federal financial participation which are acknowledged by the State agency or have been revealed in the course of an audit.

[FR Doc. 86–8488 Filed 4–18–86; 8:45 am]

BILLING CODE 4190–11–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 85–138; RM–4778]

FM Broadcast Station in Silver Springs, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action allots Channel 238A to Silver Springs, Florida, as its first FM service, in response to a petition filed by Steven and Georgia Hainline.

EFFECTIVE DATE: May 22, 1986.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order (Proceeding Terminated)

In the Matter of Amendment of § 73.202(b), Table of Allotments FM, Broadcast Stations (Silver Springs, Florida); MM Docket 85–138, RM–4778.

Adopted: April 7, 1986.
Released: April 15, 1986.

By the Chief, Policy and Rules Division.

1. Before the Commission is the *Notice of Proposed Rule Making*, 50 FR 21630, published May 28, 1985, proposing to allot Channel 238A to Silver Springs, Florida, as its first FM Channel. The proceeding was instituted at the request of Georgia and Steven Hainline ("petitioners"). Supporting comments were filed by the petitioners and by James J. Nathan, [1] both stating their intention to apply for the channel.

2. In view of the expressed interest in operating a first FM service at Silver Springs, we believe that the public interest would benefit from the allotment of Channel 238A. In order to meet the spacing requirements to Station WNLT (FM) [2] (Channel 239), Clearwater, Florida, the transmitter site is restricted to 4.2 miles northeast of the city.

3. Accordingly, it is ordered, That effective May 22, 1986, the FM Table of Allotments § 73.202(b) of the Rules, is amended with respect to the community of Silver Springs, Florida, as follows:

City	Channel No.
Silver Springs, Florida	238A

4. The filing window for filing applications on this channel is open on May 23, 1986, and closes on June 23, 1986.

5. It is further ordered, That this proceeding is terminated.

6. For further information concerning the above, contact Montrose H. Tyree, (202) 634–6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86–8811 Filed 4–18–86; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 85–249; RM–4989]

FM Broadcast Station in Custer, SD

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein allocates Channel 286C2 to Custer, South Dakota, as the community's first local FM service, at the request of Richard A. Deno.

EFFECTIVE DATE: May 22, 1986.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

[1] The comments of James J. Nathan were submitted after the date for filing comments had expired. However, since these comments merely relate to his support of the proposal, they have been accepted.

[2] After issuance of the *Notice*, Station WMGG (FM) changed its call letters to WNLT (FM).

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order (Proceeding Terminated)

In the Matter of Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Custer, South Dakota); MM Docket No. 85–249, RM–4989.

Adopted: April 7, 1986.
Released: April 15, 1986.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 50 FR 34724, published August 27, 1985, requesting comments on the proposed allocation of Channel 286C2 to Custer, South Dakota, as the community's first local FM service, at the request of Richard A. Deno ("petitioner"). Petitioner and Eileen Cofell d/b/a Custer Broadcasting ("Custer Broadcasting") filed comments supporting the allocation. No oppositions to the allotment were received. Channel 286C2 can be allocated in compliance with the Commission's minimum distance separation requirements without requiring the imposition of a site restriction.

2. We believe the public interest would be served by allocating Channel 286C2 to Custer, South Dakota, as it could provide the community with its first local FM service. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective May 22 1986, the FM Table of Allotments, § 73.202(b) of the Rules, is amended with respect to the community listed below, to read as follows:

City	Channel No.
Custer, South Dakota	286C2

3. The window period for filing applicatins will open on May 23, 1986, and close on June 23, 1986.

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86–8812 Filed 4–18–86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF DEFENSE

48 CFR Parts 232 and 252

Department of Defense Federal Acquisition Regulation Supplement Limitation of Progress Payments

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Defense Acquisition Regulatory Council has approved changes to the coverage in the DoD FAR Supplement regarding Limitation of Progress Payments in DoD contracts. The purpose of the change is to implement section 916 of the Defense Procurement Improvement Act of 1986 (Pub. L. 99–145).

EFFECTIVE DATE: April 7, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, ODASD(P)/DARS, c/o OASD(A&L), Room 3C841, The Pentagon, Washington, DC 20301–3062, telephone (202) 697–7266.

SUPPLEMENTARY INFORMATION:

A. Background

Section 916 of the Defense Procurement Improvement Act of 1986 (Pub. L. 99–145) placed the following limitations on progress payments: (1) Must be commensurate with work accomplished and (2) may not exceed 80 percent if the contract action is undefinitized. The changes included in this notice implement those limitations. The Defense Acquisition Regulatory Council published a proposed rule in the **Federal Register** on February 21, 1986 (51 FR 6284 of February 21, 1986). No substantive comments were received. Therefore, no changes to the proposed rule have been made.

The DoD FAR Supplement is codified in Chapter 2, Title 48 of the Code of Federal Regulations.

The October 1, 1985 revision of the CFR is the most recent edition of that title. It reflects amendments to the 1984 edition of the DOD FAR Supplement made by Defense Acquisition Circulars 84–1 through 84–10.

Interested parties may submit proposed revisions to this Supplement directly to the DAR Council.

B. Regulatory Flexiblity Act

A Regulatory Flexibility Analysis was performed and provided to the Chief Counsel for Advocacy of the Small Business Administration as a result of the proposed rule published in the **Federal Register** on February 21, 1986 (51 FR 6284 of February 21, 1986). There were no public comments received that addressed the Regulatory Flexibility Analysis. Therefore, the analysis as originally proposed has not been changed.

C. Paperwork Reduction Act Information

This rule applies to undefinitized Basic Ordering Agreements and Letter Contracts. Contractors already keep record on these contractual instruments. All that is needed is changing the new progress payment rate on the request for such payments. The impact is so minimal as to be immeasurable. Also, no comments were received to indicate that there would be a measurable impact.

List of Subjects in 48 CFR Parts 232 and 252

Government procurement.

Charles W. Lloyd,

Executive Secretary, Defense Acquisition Regulatory Council.

Therefore, the DoD FAR Supplement contained in 48 CFR Chapter 2 is amended as set forth below.

PART 232—CONTRACT FINANCING

1. The authority citation for 48 CFR Part 232 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

2. Section 232.070 is added to read as follows:

232.070 Definition.

"Contract action", as used in this part, means an action resulting in a contract, as defined in FAR Subpart 2.1, including contract modifications for additional supplies or services, but not including contract modifications that are within the scope and under the terms of the contract, such as contract modifications issued pursuant to the Changes clause, or funding and other administative changes.

3. Section 232.102 is amended by revising paragraph (e)(2) to read as follows:

232.102 Description of Contract Financing Methods.

* * * * *

(e)(2) Progress payments based on a percentage or stage of completion will be confined to contracts for construction, shipbuilding, and ship conversion, alteration or repair. Agency procedures must ensure that payments are commensurate with work accomplished, which meets the quality standards established under the contract. Furthermore, progress payments may not exceed 80 percent of the eligible costs of work accomplished on undefinitized contract actions.

4. Section 232.111 is amended by adding paragraphs (S–71) and (S–72) to read as follows:

232.111 Contract Clauses.

* * * * *

(S–71) The contracting officer shall insert the clause at 252.232–7005, Payments Under Fixed-Price Construction Contracts, in lieu of FAR clause 52.232–5, in solicitations and contracts for construction when a fixed-price contract is contemplated.

(S–72) The contracting officer shall insert the clause at 252.232–7006, Payments Under Fixed-Price Architect-Engineer Contracts, in lieu of FAR clause 52.232–10, appropriately modified with respect to payment due dates, in fixed-price architect-engineer contracts.

5. Section 232.501–1 is amended by revising in the second sentence of paragraph (a) the term "CASH II" to read "CASH III"; by deleting the last sentence of paragraph (a); and by adding paragraph (S–70) to read as follows:

232.501–1 Customary Progress Payment Rates.

* * * * *

(S–70) The Defense Procurement Improvement Act of 1986 (Pub. L. 99–145) limits progress payments to 80 percent on work accomplished under undefinitized contract actions. A higher rate is not authorized and is not within the meaning of unusual progress payments.

6. Section 232.502–4 is amended by adding paragraphs (S–72), (S–73), and (S–74) to read as follows:

232.502–4 Contract Clauses.

* * * * *

(S–72) The contracting officer shall insert the clause at 252.232–7007, Progress Payments, in lieu of FAR clause 52.232–16 and its Alternates I and II, in

solicitations and fixed-price contracts under which the Government will provide progress payments based on costs.

(S–73) If the contract contains a contract action that is not definitized, the contracting officer shall use the clause with its Alternate I.

(S–74) If the contract is a letter contract, the contracting officer shall use the clause with its Alternate II.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

7. The authority for Part 252 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

8. Sections 252.232–7005, 252–232–7006, and 252.232–7007 are added to read as follows:

252.232–7005 Payments Under Fixed-Price Construction Contracts.

As prescribed in 232.111(S–71), insert the following clause:

Payments Under Fixed-Price Construction Contracts (Apr 1986) (DEV.)

(a) The Government shall pay the Contractor the contract price as provided in this contract.

(b) The Government shall make progress payments monthly as the work proceeds, or at more frequent intervals as determined by the Contracting Officer, on estimates of work accomplished which meets standards of quality established under the contract, as approved by the Contracting Officer. If requested by the Contracting Officer, the Contractor shall furnish a breakdown of the total contract price showing the amount included therein for each principal category of the work, in such detail as requested, to provide a basis for determining progress payments. In the preparation of estimates, the Contracting Officer may authorize material delivered on the site and preparatory work done to be taken into consideration. Material delivered to the Contractor at locations other than the site may also be taken into consideration if—

(1) Consideration is specifically authorized by this contract; and

(2) The Contractor furnishes satisfactory evidence that it has acquired title to such material and that the material will be used to perform this contract.

(c) In making these progress payments, the Contracting Officer may retain a maximum of ten percent (10%) of the approved estimated amount until final completion and acceptance of the contract work. If the Contracting Officer finds that satisfactory progress was achieved during any period for which a progress payment is to be made, the Contracting Officer may authorize payment to be made in full without retention of a percentage. However, by the time the work is substantially complete, the Contracting Officer shall have retained an amount that the Contracting Officer considers adequate protection of the Government and may then release to the Contractor all or a portion of any excess amount. Also, on completion and acceptance of each separate building, public work, or other division of the contract, for which the price is stated separately in the contract, payment may be made for the completed work without retention of a percentage.

(d) All material and work covered by progress payments made shall, at the time of payment, become the sole property of the Government, but this shall not be construed as—

(1) Relieving the Contractor from the sole responsibility for all material and work upon which payments have been made or the restoration of any damaged work; or

(2) Waiving the right of the Government to require the fulfillment of all of the terms of the contract.

(e) In making these progress payments, the Government shall, upon request, reimburse the Contractor for the amount of premiums paid for performance and payment bonds (including coinsurance and reinsurance agreements, when applicable) after the Contractor has furnished evidence of full payment to the surety. The retainage provisions in paragraph (c) above shall not apply to that portion of progress payments atrributable to bond premiums.

(f) The Government shall pay the amount due the Contractor under this contract after—

(1) Completion and acceptance of all work;

(2) Presentation of a properly executed voucher; and

(3) Presentation of release of all claims against the Government arising by virtue of this contract, other than claims, in stated amounts, that the Contractor has specifically excepted from the operation of the release. A release may also be required of the assignee if the Contractor's claim to amounts payable under this contract has been assigned under the Assignment of Claims Act of 1940 (31 U.S.C. 203 and 41 U.S.C. 15).

(g) Notwithstanding any other provision of this contract, progress payments shall not exceed eighty percent (80%) on work accomplished on undefinitized contract actions. A "contract action" is any action resulting in a contract, as defined in FAR Subpart 2.1, including contract modifications for additional supplies or services, but not including contract modifications that are within the scope and under the terms of the contract, such as contract modifications issued pursuant to the Changes clause, or funding and other administrative changes.

(End of clause)

252.232–7006 Payments Under Fixed-Price Architect-Engineer Contracts.

As prescribed in 232.111(S–72), insert the following clause:

Payments Under Fixed-Price Architect-Engineer Contracts (Apr 1986) (DEV.)

(a) Estimates shall be made monthly of the amount and value of the work accomplished and services performed by the Contractor under this contract which meet standards of quality established under this contract. The estimates shall be prepared by the Contractor and accompanied by any supporting data required by the Contracting Officer.

(b) Upon approval of the estimate by the Contracting Officer, payment upon properly executed vouchers shall be made to the Contractor, as soon as practicable, of ninety percent (90%) of the approved amount, less all previous payments; *Provided*, that payment may be made in full during any months in which the Contracting Officer determines that performance has been satisfactory. Also, whenever the Contracting Officer determines that the work is substantially complete and that the amount retained is in excess of the amount adequate for the protection of the Government, the Contracting Officer may release the excess amount to the Contractor.

(c) Upon satisfactory completion by the Contractor and acceptance by the Contracting Officer of the work done by the Contractor under the "Statement of Architect-Engineer Services", the Contractor will be paid the unpaid balance of any money due for work under the statement, including retained percentages relating to this portion of the work. If the Government exercises the option under the Option for Supervision and Inspection Services clause, progress payments as provided for in (a) and (b) above will be made for this portion of the contract work. Upon satisfactory completion and final acceptance of the construction work, the Contractor shall be paid any unpaid balance of money due under this contract.

(d) Before final payment under the contract, or before settlement upon termination of the contract, and as a condition precedent thereto, the Contractor shall execute and deliver to the Contracting Officer a release of all claims against the Government arising under or by virtue of this contract, other than any claims that are specifically excepted by the Contractor from the operation of the release in amounts stated in the release.

(e) Notwithstanding any other provision in this contract, and specifically paragraph (b) of this clause, progress payments shall not exceed eighty percent (80%) on work accomplished on undefinitized contract actions. A "contract action" is any action resulting in a contract, as defined in FAR Subpart 2.1, including contract modifications for additional supplies or services, but not including contract modifications that are within the scope and under the terms of the contract, such as contract modifications issued pursuant to the Changes clause, or funding and other administrative changes.

(End of clause)

252.232–7007 Progress Payments.

(a) As prescribed in 232.502–4(S–72), insert the following clause in solicitations and fixed-price contracts under which the Government will provide progress payments based on costs. A different customary rate for other than small business concerns may be substituted in accordance with FAR 32.501–1 for the progress payment and liquidation rate indicated.

(b) If an unusual progress payment rate is approved for the prime contractor (see FAR 32.501–2), the rate approved shall be substituted for the customary rate in paragraph (a)(1).

(c) If the liquidation rate is changed from the customary progress payment rate (see FAR 32.503–8 and FAR 32.503–9), the new rate shall be substituted for the rate in paragraphs (a)(4), (a)(5), and (b).

(d) If advance and progress payments are authorized in the same contract, the words "less any unliquidated advance payments" may be deleted from paragraph (a)(4) of this clause.

(e) If an unusual progress payment rate is approved for a subcontract (see FAR 32.504(b) and FAR 32.501–2), subparagraph (j)(4) shall be modified to specify the new rate, the name of the subcontractor, and that the new rate shall be used for that subcontractor in lieu of the customary rate.

Progress Payments (Apr 1986) (DEV.)

Progress payments shall be made to the Contractor when requested as work progresses, but not more frequently than monthly in amounts approved by the Contracting Officer, under the following conditions:

(a) *Computation of amounts.*

(1) Unless the Contractor requests a smaller amount, each progress payment shall be computed as (i) eighty percent (80%) of the Contractor's cumulative total costs under this contract, as shown by records maintained by the Contractor for the purpose of obtaining payment under Government contracts, plus (ii) progress payments to subcontractors (see paragraph (j) below), all less the sum of all previous progress payments made by the Government under this contract. Cost of money that would be allowable under 31.205–10 of the Federal Acquisition Regulation shall be deemed an incurred cost for progress payment purposes.

(2) The following conditions apply to the timing of including costs in progress payment requests:

(i) The costs of supplies and services purchased by the Contractor directly for this contract may be included only after payment by cash, check, or other form of actual payment.

(ii) Costs for the following may be included when incurred, even if before payment, when the Contractor is not delinquent in payment of the costs of contract performance in the ordinary course of business:

(A) Materials issued from the Contractor's stores inventory and placed in the production process for use on this contract.

(B) Direct labor, direct travel, and other direct in-house costs.

(C) Properly allocable and allowable indirect costs.

(iii) Accrued costs of Contractor contributions under employee pension, profit sharing, and stock ownership plans shall be excluded until actually paid unless—

(A) The Contractor's practice is to contribute to the plans quarterly or more frequently; and

(B) The contribution does not remain unpaid thirty (30) days after the end of the applicable quarter or shorter payment period (any contributions remaining unpaid shall be excluded from the Contractor's total costs for progress payments until paid).

(iv) If the contract is subject to the special transition method authorized in Cost Accounting Standard (CAS) 410, Allocation of Business Unit General and Administrative Expense to Final Cost Objective, General and Administrative expenses (G&A) shall not be included in progress payment requests until the suspense account prescribed in CAS 410 is less than—

(A) Five million dollars ($5 million); or

(B) The value of the work-in-process inventories under contracts entered into after the suspense account was established (only a pro rata share of the G&A allocable to the excess of the inventory over the suspense account value is includable in progress payment requests under this contract).

(3) The Contractor shall not include the following in total costs for progress payment purposes in subparagraph (a)(1)(i) above:

(i) Costs that are not reasonable, allocable to this contract, and consistent with sound and generally accepted accounting principles and practices.

(ii) Costs incurred by subcontractors or suppliers.

(iii) Costs ordinarily capitalized and subject to depreciation or amortization except for the properly depreciated or amortized portion of such costs.

(iv) Payments made or amounts payable to subcontractors or suppliers, except for—

(A) Completed work, including partial deliveries, to which the Contractor has acquired title; and

(B) Work under cost-reimbursement or time-and-material subcontracts to which the Contractor has acquired title.

(4) The amount of unliquidated progress payments may exceed neither (i) the progress payments made against incomplete work (including allowable unliquidated progress payments to subcontractors) nor (ii) the value, for progress payment purposes, of the incomplete work. Incomplete work shall be considered to be the supplies and services required by this contract, for which delivery and invoicing by the Contractor and acceptance by the Government are incomplete.

(5) The total amount of progress payments shall not exceed eighty percent (80%) of the total contract price.

(6) If a progress payment or the unliquidated progress payments exceed the amounts permitted by subparagraphs (a)(4) or (a)(5) above, the Contractor shall repay the amount of such excess to the Government on demand.

(b) *Liquidation.* Except as provided in the Termination for Convenience of the Government clause, all progress payments shall be liquidated by deducting from any payment under this contract, other than advance or progress payments, the unliquidated progress payments, or eighty percent (80%) of the amount invoiced, whichever is less. The Contractor shall repay to the Government any amounts required by a retroactive price reduction, after computing liquidations and payments on past invoices at the reduced prices and adjusting the unliquidated progress payments accordingly. The Government reserves the right to unilaterally change from the ordinary liquidation rate to an alternate rate when deemed appropriate for proper contract financing.

(c) *Reduction or suspension.* The Contracting Officer may reduce or suspend progress payments, increase the rate of liquidation, or take a combination of these actions, after finding on substantial evidence any of the following conditions:

(1) The Contractor failed to comply with any material requirement of this contract (which includes paragraphs (f) and (g) below).

(2) Performance of this contract is endangered by the contractor's (i) failure to make progress or (ii) unsatisfactory financial condition.

(3) Inventory allocated to this contract substantially exceeds reasonable requirements.

(4) The Contractor is delinquent in payment of the costs of performing this contract in the ordinary course of business.

(5) The unliquidated progress payments exceed the fair value of the work accomplished on the undelivered portion of this contract.

(6) The Contractor is realizing less profit than that reflected in the establishment of any alternate liquidation rate in paragraph (b) above, and that rate is less than the progress payment rate stated in subparagraph (a)(1) above.

(d) *Title.*

(1) Title to the property described in this paragraph (d) shall vest in the Government. Investiture shall be immediately upon the date of this contract, for property acquired or produced before that date. Otherwise, investiture shall occur when the property is or should have been allocable or properly chargeable to this contract.

(2) "Property", as used in this clause, includes all of the below-described items acquired or produced by the Contractor that are or should be allocable or properly chargeable to this contract under sound and generally accepted accounting principles and practices.

(i) Parts, materials, inventories, and work in process;

(ii) Special tooling and special test equipment to which the Government is to acquire title under any other clause of this contract;

(iii) Nondurable (i.e., noncapital) tools, jigs, dies, fixtures, molds, patterns, taps, gauges, test equipment, and other similar manufacturing aids, title to which would not be obtained as special tooling under subparagraph (d)(2)(ii) above; and

(iv) Drawings and technical data, to the extent the Contractor or subcontractors are required to deliver them to the Government by other clauses of this contract.

(3) Although title to property is in the Government under this clause, other

applicable clauses of this contract, e.g., the termination or special tooling clauses, shall determine the handling and disposition of the property.

(4) The Contractor may sell any scrap resulting from production under this contract without requesting the Contracting Officer's approval, but the proceeds shall be credited against the costs of performance.

(5) To acquire for its own use or dispose of property to which title is vested in the Government under this clause, the Contractor must obtain the Contracting Officer's advance approval of the action and the terms. The Contractor shall (i) exclude the allocable costs of the property from the costs of contract performance, and (ii) repay to the Government any amount of unliquidated progress payments allocable to the property. Repayment may be by cash or credit memorandum.

(6) When the Contractor completes all of the obligations under this contract, including liquidation of all progress payments, title shall vest in the Contractor for all property (or the proceeds thereof) not—

(i) Delivered to, and accepted by, the Government under this contract; or

(ii) Incorporated in supplies delivered to, and accepted by, the Government under this contract and to which title is vested in the Government under this clause.

(7) The terms of this contract concerning liability for Government-furnished property shall not apply to property to which the Government acquired title solely under this clause.

(e) *Risk of Loss.* Before delivery to and acceptance by the Government, the Contractor shall bear the risk of loss for property, the title to which vests in the Government under this clause, except to the extent the Government expressly assumes the risk. The Contractor shall repay the Government an amount equal to the unliquidated progress payments that are based on costs allocable to property that is damaged, lost, stolen, or destroyed.

(f) *Control of Costs and Property.* The Contractor shall maintain an accounting system and controls adequate for the proper administration of this clause.

(g) *Reports and Access to Records.* The Contractor shall promptly furnish reports, certificates, financial statements, and other pertinent information reasonably requested by the Contracting Officer for the administration of this clause. Also, the Contractor shall give the Government reasonable opportunity to examine and verify the Contractor's books, records, and accounts.

(h) *Special Terms Regarding Default.* If this contract is terminated under the Default clause, (i) the Contractor shall, on demand, repay to the Government the amount of unliquidated progress payments and (ii) title shall vest in the Contractor, on full liquidation of progress payments, for all property for which the Government elects not to require delivery under the Default clause. The Government shall be liable for no payment except as provided by the Default clause.

(i) *Reservation of Rights.*

(1) No payment or vesting of title under this clause shall (i) excuse the Contractor from performance of obligations under this contract or (ii) constitute a waiver of any of the rights or remedies of the parties under the contract.

(2) The Government's rights and remedies under this clause (i) shall not be exclusive but rather shall be in addition to any other rights and remedies provided by law or this contract and (ii) shall not be affected by delayed, partial, or omitted exercise of any right, remedy, power, or privilege, nor shall such exercise or any single exercise preclude or impair any further exercise under this clause or the exercise of any other right, power, or privilege of the Government.

(j) *Progress Payments to Subcontractors.* The amounts mentioned in (a)(1)(ii) above shall be all progress payments to subcontractors or divisions, if the following conditions are met:

(1) The amounts included are limited to (i) the unliquidated remainder of progress payments made plus (ii) for small business concerns any unpaid subcontractor requests for progress payments that the Contractor has approved for current payment in the ordinary course of business.

(2) The subcontract or interdivisional order is expected to involve a minimum of approximately six (6) months between the beginning of work and the first delivery, or, if the subcontractor is a small business concern, four (4) months.

(3) The terms of the subcontract or interdivisional order concerning progress payments—

(i) Are substantially similar to the terms of the clause 52.232–16, Progress Payments, of the Federal Acquisition Regulation (or that clause with its Alternate I for any subcontractor that is a small business concern);

(ii) Are at least as favorable to the Government as the terms of this clause;

(iii) Are not more favorable to the subcontractor or division than the terms of this clause are to the Contractor;

(iv) Are in conformance with the requirements of paragraph 32.504(e) of the Federal Acquisition Regulation; and

(v) Subordinate all subcontractor rights concerning property to which the Government has title under the subcontract to the Government's right to require delivery of the property to the Government if (A) the Contractor defaults or (B) the subcontractor becomes bankrupt or insolvent.

(4) The progress payment rate in the subcontract is the customary rate used by the Contracting Activity, depending on whether the subcontractor is or is not a small business concern.

(5) The parties agree concerning any proceeds received by the Government for property to which title has vested in the Government under the subcontract terms, that the proceeds shall be applied to reducing any unliquidated progress payments by the Government to the Contractor under this contract.

(6) If no unliquidated progress payments to the Contractor remain, but there are unliquidated progress payments that the Contractor has made to any subcontractor, the Contractor shall be subrogated to all the rights the Government obtained through the terms required by this clause to be in any subcontract, as if all such rights had been assigned and transferred to the Contractor.

(7) The Contractor shall pay the subcontractor's progress payment request under subparagraph (j)(1)(ii) above, within a reasonable time after receiving the Government progress payment covering those amounts.

(8) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to provide progress payments to small business concerns, in conformity with the standards for customary progress payments stated in Subpart 32.5 of the Federal Acquisition Regulation. The Contractor further agrees that the need for such progress payments shall not be considered as a handicap or adverse factor in the award of subcontracts.

(k) *Limitations on Undefinitized Contract Actions.* Notwithstanding any other progress payment provision in this contract, progress payments may not exceed eighty percent (80%) of costs incurred on work accomplished under undefinitized contract actions. A "contract action" is any action resulting in a contract, as defined in FAR Subpart 2.1, including contract modifications for additional supplies or services, but not including contract modifications that are within the scope and under the terms of the contract, such as contract modifications issued pursuant to the Changes clause, or funding and other administrative changes. This limitation shall apply to the costs incurred, as computed in accordance with paragraph (a), and shall remain in effect until the contract action is definitized. Costs incurred which are subject to this limitation shall be segregated on contractor progress payment requests and invoices from those costs eligible for higher progress payment rates. For purposes of progress payment liquidation, as described in paragraph (b), progress payments for undefinitized contract actions shall be liquidated at eighty percent (80%) of the amount invoiced for work performed under the undefinitized contract action as long as the contract action remains undefinitized.

The amount of unliquidated progress payments for undefinitized contract actions shall not exceed eighty percent (80%) of the maximum liability of the Government under the undefinitized contract action or such lower limit specified elsewhere in the contract. Separate limits may be specified for separate actions.

(End of clause)

Alternate I (Apr 1986)

If the contract is with a small business concern, change each mention of the progress payment and liquidation rates excepting paragraph (k) to the customary rate of ninety percent (90%) for small business concerns (see FAR 32.501–1), delete subparagraphs (a)(1) and (a)(2) from the basic clause, and substitute the following subparagraphs (a)(1) and (a)(2):

(a) *Computation of amounts.* (1) Unless the Contractor requests a smaller amount, each progress payment shall be computed as (i) ninety percent (90%) of the Contractor's total

costs incurred under this contract whether or not actually paid, plus (ii) progress payments to subcontractors (see paragraph (j) below), all less the sum of all previous progress payments made by the Government under this contract. Cost of money that would be allowable under 31.205–10 of the Federal Acquisition Regulation shall be deemed an incurred cost for progress payment purposes.

(2) Accrued costs of Contractor contributions under employee pension plans shall be excluded until actually paid unless—

(i) The Contractor's practice is to make contributions to the retirement fund quarterly or more frequently; and

(ii) The contribution does not remain unpaid thirty (30) days after the end of the applicable quarter or shorter payment period (any contribution remaining unpaid shall be excluded from the Contractor's total costs for progress payments until paid).

Alternate II (Apr 1986)

If the contract is a letter contract, add paragraphs (l) and (m) shown below: The amount specified in paragraph (m) shall not exceed eighty percent (80%) applied to the maximum liability of the Government under the letter contract. Separate limits may be specified for separate parts of the work.

(l) Progress payments made under this letter contract shall, unless previously liquidated under paragraph (b), be liquidated under the following procedures:

(1) If this letter contract is superseded by a definitive contract, unliquidated progress payments made under this letter contract shall be liquidated by deducting the amount from the first progress or other payments made under the definitive contract.

(2) If this letter contract is not superseded by a definitive contract calling for the furnishing of all or part of the articles or services covered under the letter contract, unliquidated progress payments made under the letter contract shall be liquidated by deduction from the amount payable under the Termination clause.

(3) If this letter contract is partly terminated and partly superseded by a contract, the Government shall allocate the unliquidated progress payments to the terminated and unterminated portions as the Government deems equitable, and shall liquidate each portion under the relevant procedure in subparagraphs (l) (1) and (2) above.

(4) If the method of liquidating progress payments provided above does not result in full liquidation, the Contractor shall immediately pay the unliquidated balance to the Government on demand.

(M) The amount of unliquidated progress payments shall not exceed . . . . . (*specify dollar amount*)

[FR Doc. 86–8824 Filed 4–18–86; 8:45 am]

BILLING CODE 3810–01–M

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48 CFR Parts 242 and 252

Department of Defense Federal Acquisition Regulation Supplement; Indirect Cost Certificate

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The DAR Council has approved changes to DoD FAR Supplement Parts 242 and 252 to implement direction by the Secretary of Defense with respect to claims for overhead costs, and to comply with certain statutes.

EFFECTIVE DATE: April 14, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, ODASD(P)/DARS, c/o OASD(A&L), Room 3C841, the Pentagon, Washington, DC 20301–3062, telephone (202) 697–7266.

SUPPLEMENTARY INFORMATION:

A. Background

On March 12, 1985, the Secretary of Defense directed that contractors with the Department of Defense will be required to certify that all cost included in claims for overhead costs are allowable in accordance with contract requirements and the cost principles applicable to those contracts. Interim changes to the DoD FAR Supplement Parts 242 and 252 were issued to implement this decision.These changes were published in the **Federal Register** (50 FR 12028, March 27, 1985), and public comments were invited.

Section 911 of the Department of Defense Authorization Act, 1986 (Pub. L. 99–145), as amended by section 8112 of the DoD Appropriation Act, 1986 (Pub. L. 99–190), added section 2324 to Title 10, United States Code, that required, *inter alia*, that a certification, to the best of the certifying official's knowledge and belief, of the allowability of indirect cost be included with proposals for the settlement of indirect costs.

Changes have been made to DoD FAR Supplement 242.7 and 252.242 published herewith (1) as a result of the comments received and (2) to comply with section 2324 of Title 10, United States Code.

The DoD FAR Supplement is codified in Chapter 2, Title 48 of the Code of Federal Regulations.

The October 1, 1985 revision of the CFR is the most recent edition of that title. It reflects amendments to the 1984 edition of the DoD FAR Supplement made by Defense Acquisition Circulars 84–1 through 84–10.

Interested parties may submit proposed revisions to this Supplement directly to the DAR Council.

B. Regulatory Flexibility Act Information

The changes to DFARS 242.7 and 252.242 will not have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C 601 et seq.) because—

(1) The rule does not add any new requirement with respect of identifying or accounting for costs. It simply requires an appropriate company official to certify that the company is complying with the regulation.

(2) No specific comments from small entities were received indicating any impact.

C. Paperwork Reduction Act Information

The rule imposes no new recordkeeping requirements on contractors. Rules already exist on the allowability of costs on Government contracts. Contractors should already be reviewing their proposals as a normal course of business to eliminate such costs from their proposals. This rule is simply a certification by an appropriate company official that, to the best of his knowledge and belief, the company is complying with the regulations.

List of Subjects in 48 CFR Parts 242 and 252

Government procurement.

Charles W. Lloyd,

Executive Secretary, Defense Acquisition Regulatory Council.

Adoption of Amendments

Therefore, the DoD FAR Supplement contained in 48 CFR Chapter 2 is amended as set forth below.

1. The authority for 48 CFR Parts 242 and 252 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

PART 242—CONTRACT ADMINISTRATION

2. Sections 242.770 and 242.770–1 are added to read as follows:

242.770 Certification of indirect costs.

(a) *Policy.* (1) No proposal to establish billing rates or final indirect cost rates shall be accepted unless such costs have been certified by the contractor using the Certificate of Indirect Costs set forth in paragraph (d) below. The certificate must be signed on behalf of the firm by an individual of the contractor's organization at a level no lower than vice president or chief financial officer of the business segment of the contractor that submits the proposal.

(2) No billing rate or final indirect cost rate shall be agreed to by the contracting officer or auditor based on a proposal from the contractor that has not been certified. Where it is necessary to establish billing or final indirect cost rates in order to comply with the terms

of a contract and the contractor has not submitted a certified proposal for establishing such rates in accordance with the requirements of this section, the Government shall unilaterally establish such rates. Such rates may be based upon audited historical data or such other data that has been furnished to the contracting officer or auditor and for which it can be demonstrated that all unallowable costs have been excluded. When billing or final indirect cost rates are unilaterally established by the Government because of failure of the contractor to submit a certified proposal for establishing such rates in accordance with this section, the rates established will be set at a level low enough to ensure that potentially unallowable costs will not be reimbursed.

(b) It shall be the responsibility of the cognizant contracting officer or auditor to review billing rates periodically for indirect costs and all circumstances affecting the level of indirect cost rates. Generally, billing rates shall not be in effect for longer than one year. Final indirect cost rates shall be established promptly after the end of the applicable year.

(c) *Waiver.* (1) The Secretary of Defense or the Secretary of the military department concerned may, in an exceptional case, waive the requirement for certification under paragraph (a) in the case of any contract if the Secretary—

(i) Determines in such case that it would be in the interest of the United States to waive such certification; and

(ii) States in writing the reasons for that determination and makes such determination available to the public.

(2) Examples of situations where it may be appropriate to waive the requirement for certification of indirect costs include, but are not limited to contracts with:

(i) Foreign governments or international governmental organizations, such as subsidiary bodies of NATO;

(ii) State and local governments that are subject to OMB Circular A–87;

(iii) Educational institutions subject to OMB Circular A–21; or

(iv) nonprofit organizations subject to OMB Circular A–122.

(d) *Certificate.* The certificate required by this section shall be in the following form:

Certificate of Indirect Costs

This is to certify that to the best of my knowledge and belief:

1. I have reviewed the indirect cost proposal submitted herewith;

2. All costs included in this proposal (identify, date) to establish billing or final indirect costs rates for (identify period covered by rate) are allowable in accordance with the requirements of contracts to which they apply and with the cost principles of the Department of Defense applicable to those contracts;

3. This proposal does not include any costs which are unallowable under applicable cost principles of the Department of Defense, such as (without limitation): advertising and public relations costs, contributions and donations, entertainment costs, fines and penalties, lobbying costs, defense of fraud proceedings, and good will; and

4. All costs, included in this proposal are properly allocable to Defense contracts on the basis of a beneficial or causal relationship between the expenses incurred and the contracts to which they are allocated in accordance with applicable acquisition regulations.

I declare under penalty of perjury that the foregoing is true and correct.

Firm: _____

Signature: _____

Name of Corporate Official: _____

Title: _____

Date of Execution: _____

242.770–1 Clause.

The contracting officer shall insert the clause at 252.242–7003, "Certification of Indirect Costs" in all solicitations and contracts which provide for (a) interim reimbursement of indirect costs, (b) establishment of final indirect costs rates, or (c) contract financing that includes interim payment of indirect cost (e.g., progress payments based on cost and payments based on percentage or state of physical completion such as shipbuilding).

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 252.242–7003 is added to read as follows:

252.242–7003 Certification of Indirect Costs.

As prescribed in 247.770–1, insert the following clause:

Certification of Indirect Costs (April 1986)

(a) The Contractor shall certify any proposal to establish or modify billing rates or to establish final indirect cost rates in the form set forth in paragraph (b) of this clause. The certificate shall be signed on behalf of the Contractor by an individual of the Contractor's organization at a level no lower than a vice president or chief financial officer of the business segment of the Contractor that submits the proposal. The Contractor understands that if the Contractor fails to submit a certificate as required herein, payments on account of indirect cost shall be at rates unilaterally established by the Government.

(b) *Certificate of Indirect Costs.* The certificate of indirect costs shall read as follows:

Certificate of indirect costs

This is to certify that to the best of my knowledge and belief:

1. I have reviewed the indirect cost proposal submitted herewith;

2. All costs included in the proposal (identify, date) to establish billing or final indirect cost rates for (identify period covered by rate) are allowable in accordance with the requirements of contracts to which they apply and with the cost principles of the Department of Defense applicable to those contracts;

3. This proposal does not include any costs which are unallowable under applicable cost principles of the Department of Defense, such as (without limitation): advertising and public relations costs, contributions and donations, entertainment costs, fines and penalties, lobbying costs, defense of fraud proceedings, and good will; and

4. All costs included in this proposal are properly allocable to Defense contracts on the basis of a beneficial or causal relationship between the expenses incurred and the contracts to which they are allocated in accordance with applicable acquisition regulations.

I declare under penalty of perjury that the foregoing is true and correct.

Firm: _____

Signature: _____

Name of Corporate Official: _____

Title: _____

Date of Execution: _____

(End of clause)

[FR Doc. 86–8825 Filed 4–18–86; 8:45 am]

BILLING CODE 3810–01–M

Proposed Rules

Federal Register
Vol. 51, No. 76
Monday, April 21, 1986

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

Office of Transportation

7 CFR Part 3300

Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment To Be Used for Such Carriage (ATP); Inspection, Testing, and Certification of Special Equipment

AGENCY: Office of Transportation, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this rule is to establish procedures for the inspection, testing, and certification of insulated, refrigerated, mechanically refrigerated, and heated transport equipment in accordance with the subject Agreement and the standards specified therein. Under this rule United States firms which manufacture or own such equipment may obtain certification for their equipment as needed for the international carriage of perishable foodstuffs. This rule has been developed under the authority delegated to the Secretary of Agriculture to implement the Agreement, as set forth in the International Carriage of Perishable Foodstuffs Act, which authority has been further delegated by the Secretary to the Assistant Secretary for Marketing and Inspection Services and the Administrator of the Office of Transportation.

DATE: Comments must be submitted before May 21, 1986.

ADDRESS: Written comments should be sent to: Robert F. Guilfoy, Jr., Office of Transportation, Department of Agriculture, 1405 Auditors Building, 201 14th Street SW., Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: To obtain further information, including copies of the Agreement and the Act (Pub. L. 97–325), contact Robert F. Guilfoy, Jr., at the above address or by telephone: (202) 447–6235.

SUPPLEMENTARY INFORMATION: The subject Agreement, dated September 1, 1970, was developed by the Economic Commission for Europe (ECE), a regional body of the United Nations. The ECE is made up of 34 member countries, including 32 European countries, the United States, and Canada.

The United States Senate ratified the Agreement on March 20, 1980, followed by enactment by the Congress of the International Carriage of Perishable Foodstuffs Act on October 15, 1982. The U.S. acceded to the Agreement on January 20, 1983.

The basic objectives of this rule derive from the Perishable Foodstuffs Act, section 2, paragraphs (3) and (4), which read "(3) this Act will make ti possible for equipment in the United States to be inspected, tested, and certified in accordance with the agreement and the standards specified therein; and (4) this Act will improve the condition for the movement of perishable foodstuffs in international carriage in equipment owned or operated by United States firms, which will serve to protect existing trade and promote expansion of trade in perishable foodstuffs, and will improve the sale of United States manufactured equipment for use in international carriage."

Under this rule, domestic owners may obtain certification for new equipment manufactured in the United States or in a foreign country. Domestic owners may also obtain certification or recertification for equipment in service. Foreign owners may obtain certification for new equipment manufactured in the United States, but not for equipment manufactured in a foreign country or for equipment in service.

It should be noted that this rules does not make it mandatory that all special transport equipment manufactured, owned, or operated by U.S. firms be certified. Rather, this rule sets up procedures whereby U.S. firms may obtain certification of their equipment, if they so desire and as needed, for transport of perishable foodstuffs between countries which are contracting parties to the Agreement, particularly in Europe.

Since the Agreement is an intergovernmental agreement within the United Nations, it is necessary that inspection, testing, and certification of equipment in each country be done under the auspices of government.

Thus far, the following 21 countries have become contracting parties to the Agreement: Austria, Belgium, Bulgaria, Czechoslovakia, Denmark, Finland, France, Federal Republic of Germany, German Democratic Republic, Italy, Luxembourg, Morocco, Netherlands, Norway, Poland, Spain, Sweden, U.S.S.R., United Kingdom, United States of America, and Yugoslavia.

Exemptions

Article 5 of the Agreement provides that the Agreement shall not apply to carriage in containers in which the transport operation involves a movement of more than 150 km by sea. Thus, a container moving from the United States to a country in Europe, or vice-versa, would not have to be certified. It may be noted that Article 5 makes no mention of roll-on roll-off (RoRo) vehicles moving more than 150 km by sea, probably because there was little if any of that type of movement when the Agreement was being drafted. In any event, manufacturers and owners of refrigerated oceangoing containers in the United States would need certification for their equipment when the equipment is to be used for transport of perishable foodstuffs between countries in Europe where the receiving country is a contracting party to the Agreement.

Article 10 of the Agreement provides that a contracting party has the option to declare that the Agreement does not apply to carriage in its territories outside Europe. That Article was placed in the Agreement, during its drafting, at the express request of the United States, for the following three reasons: (1) The Agreement was developed primarily for application to transport of perishable foodstuffs in Europe; (2) Industry standards in the United States were considered to be comparable to the standards in the Agreement, and (3) The U.S. had no need to apply the Agreement to vehicles coming into the U.S. from Canada or Mexico.

In depositing its instrument of accession with the United Nations, the U.S. exercised the option available in Article 10 by declaring that the Agreement does not apply to carriage in the United States or its territories.

Considerations Regarding Verification that Production of New Equipment Conforms With the Reference Equipment

The Agreement, in its Annex 1, Appendix 1, paragraphs 2 (a) and (b) reads as follows:

"(a) New equipment of a specific type serially-produced may be approved by testing one unit of that type. If the unit tested fulfills the requirments prescribed for the class to which it is presumed to belong, the test report shall be regarded as a Type Approval Certificate—

(b) The competent authority shall take steps to verify that production of units is in conformity with the approved type.—"

In deciding how to treat the requirement concerning conformity of production with the reference equipment, the following factors were considered:

(1) A manufacturer of equipment normally verifies to the buyer of the equipment that the manufacturer has complied with specifications stipulated by the buyer.

(2) It would be difficult to justify placing an extra cost on the manufacturer to have an outside organization verify conformity of production.

(3) The regulations of the United Kingdom, which is a contracting party to the Agreement, allow manufacturers to certify that production conforms to the approved type.

Taking into account the aforementioned factors, it was decided to have the manufacturer submit a statement that production conforms with the reference equipment, and this is reflected in the pertinent part of this rule.

Considerations Regarding Inspection of Containers in Service

The Agreement, in its Annex 1, Appendix 2, paragraphs 29 and 49, requires that equipment in service at the end of the period of validity of its certificate shall either be tested in a testing station or be inspected by experts, in order to obtain renewal of a certificate.

As a practical matter, the United States would not be primarily concerned with testing and inspection of trucks, trailers, semitrailers, and railcars, since the U.S. will not apply the Agreement to transport equipment operating in the United States.

The primary concern of the United States is in connection with inspection of mechanically refrigerated intermodal containers operated by U.S. containership companies and U.S. container leasing firms which need certification of their containers for inter-country operations in Europe.

In deciding how to treat the requirement concerning inspection of containers in service, the following factors were considered:

(1) It is generally agreed that it would be difficult and costly to schedule a particular container into a particular seaport where, and when, an independent inspector, outside the carrier's organization, might be available to perform an inspection.

(2) Conceivably, a great number of mechanically refrigerated containers in service may require inspection in the coming years.

(3) The inspection requirements in the Agreement are not considered to be stringent. The check of the insulated body is essentially a visual inspection, and when operating the mechanical refrigerating appliance the ambient temperature need only be no lower than +15 °C (59 °F), compared to test of the equipment when new in an ambient of +30 °C (86 °F). Further, in an inspection the appliance is turned off as soon as it reaches the required inside air temperature, without having to be operated for 12 hours with a 35 percent additional heat load as in the original test when the equipment was new.

(4) Operators of intermodal mechanically refrigerated containers normally check a container before each trip to ensure that the equipment is in good repair and that the refrigerating unit is operating properly. Also, operators normally perform periodic maintenance inspections of equipment similar to the inspection required by the Agreement.

Taking into account the aforementioned factors, it was decided that the most practical and least costly way to accomplish inspections of equipment in service would be to place the responsibility for such inspections on the owners of the equipment, and this is reflected in the pertinent part of this rule.

Paperwork Reduction

A request for approval of collection of information under this proposed rule is being submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (Title 44, Chapter 35, United States Code).

Review of this Proposed Rule

This proposed rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated as a 'non-major' rule. Martin F. Fitzpatrick, Jr., Administrator, Office of Transportation, has certified that this proposed action will not have a significant impact on a substantial number of small entities.

List of Subjects in 7 CFR Part 3300

Foods, Laboratories, Reporting and recordkeeping requirements, Transportation.

Accordingly, Chapter XXX, consisting of Part 3300, is proposed to be added to Title 7 to read as follows:

CHAPTER XXX—OFFICE OF TRANSPORTATION, DEPARTMENT OF AGRICULTURE

PART 3300—AGREEMENT ON THE INTERNATIONAL CARRIAGE OF PERISHABLE FOODSTUFFS AND ON THE SPECIAL EQUIPMENT TO BE USED FOR SUCH CARRIAGE (ATP); INSPECTION, TESTING, AND CERTIFICATION OF SPECIAL EQUIPMENT

Subpart A—Intorduction

Sec.

3300.1 Scope of authority and purpose.
3300.4 Definitions.

Subpart B—Procedures for Testing of Equipment

3300.7 General.
3300.10 Measurement of the K-coefficient of an insulated body.
3300.13 Measurement of the K-coefficient of an insulated body without its mechanical refrigerating appliance installed.
3300.16 Determination of the efficiency of the thermal appliance as installed in the insulated body.

Subpart C—Approval of Testing Stations

3300.19 General.
3300.22 Application for approval.
3300.25 Response to application for approval.
3300.28 Application for renewal of approval.
3300.31 Response to application for renewal of approval.
3300.34 Termination of approval.

Subpart D—Procedures for Separate Testing of Mechanical Refrigerating Appliances

3300.37 General.
3300.40 Testing of a mechancial refrigerating appliance.

Subpart E—Approval of Testing Laboratories

3300.43 General.
3300.46 Application for approval.
3300.49 Response to application for approval.
3300.52 Application for renewal of approval.
3300.55 Response to application for renewal of approval.
3300.58 Termination of approval.

Subpart F—Certification of New Equipment

3300.61 General.

3300.64 Testing and verification requirements.
3300.67 Application for certificate for new equipment produced or assembled in the United States or in a foreign country which is not a contracting party of the ATP.
3300.70 Application for certificate for new equipment produced or assembled in a foreign country which is a contracting party to the ATP.
3300.73 Issuance of certificate.
3300.76 Period of validity of certificates.

Subpart G—Certification of Equipment in Service

3300.79 General.
3300.82 Application for certificate.
3300.85 Issuance of certificate.
3300.88 Period of validity of certificates.

Subpart H—Other Provisions.

3300.91 Responsibilities of equipment manufacturers.
3300.94 Responsibilities of owners of equipment.
3300.97 Fees for U.S. ATP Certificates.
3300.100 List of approved testing stations, approved testing laboratories, and fees for certificates.
3300.103 Appeals.

Authority: Sec. 4, Pub. L. 97-325, International Carriage of Perishable Foodstuffs Act (7 U.S.C. 4403).

Subpart A—Introduction

§ 3300.1 Scope of authority and purpose.

The International Carriage of Perishable Foodstuffs Act assigns to the Secretary of Agriculture the responsibility for implementation of the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage (ATP). The purpose of this rule is to establish procedures for the inspection, testing, and certification of insulated, refrigerated, mechanically refrigerated, and heated transport equipment in accordance with the Agreement and the standards specified therein. In the process, the intent is to utilize existing industry facilities to the greatest extent practicable.

§ 3300.4 Definitions.

"Administrator" means the Administrator, Office of Transportation, U.S. Department of Agriculture, whose current address is: 1405 Auditors Building, 201 14th Street SW., Washington, DC 20250.

"ATP" means the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage (ATP), and the annexes and appendices thereto, done at Geneva, September 1, 1970, under the auspices of the Economic Commission for Europe, and any subsequent amendments thereto.

"ATP Manager" means the person designated by the Administrator to manage the program established by this rule, whose current address is: ATP Manager, Office of Transportation, U.S. Department of Agriculture, 1405 Auditors Building, 201 14th Street SW., Washington, DC 20250.

"Body manufacturer" means an organization which produces insulated bodies for equipment.

"Body manufacturing plant" means a facility at which insulated bodies are produced.

"Contracting party" means a country which is signatory to the ATP.

"Domestic Owner" means an organization which is incorporated or chartered under the laws of, and with principal office in, the United States, and which owns or operates the equipment directly or through a wholly owned subsidiary in a foreign country.

"Equipment" means the special transport equipment that complies with the definitions and standards set forth in ATP, Annex 1, including, but not limited to, railcars, trucks, trailers, semitrailers, and intermodal freight containers that have an insulated body only, or an insulated body equipped with a refrigerating, mechanically refrigerating, or heating appliance.

"Equipment manufacturer" means an organization which produces or assembles the complete unit of equipment, that is, the insulated body with the thermal appliance installed.

"Equipment manufacturing plant" means a facility at which an equipment manufacturer produces or assembles the complete unit of equipment.

"Foreign-ATP certificate" means a certificate issued by a foreign country which is a contracting party to the ATP, attesting that the equipment listed in the certificate complies with pertinent standards in the ATP.

"Foreign owner" means an organization registered under the laws of, or with principal office in, a country outside the United States, and which owns or operates the equipment.

"Identical mechanical refrigerating appliance" means a mechanical refrigerating appliance which is of the same model number and design as the reference mechanical refrigerating appliance, and produced by a particular mechanical refrigerating appliance manufacturer, at a particular mechanical refrigerating appliance manufacturing plant.

"Insulated body" means the six-sided structural component of equipment, consisting of insulated doors, sidewalls, roof, floor, and endwall, inside which perishable foodstuffs are carried.

"International carriage" means transportation of perishable foodstuffs if such foodstuffs are loaded in equipment or the equipment containing them is loaded onto a rail or road vehicle, in the territory of any country and such foodstuffs are, or the equipment containing them is, unloaded in the territory of another country that is a contracting party, where such transportation is by:

(a) Rail,

(b) Road,

(c) Any combination of rail and road, or

(d) Any sea crossing of less than one hundred and fifty kilometers, if preceded or followed by one or more land journeys as referred to in paragaphs (a), (b), and (c) of this definition, and the perishable foodstuffs are shipped in the same equipment used for such land journeys without transloading of such foodstuffs.

In the case of any transportation that involves one or more sea crossings other than as specified in paragraph (d) of this definition, each land journey shall be considered separately.

"Mechanical refrigerating appliance manufacturer" means an organization which produces mechanical refrigerating appliances.

"Mechanical refrigerating appliance manufacturing plant" means a facility which produces mechanical refrigerating appliances.

"New equipment" means equipment produced or assembled at an equipment manufacturing plant on or after the effective date of this rule.

"Perishable foodstuffs" means the quick deep-frozen and frozen food products listed in Annex 2, and the chilled food products listed in Annex 3 to the ATP.

"Reference equipment" means a unit of equipment which has passed a test in an approved testing station, and can thereby serve as a basis for certification of related serially-produced equipment.

"Reference insulated body" means an insulated body which has passed a test in an approved testing station for measurement of the K-coefficient of the body, and can thereby serve as the basis for approval of serially-produced bodies in the case in which the insulated body and the mechanical refrigerating appliance of the equipment are tested separately.

"Reference mechanical refrigerating appliance" means a mechanical refrigerating appliance which has passed a test in an approved testing laboratory, and can thereby serve as the basis for approval of identical mechanical refrigerating appliances in

the case in which the mechanical refrigerating appliance and the insulated body of the equipment are tested separately.

"Serially-produced bodies" means insulated bodies which meet the definition in ATP, Annex 1, Appendix 1, paragraph 2(c)(i).

"Serially-produced equipment" means equipment of a specific type (container, semi-trailer, trailer, truck, or container), which meets the definition in ATP, Annex 1, Appendix 1, paragraph 2(c).

"Thermal appliance" means the refrigerating, mechanical refrigerating, or heating appliance which is installed in the insulated body of the equipment.

"Thermal appliance manufacturer" means an organization which produces thermal appliances.

"Thermal appliance manufacturing plant" means a facility at which thermal appliances are produced.

"U.S. ATP testing laboratory" means a facility in the United States which has been approved by the Administrator to conduct tests of mechanical refrigerating appliances.

"U.S. ATP testing station" means a facility in the United States which has been approved by the Administrator to conduct tests of equipment.

"U.S. ATP certificates" means a certificate issued by the U.S. Department of Agriculture, attesting that the equipment listed in the certificate complies with pertinent standards in the ATP.

"United States" means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

Subpart B—Procedures for Testing of Equipment

§ 3300.7 General.

Testing of equipment according to the ATP is basically done in two phases:

(a) Measurement of the insulating capacity, that is, the K-coefficient, of the insulated body.

(b) Determination of the efficiency of the thermal appliance as installed in the insulated body. In the case of mechanically refrigerated equipment, the mechanical refrigerating appliance may be tested separately.

§ 3300.10 Measurement of the K-coefficient of an insulated body.

The K-coefficient shall be measured according to the procedures in ATP, Annex 1, Appendix 2, paragraphs 1–28, and the following shall apply:

(a) The internal heating method shall be used.

(b) The measurement shall be performed with the thermal appliance installed in the insulated body, unless the equipment consists of an insulated body only without a thermal appliance.

(c) In ATP, Annex 1, Appendix 2, paragraph 8, last line, 'about +20 °C' for the mean temperature of the walls of the body shall be interpreted to mean between +19 °C (+66 °F) and 21 °C (+70 °F).

(d) A report of each test shall be completed on a form corresponding to the pertinent test report model prescribed in ATP, Annex 1, Appendix 2. Report forms may be obtained by request to the ATP manager.

§ 3300.13 Measurement of the K-coefficient of an insulated body without its mechanical refrigerating appliance installed.

If there is an opening in the front wall of the body intended to accommodate the mechanical refrigerating appliance, the opening shall be temporarily closed off with an insulated partition. The K-coefficient shall then be measured according to the procedures in ATP, Annex 1, Appendix 2, paragraph 1–28. In performing such measurement the following shall apply:

(a) The internal heating method shall be used.

(b) In ATP, Annex 1, Appendix 2, paragraph 8, last line, 'about +20 °C' for the mean temperature of the walls of the body shall be interpreted to mean between +19 °C (+66 °F) and +21 °C (+70 °F).

(c) A report of each test shall be completed on a form corresponding to the pertinent test report model prescribed in ATP, Annex 1, Appendix 2. Report forms may be obtained by request to the ATP manager.

§ 3300.16 Determination of the efficiency of the thermal appliance as installed in the insulated body.

In determining the efficiency of a thermal appliance with respect to maintaining prescribed temperature inside the body, the procedures in ATP, Annex 1, Appendix 2, paragraphs 31–40 and 43–47 shall be used. A report of each test shall be completed on a form corresponding to the pertinent test report model prescribed in ATP, Annex 1, Appendix 2. Report forms may be obtained by request to the ATP manager.

Subpart C—Approval of Testing Stations

§ 3300.19 General.

Any public or private organization incorporated or chartered under the laws of, and with principal office in, the United States may apply to have one or more of its facilities in the United States designated as a U.S. ATP testing station.

§ 3300.22 Application for approval.

Application by an officer of the organization shall be submitted to the Administrator for each facility for which approval is sought. Copies of Form, Application for Approval as a U.S. ATP Testing Station, may be obtained by request to the ATP manager. The following information is requested in the application:

(a) A statement that the organization is incorporated or chartered under the laws of, and that it has its principal office in, the United States, including the address and telephone number of the principal office.

(b) The address and telephone number of the testing station, and name and title of person in charge of the station.

(c) A summary of experience at the facility which would indicate capability to conduct tests of equipment according to Subpart B of this rule.

(d) A general description of the station, including drawings on letter size (8½ × 11 inches) paper to show the floor plan and cross-sections of the test chamber, basic dimensions, location of heat exchangers and instruments, and any other pertinent information.

(e) An indication of which of the following types of equipment, as defined in ATP, Annex 1, that the station is capable of testing: Intermodal freight containers, semi-trailers, trailers, railcars, and trucks.

(f) A statement that the Administrator, ATP manager, or other respresentative of the Administrator may, before a decision concerning the application, observe a test at the station of a class C mechanically refrigerated container or semi-trailer, with Class C being defined as in ATP, Annex 1, paragraph 3.

(g) A statement that the station will be open to public use, that is, to manufacturers and owners of equipment which may apply to have equipment tested.

(h) A statement that the fees to be charged by the organization for testing will be reasonable with respect to costs involved, and that such fees will be payable directly to the organization by those who seek testing of their equipment.

(i) A statement that the station will maintain records of basic data developed in each test conducted under this rule, such records to be available for review by the ATP manager or other representative of the Administrator upon request. The record for each test shall be maintained for a period of three years.

(j) A statement that the organization will advise the ATP manager at least 30 days prior to each test conducted under this rule, so that the ATP manager or other representative of the Administrator may, if desired, observe the test.

(k) A statement that the organization will send to the ATP manager a copy of each test report for equipment tested at the station according to this rule, within 30 days after completion of the test.

(l) A statement that, should any significant change occur in the facility with respect to structure or test equipment as a result of redesign or other cause during the period of approval, the organization will so advise the ATP manager within 30 days after such change.

(m) Any other pertinent information.

§ 3300.25 Response to application for approval.

The Administrator will, within 30 days of receipt of the application and any relevant information required, advise the applicant whether or not the facility is approved as a testing station. Approval is for a 5-year period from date of approval.

§ 3300.28 Application for renewal of approval.

If an organization wishes to have an approval renewed at the end of a 5-year period, it shall submit a request for renewal to the Administrator 90 days before expiration of the existing approval. The request for renewal shall contain the same type of information as required in the original application, that is, the information called for in § 3300.22 of this Subpart C.

§ 3300.31 Response to application for renewal of approval.

The Administrator will, within 30 days of receipt of application and any relevant information required, advise the applicant whether or not approval is renewed. A renewal extends the period of approval for 5 more years.

§ 3300.34 Termination of approval.

An approved testing station may at any time withdraw as an approved testing station by written notice to the Administrator. Similarly, the Administrator may suspend or terminate for cause the approved status of a testing station by written notice to the organization, setting forth reasons for such action. Examples of causes for suspension or termination of approval of a testing station would be a change in equipment or operations at the station which would render the station incapable of performing tests according to the standards in the ATP, or noncompliance of the station with pertinent portions of this rule.

Subpart D—Procedures for Separate Testing of Mechanical Refrigerating Appliances

§ 3300.37 General.

ATP, Annex 1, Appendix 2, paragraph 41, provides that approval of mechanically refrigerated equipment may be done on the basis of separate testing of the mechanical refrigerating appliance.

§ 3300.40 Testing of a mechanical refrigerating appliance.

For separate testing of a mechanical refrigerating appliance, the following shall pertain:

(a) The calibrated-box method shall be used, as set forth in ARI Standard 1110, Standard for Mechanical Refrigeration Units, of the Air-Conditioning and Refrigeration Institute.

(b) The appliance shall be rated according to the class, or classes, of service for which the appliance is intended, with classes being defined as in ATP, Annex 1, paragraph 3.

(c) A report of each test shall be completed on a form corresponding to the pertinent test report model prescribed in ATP, Annex 1, Appendix 2. Report forms may be obtained by request to the ATP manager.

Subpart E—Approval of Testing Laboratories

§ 3300.43 General.

Any public or private organization incorporated or chartered under the laws of, and with principal office in, the United States may apply to have one or more of its facilities in the United States designated as a U.S. ATP testing laboratory.

§ 3300.46 Application for approval.

Application by an officer of the organization shall be submitted to the Administrator for each facility for which approval is sought. Copies of Form, Application for Approval as a U.S. ATP Testing Laboratory, may be obtained by request to the ATP manager. The following information is requested in the application:

(a) A statement that the organization is incorporated or chartered under the laws of, and that it has its principal office in, the United States, including the address and telephone number of the principal office.

(b) The address and telephone number of the testing laboratory, and name and title of person in charge of the laboratory.

(c) A summary of the experience at the facility which would indicate a capability to conduct tests of mechanical refrigerating appliances according to Subpart D of this rule.

(d) A general description of the laboratory, including drawings on letter size (8½ x 11 inches) paper to show the floor plant and cross-sections of the test chamber, basic dimensions, location of heat exchangers and instruments, and any other pertinent information.

(e) A statement that the Administrator, ATP manager, or other representative of the Administrator may, before a decision concerning the application, observe a test of a mechanical refrigerating appliance at the laboratory.

(f) A statement that the laboratory will maintain records of basic data developed in each test conducted under this rule, such records to be available for review by the ATP manager, or other representative of the Administrator, upon request. The record for each test shall be maintained for a period of three years.

(g) A statement that the organization will advise the ATP manager at least 30 days prior to each test conducted under this rule, so that the ATP manager or other representative of the Administrator may, if desired, observe the test.

(h) A statement that, should any significant change occur in the facility with respect to structure or test equipment as a result of redesign or other cause during the period of approval, the organization will so advise the ATP manager within 30 days after such change.

(i) A statement that the organization will send to the ATP manager a copy of each test report for an appliance tested at the laboratory according to this rule, within 30 days after completion of the test.

(j) Any other pertinent information.

§ 3300.49 Response to application for approval.

The Administrator will, within 30 days of receipt of an application and any relevant information required, advise the applicant whether or not the facility is approved as a testing laboratory. Approval is for a 5-year period from date of approval.

§ 3300.52 Application for renewal of approval.

If an organization wishes to have an approval renewed at the end of a 5-year period, it shall submit a request for renewal to the Administrator 90 days before expiration of the existing approval. The request for renewal shall contain the same type of information as required in the original application, that is, the information called for in § 3300.46 of this Subpart E.

§ 3300.55 Response to application for renewal of approval.

The Administrator will, within 30 days of receipt of application and any relevant information required, advise the applicant whether or not approval is renewed. A renewal extends the period of approval for 5 more years.

§ 3300.58 Termination of approval.

An approved testing laboratory may at any time withdraw as an approved testing laboratory by written notice to the Administrator. Similarly, the Administrator may suspend or terminate for cause the approved status of a testing laboratory by written notice to the organization, setting forth reasons for such action. Examples of causes for suspension or termination of approval of a testing laboratory would be a change in equipment or operations at the laboratory which would render the laboratory incapable of performing tests according to the standards in the ATP, or noncompliance of the station with pertinent portions of this rule.

Subpart F—Certification of New Equipment

§ 3300.61 General.

For certification of new equipment by the U.S. Department of Agriculture, the following shall apply:

(a) For equipment manufactured, that is, produced or assembled, in the United States, or in a foreign country which is not a contracting party:

(1) In the case in which the complete unit of equipment is tested, such test shall be performed in a U.S. ATP testing station.

(2) In the case in which the mechanical refrigerating appliance and the insulated body are tested separately, such tests shall be performed in approved testing facilities in the United States or in test facilities located in, and approved by, a foreign country which is a contracting party.

(b) For equipment manufactured in a foreign country which is a contracting party, tests may be performed in facilities approved by such country, or in the United States or another country which is a contracting party.

(c) Domestic owners are eligible to receive U.S. ATP certificates for equipment produced or assembled in the United States or in a foreign country.

(d) Foreign owners are eligible to receive U.S. ATP certificates only for equipment produced or assembled in the United States.

§ 3300.64 Testing and verification requirements.

In accordance with ATP, Annex 1, Appendix 1, paragraphs 1(a), 2, and 3, and Appendix 2, paragraph 41, certification of new equipment is based upon the following:

(a) For a unit of equipment, a test of the equipment in an approved testing station.

(b) For serially-produced equipment:

(1) A test of one unit of equipment in an approved testing station, such unit to serve as the reference equipment, and;

(2) Verification by the equipment manufacturer that production of other units of equipment is in conformity with the reference equipment.

(c) For mechanically refrigerated equipment, certification may be based upon:

(1) Separate test of the mechanical refrigerating appliance in an approved testing laboratory, the appliance tested to serve as the reference mechanical refrigerating appliance.

(2) Separate testing of the insulated body in an approved testing station, the body tested to serve as the reference insulated body.

(3) Where more than one unit of equipment is involved, verification by the equipment manufacturer that all appliances are identical to the reference mechanical refrigerating appliance, and that production of bodies is in conformity with the reference insulated body.

§ 3300.67 Application for certificate for new equipment produced or assembled in the United States or in a foreign country which is not a contracting party to the ATP.

Application for certification of equipment shall be submitted to the ATP manager by an officer in the organization of the owner of the equipment. Copies of Form, Application for U.S. ATP Certificate for New Equipment Produced or Assembled in the United States or in a Foreign Country which is not a Contracting Party of the ATP, may be obtained by request to the ATP manager. The following information is requested in the application:

(a) A statement as to whether the owner is a domestic owner or a foreign owner, with the address and telephone number of its principal office, and the name and title of the key person to contact.

(b) If different from the owner, the name, address and telephone number of the operator of the equipment, and the name and title of the key person to contact.

(c) The name and address of the equipment manufacturer, and the name and title of the key person to contact.

(d) The type of equipment (intermodal freight container, trailer, semi-trailer, railcar, or truck).

(e) The total number of units of equipment.

(f) For each unit of equipment, the serial number of the body and the owners identification number for the equipment.

(g) The class of equipment and distinguishing mark for which certification is sought, referring to ATP, Annex 1, Appendix 4.

(h) In the case in which the complete equipment, that is, the insulated body with its thermal appliance installed, has been tested:

(1) The original or certified copy of the report of the test of the equipment or of the reference equipment performed in a U.S. ATP testing station. In accordance with ATP, Annex 1, Appendix 1, paragraphs 2(a), (b), (c), and (d), the validity of the test report for reference equipment shall expire either at the end of the 36-month period following date of the test, or at the end of manufacture of 1,000 units of serially-produced equipment, whichever occurs first. The serially-produced equipment shall be equipment produced or assembled at the same equipment manufacturing plant at which the reference equipment was produced or assembled.

(2) For serially-produced equipment, a statement from an officer in the organization of the equipment manufacturer giving the following information:

(i) The name and address of the equipment manufacturing plant at which the equipment was produced or assembled.

(ii) Verification that equipment, listed by serial number of each body, was produced in conformity with the reference equipment.

(iii) Verification that each insulated body has a body manufacturer's plate, or other means of identification, affixed to the body which shows the items of information required by ATP, Annex 1, paragraph 6.

(i) In the case in which the mechanical refrigerating appliance and the insulated body have been tested separately:

(1) The original or certified copy of the report of test of the mechanical

refrigerating appliance, or of the reference mechanical refrigerating appliance, performed in a U.S. ATP testing laboratory or in a testing laboratory located in, and approved by, a country which is a contracting party. The validity of the test report for the reference appliance shall expire either at the end of the 36-month period following date of test, or at the end of manufacture of 1,000 units of identical mechanical refrigerating appliances, whichever occurs first. The identical appliances shall be appliances manufactured at the same mechanical refrigerating appliance manufacturing plant at which the reference appliance was manufactured.

(2) The original or certified copy of the report of test of the insulated body, or of the reference insulated body, in a U.S. ATP testing station or in a testing station located in, and approved by, a country which is a contracting party. The validity of the test report for the reference insulated body shall expire either at the end of the 36-month period following date of test, or at the end of manufacture of 1,000 serially-produced bodies, whichever occurs first. The serially-produced insulated bodies shall be bodies produced at the same body manufacturing plant at which the reference insulated body was manufactured.

(3) A statement from an officer in the organization of the equipment manufacturer giving the following information:

(i) Verification that:

(A) The mechanical refrigerating appliance installed in each unit of equipment is an identical mechanical refrigerating appliance with respect to the reference appliance.

(B) The insulated body of each unit of equipment meets the definition of serially-produced bodies.

(C) Each insulated body and each mechanical refrigerating appliance has a manufacturer's plate, or other means of affixing the information, showing the items of information required by ATP, Annex 1, paragraph 6.

(ii) Data for the reference insulated body, as follows:

(A) The value of the mean surface area, $S=\sqrt{S_i \times S_e}$ in square meters, where S_i is the total inside area, and S_e is the total outside surface area of the body.

(B) The value of the heat transfer coefficient, K, in watts per square meter of mean surface area, per degree centigrade difference in temperature between outside and inside the body.

(C) The total heat transfer rate of the body, $H=K \times S \times \Delta T$, in watts, where ΔT is the difference in temperature in degrees centigrade between the outside temperature (+30 °C), and the inside temperature for the class of equipment for which certification is sought, with class as defined in ATP, Annex 1, paragraph 3.

(D) The total heat transfer rate, multiplied by the factor of 1.75: $H_i=H \times 1.75$, in watts.

(iii) For the reference mechanical refrigerating appliance, the effective refrigerating capacity, W_o, in watts, at the outside temperature (+30 °C) and the inside temperature for the class of equipment for which certification is sought, with class as defined in ATP, Annex 1, paragraph 3.

§ 3300.70 Application for certificate for new equipment produced or assembled in a foreign country which is a contracting party to the ATP.

Application for certification of equipment shall be submitted to the ATP manager by an officer in the organization of the owner of the equipment. Copies of Form, Application for U.S. ATP Certificate for New Equipment Produced or Assembled in a Foreign Country which is a Contracting Party to the ATP, may be obtained from the ATP manager. The following information is requested in the application:

(a) A statement that the owner is a domestic owner, with address and telephone number of its principal office and the name and title of key person to contact.

(b) If different from the owner, the name, address, and the telephone number of the operator of the equipment, and the name and title of key person to contact.

(c) The name, address, and telephone number of the equipment manufacturer, and the name and title of key person to contact.

(d) The type of equipment (intermodal freight container, trailer, semi-trailer, railcar, or truck).

(e) The total number of units of equipment.

(f) For each unit of equipment, the serial number of the body and the owners identification number for the equipment.

(g) The class of equipment and distinguishing mark for which certification is sought, referring to ATP, Annex 1, Appendix 4.

(h) The original, or certified copy, of the report of test of the equipment, or of the reference equipment.

(i) For mechanically refrigerated equipment of which the mechanical refrigerating appliance and the insulated body have been tested separately:

(1) The original, or certified copy, of the report of test of the mechanical refrigerating appliance, or of the reference mechanical refrigerating appliance.

(2) The original, or certified copy, of the report of test of the insulated body, or of the reference insulated body.

(j) Verification that each insulated body has a body manufacturer's plate, or other means of identification, affixed to the body which shows the items of information required by ATP, Annex 1, paragraph 6.

(k) The original of the foreign-ATP certificate issued for the equipment.

§ 3300.73 Issuance of certificate.

The ATP manager will evaluate documents received and, for equipment deemed qualified, will issue a U.S. ATP certificate to the applicant within 30 days of receipt of an application and any relevant information required. The certificate will be in the format prescribed in ATP, Annex 1, Appendix 3. For equipment deemed not qualified, the applicant will be advised of reasons for non-qualification within 30 days of receipt of an application and any relevant information required.

§ 3300.76 Period of validity of certificates.

In accordance with ATP, Annex 1, Appendix 1, paragraph 1(b), certificates issued for new equipment are valid for a period of 6 years from date of issue.

Subpart G—Certification of Equipment in Service

§ 3300.79 General.

Only domestic owners are eligible to receive U.S. ATP certificates for equipment in service.

(a) For equipment in service which has not previously been certified, the following will apply:

(1) A test of the equipment shall be done in a U.S. ATP testing station, to measure the K-coefficient of the insulated body and the efficiency of the thermal appliance in accordance with §§ 3300.10 and 3300.16, respectively, of this rule. It may be noted that, when testing the thermal appliance of equipment in service, a 35 percent additional heat load is not required as in the case of new equipment.

(2) If the equipment consists of serially-produced equipment manufactured by a particular equipment manufacturer, and belonging to one owner, then certification may be based upon performing both of the following:

(i) A test of 1 percent of the units of equipment as prescribed in preceding paragraph (a)(1) of this section.

(ii) An inspection by the owners of each unit of equipment, using the procedures set forth in ATP, Annex 1,

Appendix 2, paragraphs 29 and 49. A report of each inspection shall be completed on a form corresponding to the pertinent test report model in ATP, Annex 1, Appendix 2. Report forms may be obtained by a request to the ATP manager.

(b) For renewal of a U.S. ATP certificate which is nearing its expiration date, the owner may obtain renewal of the certificate by any one of the following three procedures:

(1) A test of the equipment as prescribed in preceding paragraph (a)(1) of this section.

(2) If the equipment consists of serially-produced equipment manufactured by a particular equipment manufacturer and belonging to one owner, the procedure prescribed in preceeding paragraphs (a)(2) (i) and (ii) of this section.

(3) An inspection by the owner of each unit of equipment as prescribed in preceeding paragraph (a)(2)(ii) of this section.

(c) For equipment transferred from a foreign owner to a domestic owner, and certified according to a current foreign-ATP certificate, the domestic owner may obtain a U.S. ATP certificate in exchange for the foreign-ATP certificate.

§ 3300.82 Application for certificate.

Application for certification of equipment shall be submitted to the ATP manager by an officer in the organization of the owner of the equipment. Copies of Form, Application for U.S. ATP Certificate for Equipment in Service, may be obtained by request to the ATP manager. The following information is requested in the application.

(a) A statement that the owner is a domestic owner, the address and telephone number of its principal office, and the name and title of person to contact.

(b) If different from the owner, the name, address, and telephone number of the operator of the equipment, and the name and title of the person to contact.

(c) The type of equipment (intermodal freight container, trailer, semi-trailer, railcar, or truck).

(d) The total number of units of equipment.

(e) For each unit of equipment, the serial number of the body and the owner's identificaiton number for the equipment.

(f) The class of equipment and distinguishing mark for which certification is sought, referring to ATP, Annex 1, Appendix 4.

(g) One or more of the following, as required:

(1) An original or certified copy of test report(s).

(2) An original of inspection report for each unit of equipment.

(3) A certified copy of previously issued U.S. ATP certificate.

(4) An original of foreign-ATP certificate.

§ 3300.85

Issuance of certificate.

The ATP manager will evaluate documents received and, for equipment deemed qualified, will issue a U.S. ATP certificate to the applicant within 30 days of receipt of the application and any relevant information required. The certificate will be in the format prescribed in ATP, Annex 1, Appendix 3. For equipment deemed not qualified, the applicant will be advised of reasons for non-qualification within 30 days of receipt of an application and any relevant information required.

§ 3300.88 Period of validity of certificates.

In accordance with ATP, Annex 1, Appendix 1, paragraphs 1 (b) and (c), and Appendix 2, paragraphs 29 and 49, considered in combination, certificates will be valid for periods as follows:

(a) For equipment which passes a test in a U.S. ATP testing station, 6 years.

(b) For serially-produced equipment of which 1 percent have passed a test in a U.S. ATP testing station, and all units have been inspected by the owner and pass such inspection, 6 years.

(c) For equipment previously certified, and which has been inspected by the owner and passed such inspection, 3 years.

Subpart H—Other Provisions

§ 3300.91 Responsibilities of equipment manufacturers.

For new equipment which is to be certified under this rule, and in addition to any other responsibilities of manufacturers under this rule, the equipment manufacturer shall notify the ATP manager 30 days before start of manufacture so that the ATP manager or other representative of the Administrator may, if desired, observe the manufacturing operation.

§ 3300.94 Responsibilities of owners of equipment.

Owners who receive a U.S. ATP certificate for their equipment have the following responsibilities:

(a) To affix a certification plate to the equipment, as specified in ATP, Annex 1, paragraph 4.

(b) To affix a distinguishing mark to the equipment, as specified in ATP, Annex 1, paragraph 5.

(c) To maintain equipment in good repair and operating condition, with the understanding that the U.S ATP certificate is valid only so long as:

(1) The insulated body and the thermal appliance are maintained in good condition;

(2) No material alteration is made to the thermal appliance which decreases its refrigerating capacity, and;

(3) If the thermal appliance is replaced, it is replaced by an appliance of equal or greater refrigerating capacity.

§ 3300.97 Fees for U.S ATP certificates.

The fee schedule for issuance of U.S. ATP certificates by the USDA Office of Transportation will be calculated according to the criteria in Circular A-25, issued by the Office of Management and Budget. Fees may be revised as required on an annual basis.

§ 3300.100 List of approved testing stations, approved testing laboratories, and fees for certificates.

A current list of U.S ATP testing stations, U.S. ATP testing laboratories, and fees for issuance of U.S. ATP certificates by the United States Department of Agriculture, may be obtained by request to the ATP manager.

§ 3300.103 Appeals.

Any organization aggrieved by an action in connection wtih the rule may obtain a review of such action by submitting pertinent information by letter to the Administrator. The decision of the Administrator is final.

Dated: April 15, 1986.

Martin F. Fitzpatrick, Jr.,

Administrator, Office of Transportation, U.S. Department of Agriculture.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 86-AWP-2]

Proposed Alteration of Transition Area; Santa Maria, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the 700 foot transition area at Santa Maria, California, to provide additional controlled airspace for aircraft executing an instrument approach

procedure to the Santa Maria, California, Public Airport utilizing the Santa Maria, California, VOR as a navigational aid.

DATES: Comments must be received on or before May 29, 1986.

ADDRESS: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP-520, Docket No. 86-AWP-2, Air Traffic Division, P.O. Box 90027, WWPC, Los Angeles, California 90009.

The official docket may be examined in the Office of the Regional Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6W14, 15000 Aviation Boulevard, Lawndale, California.

An informal docket may also be examined during normal business hours at the Office of the Manager, Airspace Branch, Air Traffic Division, at the above address.

FOR FURTHER INFORMATION CONTACT: Frank T. Torikai, Airspace Specialist, Airspace Branch, AWP-520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration (FAA), 15000 Aviation Boulevard, Lawndale, California 90260; telephone (213) 297-1649.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-AWP-2." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination in the Airspace Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California 90260, both before and after the closing date for comments.

A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace Branch, AWP-520, P.O. Box 92007 WWPC, Los Angeles, California 90009. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to §71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the 700 foot transition area at Santa Maria, California. The alteration of the transition area at and above 700 feet above the ground will keep aircraft on instrument approach within airspace where air traffic control service is provided. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

Part 71—[Amended]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Part 71—[Amended]

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

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

2. §71.181 is amended as follows:

Santa Maria, CA—[Revised]

That airspace extending upward from 700 feet above the surface beginning at lat. 34°45'00" N. long. 120°20'10" W.; to lat. 34°49'20" N., long. 120°26'00" W.; thence clockwise via the 5-mile radius of the Santa Maria Public Airport (lat. 34°53'56" N., long. 120°27'23" W.) to lat. 34°54'20"N., long. 120°32'30"W.; to lat. 34°54'04"N., long. 120°34'40" W.; to lat. 35°03'40" N., long. 120°41'41" W.; to lat. 35°07'47"N., long. 120°33'20"W.; to lat. 34°58'12"N., long. 120°26'20"W.; thence clockwise via the 5-mile radius of the Santa Maria Public Airport (lat. 34°53'56"N., long. 120°27'23"W.); to lat. 34°53'20"N., long. 120°21'10"W.; to lat. 34°48'50"N., long. 120°15'50"W.; to the point of beginning.

Issued in Los Angeles, California, on April 9, 1986.

Wayne C. Newcomb,

Manager, Air Traffic Division.

[FR Doc. 86-8807 Filed 4-18-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86-AGL-12]

Proposed Alteration of Transition Area, New Ulm, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the New Ulm, Minnesota, transition area to accomodate two new NDB Standard Instrument Approach Procedures (SIAPs) at New Ulm Municipal Airport to serve Runways 15 and 33.

The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATE: Comments must be received on or before May 23, 1986.

ADDRESS: Send comments on the proposal in triplicate to: Federal Aviation Administration, Regional Counsel, AGL-7, Attn: Rules Docket No. 86-AGL-12, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Regional Counsel, Federal Avaiation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Air Traffic Division Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The present transition area is being expanded to accommodate two new SIAPs. The additional airspace designated for the NDB Runway 33 SIAP will be approximately a 2.5 miles extension from the 5 mile radius southeast of the airport with a width of 3 miles each side of the 162° bearing from the New Ulm NDB; and for the NDB Runway 15 SIAP approximately a 1 mile northeast width expansion to the existing extension northwest of New Ulm Municipal Airport.

The development of the procedures requires that the FAA alter the designated airspace to insure that the procedures will be contained within controlled airspace. The minimum descent altitudes for these procedures may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-AGL-12". The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments recieved. All comments submitted will be available for examination in the Rule Docket, FAA, Great Lakes Region, Office of Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71-181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the designated transition area airspace near New Ulm, Minnesota.

Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B date January 2, 1986.

The FAA has determined that this proposed regulation only involves as established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

1. The authority citiation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. 97-449, January 12, 1983); 14 CFR 1.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

New Ulm, MN—[Amended]

That airspace extending upward from 700 feet above the surface within a 5 mile radius of New Ulm Municipal Airport (Lat. 44°19'00" N., Long. 94°29'45" W.) Within 3 miles each side of the 315° bearing from New Ulm Municipal Airport, extending from the 5 mile radius area to 8 miles northwest of the airport; and 3 miles each side of the 162° from New Ulm Municipal Airport, extending from the 5 mile radius area to 7.5 miles southeast of the airport.

Issued in Des Plaines, Illinois, on April 8, 1986.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 86-8808 Filed 4-18-86; 8:45 am]

BILLING CODE 4910-13-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[AD-FRL-3005-1]

National Emission Standards for Hazardous Air Pollutants; Alternative Calibration Procedure to Test Method 107; Proposal of Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

SUMMARY: The purpose of this proposed rule is to revise certain equipment specifications and add an alternative calibration procedure in a method already published in 40 CFR Part 61.

A public hearing will be held, if requested, to provide interested persons

an opportunity for oral presentation of data, views, or arguments concerning the proposed rule.

DATES: *Comments.* Comments must be received on or before July 27, 1986.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing by May 12, 1986, a public hearing will be held on June 5, 1986, beginning at 10:00 a.m. Persons interested in attending the hearing should call William Grimley at (919) 541–2237 to verify that a hearing will occur.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by May 12, 1986.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (LE–131), Attention: Docket Number A–85–29, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing by May 12, 1986, the public hearing will be held at EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify William Grimley, Emission Measurement Branch (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–2237.

Docket. Docket No. A–85–29, containing materials relevant to this rulemaking, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: William Grimley, Emission Measurement Branch, Emission Standards and Engineering Division (MD–19), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–2237.

SUPPLEMENTARY INFORMATION:

I. The Rulemaking

Method 107 was promulgated in the Federal Register on September 7, 1982 (47 FR 39168).

One intention of these proposed amendments is to facilitate calibration of the gas chromatograph by removing the requirement for a multipoint calibration during each 8-hour period of use, provided a calibration check that is made on that frequency is within certain tolerances.

The proposed amendments also provide for elimination of the sample prepressurization requirement, provided that the sample does not exceed a specified weight, or if solution of the prepressurization equation yields an absolute prepressurization value that is within 30 percent of the barometric pressure.

II. Administrative requirements

A. *Public Hearing*

A public hearing will be held, if requested, to discuss the proposed method revisions in accordance with Section 307(d)(5) of the Clean Air Act. Persons wishing to make oral presentations should contact EPA at the address given in the **ADDRESSES** section of this preamble. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement with EPA before, during, or within 30 days after the hearing. Written statements should be addressed to the Central Docket Section address given in the **ADDRESSES** section of this preamble.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at EPA's Central Docket Section in Washington, DC (see **ADDRESSES** section of this preamble).

B. *Docket*

The docket is an organized and complete file of all the information submitted to or otherwise considered by EPA in the development of this proposed rulemaking. The principal purposes of the docket are: (1) To allow interested parties to identify and locate documents so that they can effectively participate in the rulemaking process and (2) to serve as the record in case of judicial review (except for interagency review materials [Section 307(d)(A)]).

C. *Office of Management and Budget Review*

Executive Order 12291 Review. Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation is not major because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices; and there will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprise in domestic or export markets.

D. *Regulatory Flexibility Act Compliance*

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this attached rule, if promulgated, will have no economic impact on small entities because no additional costs will be incurred.

List of Subjects in 40 CFR Part 61

Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Incorporation by reference, Asbestos, Beryllium, Mercury, and Vinyl chloride.

Dated: April 4, 1986.

J. Craig Potter,

Assistant Administrator.

It is proposed to amend 40 CFR Part 61, Appendix B, Method 107 as follows:

PART 61—[AMENDED]

1. The authority citation for Part 61 continues to read as follows:

Authority: Sections 101, 112, 114, 116, 301(a) of the Clean Air Act, as amended (42 U.S.C. 7401, 7412, 7414, 7416, 7601).

2. By revising the first sentence of section 1.2 as follows:

The basis for this method relates to the vapor equilibrium that is established at a constant known temperature in a closed system between RVCM, PVC resin, water, and air.

3. By revising section 2 as follows:

2. *Range and Sensitivity.*

The lower limit of detection of vinyl chloride will vary according to the sampling and chromatographic system. The system should be capable of producing a measurement for a 50-ppm vinyl chloride standard that is at least 10 times the standard deviation of the system background noise level.

4. By revising section 6.1.2 as follows:

6.1.2 Glass Vials. Headspace vials, with Teflon-faced butyl rubber sealing discs, for water samples.

5. By revising section 6.2 as follows:

6.2 Sample Recovery. The following equipment is required:

6.2.1 Glass Vials. Headspace vials, with butyl rubber septa and aluminum caps. Silicone rubber is not acceptable.

6.2.2. Analytical Balance. Capable of determining sample weight with an accuracy of ±1 percent.

6.2.3 Vial Sealer. To seal headspace vials.

6.2.4 Syringe. 100-μl capacity.

6. By revising section 6.3.1 as follows:

6.3.1 Headspace Sampler and Chromatograph. Capable of sampling and analyzing a constant amount of headspace gas from a sealed vial while maintaining that

vial at a temperature of 90°C ± 0.5°C. The chromatograph shall be equipped with a flame ionization detector. Perkin-Elmer Corporation Models F–40, F–42, F–45, HS–6, and HS–100, and Hewlett-Packard Corporation Model 19395A have been found satisfactory. Chromatograph backflush capability may be required.

7. By revising section 6.3.3 as follows:

6.3.3 Thermometer. 0 to 100°C, accurate to ±0.1°C.

8. By removing sections 6.3.4, 6.3.5, 6.3.7, and 6.3.8.

9. By revising section 6.3.6 and redesignating it as section 6.3.4 as follows:

6.3.4 Integrator-Recorder. To record chromatograms.

10. By adding a new section 6.3.5 as follows:

6.3.5 Barometer. Accurate to ±1 mm Hg.

11. By redesignating section 6.3.9 as section 6.3.6.

12. By redesignating section 6.3.10 as section 6.3.7.

13. By revising section 7.1.2 as follows:

7.1.2 Nitrogen or Helium. Zero grade.

14. By adding section 7.1.4 as follows:

7.1.4 Water. Interference free.

15. By adding the following sentence to the end of section 8.1.1:

All samples should be kept refrigerated.

16. By removing the first sentence of section 8.1.2.

17. By revising the first two sentences of section 8.2.1 as follows:

The weight of the resin used must be between 0.1 and 4.5 grams. An exact weight must be obtained (±1 percent) for each sample.

18. By removing the work "distilled" from the fifth sentence of section 8.2.1.

19. By adding the following sentences at the end of section 8.2.1:

Prepressurization is not required if the sample weight, as analyzed, does not exceed 0.2 gram. It is also not required if solution of the prepressurization equation yields an absolute prepressurization value that is within 30 percent of the atmospheric pressure.

20. By revising the third and fourth sentences of section 8.2.2 as follows:

Then determine the ample weight (±1 percent). All samples, weighing over 0.2 gram, must be prepressurized prior to conditioning for 1 hour at 90°C, except as noted in section 8.2.1.

21. By revising the sixth and seventh sentences of section 8.2.3 as follows:

Determine sample weight (±1 percent). Condition the vial for 1 hour at 90°C in the analyzer bath.

22. By revising the third and fourth sentences of section 8.2.4 as follows:

Determine sample weight (±1 percent). Condition the vial for 1 hour at 90°C in the analyzer bath.

23. By removing the second sentence of section 8.3.3.

24. By revising the first paragraph of section 9 as follows:

Calibration is to be performed each 8-hour period the chromatograph is used. Alternatively, calibration with duplicate 50-, 500-, 2,000-, and 4,000-ppm standards (hereafter described as a four-point calibration) may be performed on a monthly basis provided that a calibration confirmation test consisting of duplicate analysis of an appropriate standard is performed once per plant shift or once per chromatograph carrousel operation (if the chromatograph operation is less frequent than once per shift). The criterion for acceptance of each calibration confirmation test is that both analyses of 500-ppm standards [2,000-ppm standards if dispersion resin (excluding latex resin) samples are being analyzed] must be within 5 percent of the most recent four-point calibration curve. If this criterion is not met, then a complete four-point calibration must be performed before sample analyses can proceed.

25. By adding the following sentence at the end of section 9.1:

Prepressurization of standards is not required unless samples have been prepressurized.

26. By revising the first sentence of section 9.2 as follows:

Prepare two vials each of 50-, 500-, 2,000- and 4,000-ppm standards.

27. By revising section 10.1 as follows:

10.1 Response Factor. If the calibration curve described in Section 9.2 passes through zero, an average response factor, R_f, may be used to facilitate computation of vinyl chloride sample concentrations. To complete R_f, first compute a response factor, R_s, for each sample as follows:

$$R_s = \frac{A_s}{C_c}$$

Sum the individual response factors, and calculate R_f. If the calibration curve does not pass through zero, use the calibration curve to determine each sample concentration.

28. By removing the following paragraph in section 10.2:

Assuming the following conditions are met, these values can be substituted into Equation 107–2:

P_a = 759 mm Hg.

V_g = Vial volume—sample volume (Fisher vials are 22.0 cm^3 and Perkin-Elmer vials are 21.8 cm^3).

T_1 = 23° C or 296° K.

T_2 = 90° C or 363° K.

29. By removing the last equation in section 10.2.

30. By revising the definition of the term V_g in section 10.2 as follows:

V_g = Volume of the vapor phase, cm^3.

$$= V_v - \frac{m(TS)}{1.36} - \frac{m(1-TS)}{0.9653}$$

31. By adding the following terms to the end of the terminology list in section 10.2:

V_v = Vial volume, cm^3.

1.36 = Density of PVC at 90°C, g/cm^3.

0.9653 = Density of water at 90° C, g/cm^3.

32. By revising the title of section 11 as follows:

11. *Bibiography.*

[FR Doc. 86–8718 Filed 4–18–86; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 65

[CA–3–FRL–3005–4]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Proposed Approval of an Administrative Order Issued by the Pennsylvania Department of Environmental Resources

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking; invitation for public comment.

SUMMARY: EPA has proposed to approve an Administrative Order issued by the Pennsylvania Department of Environmental Resources to Fisher Scientific Company. The Order requires the company to bring air emissions from its laboratory equipment manufacturing facilities located in Indiana Township, Indiana County, Pennsylvania into compliance with certain regulations contained in the federally approved Pennsylvania State Implementation Plan (SIP) for the control of ozone. Compliance shall be achieved by April 21, 1986 utilizing low solvent technology (LST) and April 27, 1987 should LST be abandoned and add-on controls installed or by reducing potential volatile organic compound emissions to less than 500 pounds per day and 50 tons per year. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes

effective as a Delayed Compliance Order pursuant to the Clean Air Act (the Act). If approved by EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the enforcement provisions of Section 113 of the Act or the citizen suit provisions of the Act for violation of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the Order as a Delayed Compliance Order.

DATES: Written comments must be received on or before May 21, 1986.

ADDRESSES: Comments should be submitted to Director, Air Management Division, EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. The State Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at the EPA Region III address above during normal business, hours.

FOR FURTHER INFORMATION CONTACT: James B. Topsale, P.E., Environmental Engineer, Enforcement Policy and State Coordination Section, Air Management Division, U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, Telephone: (215) 597-6553.

SUPPLEMENTARY INFORMATION: Fisher Scientific Company operates a laboratory equipment manufacturing facility in Indiana Township, Indiana County, Pennsylvania. The Order under consideration addresses emissions from the extreme performance coating processes, which are subject to § 129.52, Table 1, Miscellaneous Metal Parts and Products, 10(f), of Title 25 of the Pennsylvania Code. According to DER's letters dated September 9, 1981 and October 30, 1985, Fisher Scientific Company is subject to the Miscellaneous Parts and Products, Extreme Performance Coatings Standard rather than the one for Metal Furniture Coatings. The reason for this classification by DER is that the coatings, which are used at the Indiana Facility for scientific apparatus, consist of epoxy-acrylic systems with corrosion inhibitors and that regular metal furniture is coated normally with all acrylic paints. Because all the laboratory metal furniture produced by Fisher Scientific Company is coated with an epoxy-acrylic coating system, PADER concludes that the facility operations should be classified under the Miscellaneous Metal Parts and Products standard rather than the one for Metal Furniture. The regulations limit the emissions of volatile organic compounds (VOC), and are part of the federally approved Pennsylvania State Implementation Plan for the control of ozone. The Order requires final compliance with the regulation by April 21, 1986 through the use of low solvent technology (LST) and April 21, 1987 should LST be abandoned and add-on controls installed or by reducing potential volatile organic compound emissions to less than 500 pounds per day and 50 tons per year. Section 129.52 does not apply to facilities whose surface coating processes in total have the potential to emit VOCs in quantities less than or equal to 500 pounds per day or 50 tons per year.

Because this Order has been issued to a major source of VOC emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Clean Air Act (the Act). EPA has reviewed the Order and has found that the Order does satisfy the requirements of this subsection of the Act.

EPA's review indicates that the laboratory equipment manufacturing facility is a major source of VOC emissions. The facility is located in the Southwest Pennsylvania Intrastate Air Quality Control Region, a non-attainment area for the National Ambient Air Quality Standard for ozone. The facility as presently constructed is unable to comply with regulations limiting emissions of VOC's codified at § 129.52 Table 1, 10(f) of Title 25 of the Pennsylvania Code part of the federally-approved State Implementation Plan, because low solvent coatings are still being developed. Prior to issuance of the Order, Pennsylvania provided an opportunity for public comment and hearing on the Order. No public comments or requests for public hearing were received by the State. The Order contains requirements for expeditious increments of progress towards compliance and emission monitoring and reporting requirements and provides for interim emission reduction requirements as required by section 113(d)(6) of the Clean Air Act. These requirements are sufficient to avoid any imminent and substantial endangerment to health within the meaning of section 113(d)(7)(a) of the Clean Air Act. The first five increment(s) of progress, which require quarterly progress reports on the steps Fisher Scientific Company is taking to achieve compliance have been completed. The 1984 estimated VOC emissions of 97.7 tons/year (T/Y) will be reduced to 38.0 T/Y by April 21, 1986 if low solvent coatings are chosen, but in any event no later than April 21, 1987.

The system of emissions reduction required during the period covered by this Order is the best practicable system in light of the ultimate emission reductions required for compliance with the SIP. This interim system provides substantial emission reduction in a manner which permits the Company to move toward the use of either low solvent coatings or facility alterations to install add-on controls or by reducing potential volatile organic compound emissions to less than 500 pounds per day and 50 tons a year.

The Order requires the facility to comply with the State Implementation Plan whenever it is temporarily able to do so and the Order, therefore, meets the requirements of section 113(d)(7)(B). The Order notifies Fisher Scientific Company of its liability for noncompliance penalties under Section 120 of the Clean Air Act, 42 U.S.C. 7420 as required by § 113(d)(1)(E) of the Act.

If the Order is approved by EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (section 304) would be similarly precluded.

If approved, the Order would also constitute an addition to the Pennsylvania SIP. However, source compliance with the Order will not preclude assessment of any penalties under section 120 of the Act, unless the source is otherwise entitled to an exemption under section 120(a)(2)(B) or (C).

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether EPA may approve the Order. After the public comment period, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the Order in 40 CFR Part 65.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of the Executive Order 12291.

(42 U.S.C. 7413, 7601)

Dated: April 9, 1986.

James M. Seif,

Regional Administrator, Region III.

[FR Doc. 86-8841 Filed 4-18-86; 8:45 am]

BILLING CODE 6560-50-M

LEGAL SERVICES CORPORATION

45 CFR Part 1630

Cost Standards and Procedures

AGENCY: Legal Services Corporation.

ACTION: Proposed rule.

SUMMARY: The proposed rulemaking establishes a new Part 1630 prescribing standards and procedures for determining allowable cost for grants and contracts under section 1006 of the Legal Services Corporation Act (Act), and for recovering disallowed costs. The Corporation has relied on the standards and procedures contained in the Audit and Accounting Guide for Recipients and Auditors (Audit Guide), and LSC Instruction 83–8, of November 23, 1983, entitled "Standard Operating Procedure for Questioned Costs." The Audit Guide was published on November 29, 1985 [50 FR 49276]. These new standards and procedures are intended to give recipients clear and simple standards and procedures to know what costs are allowable, which costs require prior approval, how that approval is obtained, and how to obtain review of disallowed costs.

DATE: Comments must be received on or before May 21, 1986.

ADDRESS: Comments may be submitted to the Office of General Counsel, Legal Services Corporation, 400 Virginia Avenue SW., Washington, DC 20024–2751.

FOR FURTHER INFORMATION CONTACT: John H. Bayly, Jr. General Counsel, (202) 863–1820.

SUPPLEMENTARY INFORMATION: The Corporation has been working for some time through the "Audit and Appropriations" and "Operations and Regulations" Committees of the Board of Directors, and corporate staff, to improve accountability over the federal funds entrusted to the Corporation. The evident need for clear and concise standards, governing the determination of allowable costs to recipients for program funds and for the recovery of misspent tax dollars, became abundantly clear in the process of developing a comprehensive revision of the Audit Guide, and in the processing of allowable cost disputes. Proposed rules were issued for comment on August 29, 1985 [50 FR 35102] and several comments were received. Useful information was developed, and the programs had an opportunity to give their views. In the process of taking a wider look at sources, the Corporation is exploring the wealth of guidance and experience developed by the Federal executive agenicies in their efforts to safeguard tax dollars and assimilated into the various circulars of the Office of Management and Budget (OMB). Circulars A–122, ("Cost principles for Non-profit Organization") and A–110 ("Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education Hospitals, and Other Non-profit Organization") were particularly instructive.

These proposed regulations follow the standards and policies of the Circulars to the extent practicable. We have not, however, rigidly followed the circulars for the sake of consistency or to avoid the work of making our own hard choices. These circulars are the product of many years of experience, much trial and error, and many separate voices. We would be short sighted not to use them to the extent possible. After all, their purpose, like ours, is to assure accountability for tax dollars.

The principal elements of the proposed rules are as follows

(1) Governing Standards: Sec. 1630.4 sets forth the applicable standards and criteria. Thus, costs must be actual and the recipient must be liable for payment, and costs must be reasonable and necessary, and in compliance with the Act, applicable appropriations acts, relevant rules and regulations, and the Audit Guide. They must also be consistent, uniformly applied, and in accord with generally accepted accounting principles. They cannot be used to match other federal dollars unless such use is legally permitted and they must be adequately documented.

Recipients must avail themselves of applicable credits, such as discounts, rebates, insurance refunds and recoveries. They must account for all program income, including attorneys' fees, and apply such income as a credit against the Corporation award. They may work out an advance understanding with the Corporation to avoid uncertainty about cost allowability.

(2) Unallowable Costs: Under §1630.5, unallowable costs are:

(a) Cost incurred in violation of statute, implementing rules and regulation, or the terms of the recipients award.

(b) Certain distant, out-of-state travel, without Corporation approval that is not closely related to the fundamental purpose of Corporation funding: Provision of direct legal services to eligible clients. Travel for lobbying (under the narrow exceptions permittted by Congress), training (often used in the past as a cover for political organizing), and other permitted non-litigation functions need to be held to a reasonable proportion of funding so that the resources of grantees may be concentrated on direct delivery of legal services to clients. The time limits for the Corporation to act on request for approval have been shortened for travel requests and the Corporation would expect to act promptly in all such requests and to average no more than a few working days and as promptly as necessary for written or oral requests that state a reasonable need for immediate action.

(3) Without prior approval, certain expenses connected with lobbying, legislative advocacy and formal rule making;

(4) The use of funds provided by the Corporation for the expenses of litigation against the Corporation. Although some have argued that Congress specifically intended to allow such use of funds appropriated for legal services to eligible clients, they have not provided references to the legislative history and we are not aware of any reason to believe that this was intended by Congress. It is, of course, our intent to conform as precisely as possible to Congressional intent. One obvious reason that litigation regarding denial of refunding has taken a long time to resolve even where the merits of the case are clear cut is that a recipient's management has no incentive to settle. Instead, recipients can litigate and simply reduce services to clients to cover the costs of complicating and delaying the inevitable. The provision is similar in intent to provisions in federal regulations concerning grants to non-profit organizations. *See* OMB Circular A–122, attachment B.34(d), 45 FR at 46031 (July 8, 1980). The Corporation is considering incorporating this and other relevant federal grant regulations into this regulation by reference except where they are inconsistent with specific laws relevant to the Corporation.

(5) Without prior approval, attorneys' fees in other cases involving recipients such as labor disputes.

(6) Without prior approval,

(a) leases and purchases in excess of $10,000 for single or combined purchases;

(b) purchases of real property; and

(c) certain consultant contracts in excess of $5000 or $261 per 8-hour day, or $35.00 per hour.

(3) *Burden of Proof:* The recipient has the burden of proof. Where it claims that funds were not subject to a restriction, it also has the burden of proof on that issue. Where a restriction applies to

funds which are commingled, or where it applies to one of two or more funds for the same or similar payments, there is a rebuttable presumption that the restriction applies to all the funds.

Review and Appeal: Under § 1630.7 the Corporation may question a cost by notifying a recipient who may respond within 30 days. The Corporation has 45 days thereafter to make a decision. The recipient may appeal the decision to the President within 30 days, and the President then has 30 days to make a final decision on the record. Under § 1630.8, disallowed funds are recovered from future checks or by direct payment or otherwise. The Corporation is considering combining, shortening, and streamlining the procedures set forth in § 1630.7 and .8; the Corporation could provide a notice that provides the facts and reasons for questioning a cost, the recipient could make one response, and then one decision could be made.

Other Matters: The Corporation cannot claim lack of prior approval where it fails to act on time (§ 1630.6). It must require recipients to take corrective action to avoid recurrences and it may take other action under parts 1606, 1623 and 1625 for more serious financial irregularities (§ 1630.9). It may also make appropriate referrals such as to law enforcement agencies and bar associations. Recovery of a questioned cost is not to be construed as a termination or a denial of refunding under parts 1606 or 1625. Under § 1630.10, where expenditures under subgrants or subcontracts are disallowed, the subrecipient or subcontractor is jointly and severally responsible and subject to the same remedies as the recipients.

List of Subjects in 45 CFR Part 1630

Accounting, government contracts, grant programs, legal services.

For the reasons set out in the preamble, 45 CFR Chapter XVI is proposed to be amended by adding Part 1630 as follows:

PART 1630—COSTS STANDARDS AND PROCEDURES

Sec.

1630.1 Purpose.
1630.2 Definitions.
1630.3 Burden of proof presumption.
1630.4 Standards governing allowability of costs.
1630.5 Costs specifically unallowable.
1630.6 Effect of absence of prior approval.
1630.7 Review and appeal process.
1630.8 Recovery of disallowed costs.
1630.9 Other remedies, effect on other parts.
1630.10 Responsibility of Subgrantees and Subcontractors.
1630.11 Time

Authority: Sec. 1006(b) (1), (2), (3) and (5), 1007(a) (3) and (9), 1007(d), 1008(e), 1010(c), and 1011 of the Legal Services Corporation Act, as amended (42 U.S.C. 2996e(b) (1), (2), (3) and (5), 2996f(a), (3) and (9), 2996f(d), 2996g(e), 2996i(c) and 2996(j).

§ 1630.1 Purpose.

This part is intended to provide uniform standards for allowability of costs and to provide a comprehensive, fair, impartial, timely and flexible process for the resolution of questioned costs incurred by recipients of the Corporation. It is the intent of the Corporation to conform these requirements, where appropriate, to the policies developed over years of Federal experience with grants to nonprofit organizations.

§ 1630.2 Definitions.

(a) A "questioned cost" is a charge or proposed charge to a recipient's Corporation and non-public funds which could be determined to be ineligible.

(b) An "allowed cost" is a questioned cost that, after investigation, the Corporation has determined to be eligible for payment from a recipient's Corporation or non-public funds, or both.

(c) A "disallowed cost" is a cost which has been determined to be ineligible for payment from a recipient's Corporation or non-public funds, or both, including any income the recipient may have derived from the activities supported by that cost, including proceeds from the sale of assets purchased with those funds, and interest on those funds.

(d) "Recipient" as used in this part means any grantee or contractor receiving funds from the Corporation under §§ 1006(a)(1) or 1006(a)(3) of the Act.

§ 1630.3 Burden of proof presumption.

(a) The recipient shall at all times have the burden of proof under this Part.

(b)(1) If a recipient defends a questioned cost on the basis that the funds used were not subject to the restriction cited by the Corporation, the recipient has the burden of proof that the funds actually expended were not in fact subject to that restriction.

(2) Where a recipient or subrecipient has placed funds subject to a restriction contained in a federal statute, a Corporation rule, regulation, instruction or guideline, or in an award condition in the same account with funds not subject to such restriction, or where funds in separate accounts are controlled by the same person or are under common control, and from the time the recipient first placed funds subject to the restriction in one of the accounts, clear, objective, prior standards have not been followed consistently as to what expenses will be paid from which account, it will be a rebuttable presumption that the restriction applies to all the funds in the account or accounts.

§ 1630.4 Standards governing allowability of costs.

(a) *General Criteria.* Expenditures by a recipient are allowable under the recipient's award only if the recipient can demonstrate that the expenditure was:

(1) Actually incurred after the effective date of the award and the recipient was liable for payment;

(2) Reasonable and necessary for the provision of legal services for eligible clients or for the accomplishment of another function specially approved in the terms and conditions of the award;

(3) Allocable to such function(s);

(4) In compliance with the Act, applicable appropriation acts, Corporation regulations, guidelines and instructions, the LSC Audit and Accounting Guide for Recipients and Auditors, and the terms and conditions of its award;

(5) Consistent with policies and procedures that apply uniformly to both the Corporation financed and other activities of the recipient;

(6) Accorded consistent treatment;

(7) Determined in accordance with generally accepted accounting principles;

(8) Not included as a cost or used to meet cost sharing or matching requirements of any other Corporation or Federally financed program in either the current or a prior period, except as otherwise permitted by law; and

(9) Adequately and contemporaneously documented and the documentation was made available to the Corporation from normal business records without an opportunity for alteration;

(b) *Reasonable costs.* A cost is reasonable if, in its nature or amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs. The question of the reasonableness of specific costs must be scrutinized with particular care in connection with organizations or separate divisions thereof which receive the preponderance of their support from awards made by Corporation or Federal agencies. In determining the reasonableness of a given cost, consideration shall be given to:

(1) Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the organization or the performance of the award.

(2) The restraints or requirements imposed by such factors as generally accepted sound business practices, arms-length bargaining, Federal and State laws and regulations, and terms and conditions of the award.

(3) Whether the individuals concerned acted with prudence in the circumstances, considering their responsibilities to the organization, its members, employees, clients, the public at large, the Corporation, and the Federal Government.

(4) Significant deviations from the established practices of the organization which may unjustifiably increase the award costs.

(c) *Allocable costs.* (1) A cost is allocable to a particular cost objective, such as a grant, project, service, or other activity, in accordance with the relative benefits received. A cost is allocable to a Corporation award if it is treated consistently with other costs incurred for the same purpose in like circumstances and if it:

(i) Is incurred specifically for the award.

(ii) Benefits both the award and other work and can be distributed in reasonable proportion to the benefits received, or

(iii) Is necessary to the overall operation of the organization, although a direct relationship to any particular cost objective cannot be shown.

(2) Any cost allocable to a particular award or other cost objective under these principles may not be shifted to other Corporation or Federal awards to overcome funding deficiencies, or to avoid restrictions imposed by law or by the terms of the award.

(d) *Applicable credits.* (1) A recipient must deduct all applicable credits, as defined in paragraph (d)(2) of this section, from the costs it charges to an award from the Corporation.

(2) The term "applicable credits" refers to those receipts or reduction of expenditures which operate to offset or reduce expense items that are allocable to awards as direct or indirect costs. Typical examples of such transactions are: purchase discounts, rebates or allowances, recoveries or indemnities on losses, insurance refunds, and adjustments of overpayments or erroneous charges. To the extent that such credits accruing or received by the recipient relate to allowable costs they shall be credited to the award either as a cost reduction or cash refund as appropriate.

(e) *Program income.* Program income represents gross income earned by the recipient from Corporation supported activities, and includes, but is not limited to, income from service fees (including attorneys' fees and costs), sales of commodities and property, and interest earned on grant or contract advances or other funds. All such program income received during the project period must be applied as a credit against grant or contract costs charged the Corporation.

(f) *Advance understandings.* Under any given award the reasonableness and allocability of certain items of costs may be difficult to determine. This is particularly true in connection with organizations that receive a preponderance of their support from LSC. In order to avoid subsequent disallowance or dispute based on unreasonableness or nonallocability, it is often desirable to seek a written agreement with the Office of Monitoring, Audit, and Compliance in advance of the incurrence of special or unusual costs. The absence of an advance agreement on any element of cost will not, in itself, affect the reasonableness or allocability of that element. Acceptance of the annual budget as part of the renewal of funding does not constitute an "advance understanding" or "approval" of an unallowable cost, unless the cost or expenditure is identified and specifications of the purpose, amount, and all other information necessary to evaluate the necessity and reasonableness of the cost are included and explicit approval of the specific transaction is included with approval of the grant application.

§ 1630.5 Costs specifically unallowable.

The following costs are specifically unallowable:

(a) A cost charged to Corporation funds in violation of the Act, other provisions of law, Corporation rules, regulations or guidelines, or the terms of a recipient's grant or contract agreement; or a cost charged to other non-public funds in violation of the Act or Part 1610 of these regulations;

(b) A cost charged to Corporation funds allocable to out-of-state travel beyond 150 miles from a recipient's office that is not on behalf of an eligible client for the purpose of conducting necessary legal investigation and discovery or for the purpose of appearing on behalf of an eligible client in a state or Federal court or before an administrative agency in an adjudicatory matter, without the prior approval of the Corporation. Normally, approval should be requested sufficiently far in advance to be received in writing, but verbal approval followed by a written request for confirmation is acceptable if there is a legitimate need for such travel on short notice;

(c) Without the prior written approval of the Corporation, the following expenditures, if incurred wholly or partially for the purpose of conducting, or supporting legislative advocacy, formal rulemaking or lobbying:

(1) Expense of office space separate from a recipient's principal office, except for branch offices used primarily for direct client service (the approval must be explicit and can be no more than 12 months prior to the payment);

(2) Travel expenditures over $100; and

(3) Conduct of or attendance at meetings and conferences.

(d) Cost of counsel to represent a recipient (1) in a matter in which the Corporation is an opposing party or has an opposing interest (but a recipient may use other non-public funds for payment of such fees), or (2) without prior approval, in other law suits or labor disputes to which recipient is a party.

(e) The following costs if incurred without the prior written approval of the Corporation:

(1) The cost of a lease or purchase of equipment, furniture, books or similar personal property if the single-item or combined purchase price is in excess of $10,000. In the case of a lease, the purchase price is determined by the prevailing market rate for a purchase of the property leased, not by the lease price. "Combined purchase price" means the total cost of all the components of a system, such as a computer or telephone system, in which the components are planned as integral parts of the system or lease process. The addition of books to an existing library purchased during a prior audit year, of new printers to an existing computer system purchased during a prior audit year, or of new furniture to office furniture purchased during a prior audit year would not require prior approval unless the additions had a combined purchase price in excess of $10,000. When purchases or leases are made for more than one office, the "combined purchase price" includes the cost of all new system components for all offices affected;

(2) Purchases of real property;

(3) Consulant contracts in excess of $5,000 or consultant fees in excess of $261 per eight-hour day or $35.00 per hour except that audit service shall not be considered as consultant services, but other services that may be provided by a recipient's auditor, such as the

production of write-up costs or the preparation of interim financial reports shall be considered consultant services and shall require approval if the fees exceed the limits established by this part.

§ 1630.6 Effect of absence of prior approval

The Corporation may not assert the absence of its approval as a basis for disallowance of a cost, if it has not provided written notice to a recipient that it objects to a proposed cost expenditure involving Corporation or non-public funds, or a proposed action that could result in a cost expenditure that the recipient will charge to Corporation or non-public funds, within sixty (60) days (or fifteen (15) days of the request is for approval of travel) of the receipt by the Office of Monitoring, Audit, and Compliance, of a request for such approval, or within thirty (30) days of the receipt by that Office of all requested information about the proposal. The Corporation must make written request for additional information within 45 days of the receipt by the Office of Monitoring, Audit, and Compliance of the request for approval. This section does not apply to requests for approval made prior to the effective date of this regulation. If the request for prior approval is denied, the Corporation will provide the recipient with an explanation and statement of the grounds for denial.

§ 1630.7 Review and appeal process.

(a) When it questions a cost incurred by a recipient, the Corporation shall give written notice to the recipient and the Chairperson of its governing body stating the dollar amount of the cost and the reasons for questioning it. Such notice must be provided no more than 6 years after the recipient incurred the cost or expended the funds. To obtain relevant information while investigating a questioned cost, the Corporation may contact any party it deems necessary. If the recipient fails to respond within 30 days of its receipt of notice, the cost shall be disallowed.

(b) Within forty-five (45) days of receiving the recipient's written response to the notice of questioned cost, the Corporation shall issue a determination that the cost has been allowed or disallowed.

(c) Within thirty (30) days after it receives notice from the Corporation that a questioned cost has been disallowed, a recipient may file a written notice of appeal with the President of the Corporation, stating in detail its reasons for requesting review.

(d) Within thirty (30) days after receipt of the written notice of appeal, the President shall either adopt, modify, or reverse the decision of disallowing the cost. The decision shall be based on the written record, including the recipient's notice of appeal, and any response and analysis by Corporation staff. The decision of the President or his or her designee shall become final upon receipt by the recipient of written notice of the decision. The appeal shall be based on the written record, the recipient's notice of appeal, and any response and analysis by Corporation staff. The recipient shall be provided with a copy of the record if requested. The President shall have no prior involvement in the consideration of the particular questioned cost in issue. If the President has had such prior involvement, the President shall designate another executive employee who has no prior involvement to hear and decide the appeal.

§ 1630.8 Recovery of disallowed costs.

(a) Within thirty (30) days after receipt of notice from the Corporation that a questioned cost has been disallowed, the recipient may where it chooses not to protest the decision of the Corporation under § 1630.7 above, show in writing why the Corporation should not for equitable, practicable or other reasons, recover the amount of the disallowed cost. If the recipient fails to respond within the prescribed time, the Corporation shall recover in the form of a reduction in future grant checks or direct payment or othewise, an amount not to exceed the total disallowed cost and any additional income derived from activities supported or assets purchased by means of the disallowed cost. If the disallowed cost is a charge to non-LSC funds in violation of the LSC Act or Part 1610 of these regulations, the Corporation shall recover from the recipient's LSC funds an amount not to exceed the amount of the total disallowed cost and any additional income derived therefrom.

(b) If the recipient has demonstrated, pursuant to paragraph (a) of this section, that recovery of the funds as provided therein is inappropriate, the Corporation, within forty-five (45) days after it receives the recipient's written response, may:

(1) Recover less than the total amount of the disallowed cost through reduction of the amount of monthly grant checks; or

(2) Require the recipient to reimburse its LSC fund from another source or accept the recipient's demonstration that it has reimbursed its LSC fund from a funding source from which the original expenditure could have been made without a violation of Sec. 1010(c) of the Act (42 U.S.C. 2996i(c)) or Part 1610 of the regulations.

§ 1630.9 Other remedies, effect on other parts.

(a) In all cases in which a cost has been disallowed by the Corporation, the Corporation shall require that the recipient take the action needed to prevent the recurrence of the activity that gave rise to such disallowed costs. In cases of serious financial mismanagement, fraud or defalcation of funds, the Corporation shall take appropriate action pursuant to Parts 1606, 1623, and 1625 of its regulations and shall make such referrals and recommendations as the circumstances warrant.

(b) Recovery of questioned costs by any means under this part is not to be construed to affect permanently the annualized funding level of the recipient, or as a termination of financial assistance under Part 1606, a suspension of funding under Part 1623, or a denial of refunding under Part 1625.

§ 1630.10 Responsibility of Subgrantees and Subcontractors.

When disallowed costs arise from expenditures incurred under a subgrant or subcontract of LSC funds, the recipient and the subrecipient or subcontractor will be held jointly and severally responsible for the actions of the subrecipient or subcontractor, as provided in 45 CFR Part 1627, and will be subject to all remedies available under this Part.

§ 1630.11 Time.

(a) *Computation.* Time limits specified in this Part shall be computed in accordance with Rules 6 (a) and (e) of the Federal Rules of Civil Procedure.

(b) *Enlargement.* The President of the Corporation may, on written request for good cause shown, grant an enlargement of time and shall notify the recipient in writing.

Dated: April 17, 1986.

John H. Bayly, Jr.,

General Counsel.

[FR Doc. 86-8948 Filed 4-18-86; 8:45 am]

BILLING CODE 6820-35-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 580 and 581

[Docket No. 86-6]

Service Contracts

AGENCY: Federal Maritime Commission.

ACTION: Enlargement of time to comment.

SUMMARY: The Commission initiated this proposed rulemaking by Federal Register notice of February 18, 1986 (51 Fr 5734–5745), and established April 21, 1986, as the date comments were to be due. The National Industrial Transportation League (NITL) has now filed a request to extend the time for comments until May 9, 1986. NITL appears to take a position that because of the size of its membership and the "complexity and importance of the issues presented" in the rulemaking there has not been opportunity for a complete evaluation of the issues by NITL's members, and specifically, NITL's International Transportation Committee. While the 60 day period originally established for comments would appear to be adequate time to respond, the Commission also recognizes the particular significance of the proposed rules and is desirous of affording all interested persons a full opportunity to participate. Therefore, the request for an enlargement of time for filing of comments is granted and May 9, 1986, is established as the due date for comments in this rulemaking.

DATE: Comments due on or before May 9, 1986.

ADDRESS: Send comments (original and 20 copies) to: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573 (202) 523–5725.

FOR FURTHER INFORMATION CONTACT:

Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573 (202) 523–5740.

Robert G. Drew, Director, Bureau of Tariffs, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573 (202) 523–5796.

SUPPLEMENTARY INFORMATION: None.

By the Commission.

Tony P. Kominoth,

Assistant Secretary.

[FR Doc. 86–8862 Filed 4–18–86; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86–129; RM–5268]

FM Broadcast Station in Ozark, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the allotment of FM Channel 225A to Ozark, Missouri, in response to a petition filed by Ozark Entertainment Network. This allotment could provide a first FM broadcast service for the community.

DATES: Comments must be filed on or before June 6, 1986, and reply comments on or before June 23, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 US.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Notice of Proposed Rule Making

In the Matter of Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations, (Ozark, Missouri); MM Docket No. 86–129, RM–5268.

Adopted: April 7, 1986.
Released: April 15, 1986.

By the Chief, Policy and Rules Divisions.

1. The Commission has before it a petition for rule making filed by Ozark Entertainment Network ("petitioner") requesting the allocation of FM Channel 238A [1] to Ozark, Missouri, as that community's first FM broadcast service. Petitioner submitted information in support of the proposal and stated its intention to file an application for the channel.

2. We believe the proposal warrants consideration. Channel 225A can be allocated in compliance with the minimum distance separation requirements provided there is a site restriction 7.2 kilometers (4.5 miles) north of the community. The site restriction will prevent a conflict with Channel 223, Station KSYN, Joplin, Missouri, and with a construction permit for Channel 226, Station KZLE, Batesville, Arkansas.

3. In view of the fact that the proposed allocation could provide a first FM broadcast service to Ozark, the Commission believes it is appropriate to propose amending the FM Table of Allotments, § 73.202(b) of the Commission's Rules, with respect to the following community:

Community	Channel No.	
	Present	Proposed
Ozark, Missouri	.....	225A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

5. Interested parties may file comments on or before June 6, 1986, and reply comments on or before June 23, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Mark J. Langston, Ozark Entertainment Network, Post Office Box 16787, St. Louis, Missouri 63105–1287 (Partner, Ozark Entertainment Network).

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to

[1] Although the petitioner originally requested the allocation of Channel 238A to Ozark, Missouri, that channel would be short spaced to a pending proposal to allocate Channel 238C2 to Pleasant Hope, Missouri (RM–5236). Therefore, we have substituted FM Channel 225A at Ozark.

which the reply is directed, constitutes and *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b), and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See §1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, intefested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 86-8816 Filed 4-18-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86-130; RM-5216]

FM Broadcast Station in Vestal, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the allocation of Channel 277A to Vestal, New York, as the community's first local FM service, at the request of David Mitchell.

DATES: Comments must be filed on or before June 6, 1986, and reply comments on or before June 23, 1986.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Notice of Proposed Rule Making

In the Matter of Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Vestal, New York); MM Docket No. 86-130, RM-5216.

Adopted: April 7, 1986.

Released: April 15, 1986.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the petition for rule making submitted by David Mitchell ("petitioner") requesting the allocation of Channel 277A to Vestal, New York, as the community's first local FM service. Petitioner states that he will apply for the channel, if allocated.

2. Channel 277A can be allocated to Vestal in compliance with the Commission's minimum distance separation requirements if the transmitter is restricted to an area at least 5.8 kilometers (3.6 miles) southeast in order to avoid a short-spacing to Station WQNY, Channel 279, at Ithaca, New York. Additionally, Canadian concurrence is required since Vestal is located within 320 kilometers (200 miles) of the U.S.-Canada border.

3. We believe the public interest would be served by proposing to allocate Channel 277A to Vestal as its first local FM service. Accordingly, we propose to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules, for the community listed below, to read as follows:

City	Channel No.	
	Present	Proposed
Vestal, New York	...	277A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

5. Interested parties may file comments on or before June 6, 1986, and reply comments on or before June 23, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: David Mitchell, 2700 Hall Street, Endwell, New York 13760.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not

apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied be a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 86–8815 Filed 4–18–86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86–131; RM–5225]

FM Broadcast Station in Nowata, OK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the allocation of Channel 266A to Nowata, Oklahoma, as the community's second local FM service, at the request of Paul J. Campbell.

DATES: Comments must be filed on or before June 6, 1986, and reply comments on or before June 23, 1986.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Notice of Proposed Rule Making

In the Matter of Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Nowata, Oklahoma); MM Docket No. 86–131, RM–5225.

Adopted: April 7, 1986.
Released: April 15, 1986.
By the Chief, Policy and Rules Division.

1. The Commission has before it the petition for rule making submitted by Paul J. Campbell, ("petitioner") requesting the allocation of Channel 266A to Nowata, Oklahoma, as the community's second local FM service. Petitioner states that he will apply for the channel, if allocated. Channel 266A can be allocated to Nowata in compliance with the Commission's minimum distance separation and other technical requirements.

2. In view of the fact that the proposed allotment could provide a second FM service to Nowate, Oklahoma, the Commission believes it is appropriate to propose amending the FM Table of Allotments, § 73.202(b) of the Commission's Rules, with respect to the

community listed below, to read as follows:

City	Channel No.	
	Present	Proposed
Nowata, Oklahoma	232A	232A and 266A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

4. Interested parties may file comments on or before June 6, 1986, and reply comments on or before June 23, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Paul J. Campbell, 325 West Delaware Street, Nowata, Oklahoma 74048.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.402(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 86-8810 Filed 4-18-86; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 228

Small Incidental Takes of Marine Mammals

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of Receipt of Request for Rulemaking.

SUMMARY: The National Marine Fisheries Service (NMFS) has received a request from the National Ocean Industries Association to allow the continued taking of ringed seals incidental to seismic activities on the ice in the Beaufort Sea for an additional five-year period. Section 101(a)(5) of the Marine Mammal Protection Act of 1972 directs the Secretary of Commerce (Commerce or Interior depending on species involved) to allow the incidental take of small numbers of marine mammals if the Secretary makes certain findings and prescribes regulations relating to permissible methods and requirements for monitoring and reporting. Regulations that allowed a take from 1982 to 1986 were issued on May 18, 1982 and will expire December 31, 1986. NMFS is inviting information, suggestions, and comments on the structure and contents of the regulations

and whether it is appropriate to issue them.

DATE: Comments and information should be received by May 21, 1986.

ADDRESS: Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT: Margaret Lorenz, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, Washington, DC 20235 (tel. 202/634–7529).

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371 *et seq.)* directs the Secretary to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region. This permission may be granted for periods of five years or less. Such taking may be allowed only if the species involved is not depleted and if the Secretary, after notice and opportunity for public comment: (a) Finds that the total taking will have a negligible impact on the species, its habitat, and the availability of the species for subsistence uses, (b) prescribes regulations setting forth permissible methods adverse impact on the species and its habitat, paying particular attention to rookeries, mating grounds, and other areas of similar significance, and (c) prescribes regulations pertaining to the monitoring and reporting of such taking.

NMFS published regulations on May 18, 1982 (47 FR 21248), to implement section 101(a)(5) of the MMPA by establishing a mechanism for the submission and evaluation of requests and establishing requirements for specific regulations and Letters of Authorization to conduct allowed activities (50 CFR Part 228, Subpart A). At that time, specific regulations were published that govern the Taking of Ringed Seals Incidental to On-ice Seismic Activities (50 CFR 228, Subpart B). These regulations cover the specified activity and specified geographical region, effective dates, permissible methods, and requirements for monitoring and reporting.

Receipt of Request

NMFS has received a request from the National Ocean Industries Association (NOIA) to authorize a continued take of ringed seals incidental to on-ice seismic exploratory operations and associated activities in the Beaufort Sea. The request was made on behalf of the memberships of NOIA and the International Association of Geophysical Contractors. The period of time requested to be covered by the regulations is from 1987 through 1991. The specific activity involves collecting seismic reflection data on ice from portable camp facilities and, using primarily, vibrator-type energy source equipment. NOIA anticipates that the maximum amount of area covered over the Outer Continental Shelf area off the North Slope in Alaska in any given year would be 1,800 square miles. Generally, the dates that include safe ice conditions for exploration are from January 1 through May 31. The area in the Beaufort Sea ranges from Pt. Barrow east to Demarcation Point. Since the ringed seal (*Phoca hispida*) stays beneath the ice during winter months and pups are born there from late March through May, there is concern that female seals may react to the acoustic stimulus and abandon their pups before they are able to survive on their own.

The National Ocean Industries Association has complied with the information requirements of 50 CFR 228.4. Copies of the request and copies of the current regulations may be obtained from the Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, Washington, DC 20235.

Information Solicited

NMFS invites interested persons to submit comments, information, and suggestions concerning the request and the appropriateness, structure and content of regulations to allow the taking. We will consider this information in developing, if appropriate, proposed regulations allowing, for five more years, the taking of ringed seals incidental to seismic operations on the ice in the Beaufort Sea.

Dated: April 15, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86–8864 Filed 4–18–86; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 51, No. 76
Monday, April 21, 1986

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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 86-014N]

FY 1986 Limitations on Reimbursable Inspection Services

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Food Safety and Inspection Service (FSIS) is advising that, due to budgetary constraints resulting from the Balanced Budget and Emergency Deficit Control Act of 1985 (Pub. L. 99-177; hereinafter the "Balanced Budget Act"), meat and poultry inspection services will be unavailable on Federal holidays for the remainder of FY 1986, and the availability of overtime inspection services will be limited. All FSIS employees will be on unpaid furloughs during holidays, and will not be available to provide inspection services on any basis on these days. These furloughs are necessary to keep FSIS within its FY 1986 budget, as modified by the 1986 sequestration of appropriated funds. Furthermore, overtime meat and poultry inspection services will be unavailable beginning on or about September 12, 1986, and continuing through the balance of FY 1986 ending September 30, 1986. Although FSIS is reimbursed for such services, the FY 1986 sequestration of funds under the Balanced Budget Act reduces the level of permitted Agency expenditures for reimbursable inspection services, as well as for services funded by appropriations.

FOR FURTHER INFORMATION CONTACT: Ronald J. Prucha, Deputy Administrator, Meat and Poultry Inspection Operations, (202) 447-8803, or Patricia Stolfa, Deputy Administrator, International Programs, (202) 447-3473, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC, 20250.

SUPPLEMENTARY INFORMATION: FSIS provides inspection services, without charge, to federally inspected meat and poultry establishments, importers, or exporters up to 8 consecutive hours per shift per day or up to 40 hours per administrative workweek (9 CFR 307.4(c) and 381.37(c)). Normally, if an establishment, importer, or exporter requests inspection services beyond an inspector's normal workday of 8 hours per day or normal workweek of 40 hours per week, FSIS assigns inspectors, if available, to provide such service and is reimbursed by the recipient (the management of an establishment, importer, or exporter) for the hours of overtime worked by those inspectors. Similarly, recipients are required to reimburse FSIS for any inspection services provided on Federal holidays (9 CFR 307.5 and 381.38).

A Presidential Order was issued on February 1, 1986, under the Balanced Budget Act, sequestering 4.3 percent of FSIS' budgetary resources effective March 1, 1986 (51 FR 4291). This sequestration reduced the level of permitted Agency expenditures for all inspection services, whether funded by appropriated funds or reimbursed by serviced establishments, importers, or exporters.

As a consequence, FSIS' appropriated funds were reduced by $15.6 million. However, on March 4, 1986, the President requested that Congress release an additional $5.7 million that had been appropriated but not requested under the initial budget. Furthermore, it is estimated that a reduction of approximately $6 million in expenditures for salaries and benefits will result from FSIS continuing its hiring freeze throughout FY 1986. Nonetheless, FSIS still faces a FY 1986 budget shortfall of approximately $3 million.

The only way that FSIS can reduce its expenditures by an additional $3 million is to reduce further its expenditures on personnel. Approximately 85 percent of the Agency's budget, about $950,000 per day, is spent on employee salaries and benefits. The remainder is spent on travel (primarily that directly related to providing inspection), office space, supplies, and related services (e.g., laboratory analyses). FSIS has already severely reduced expenditures on discretionary spending, and has achieved reductions in the need for inspectors through modifications of inspection procedures. FSIS has achieved such economies to the extent it can without jeopardizing the integrity of the meat and poultry inspection system.

In order to achieve the $3 million reduction in expenditures, therefore, all FSIS employees will be placed on unpaid furloughs for 3 days in FY 1986: May 26, July 4, and September 1. Furloughs coincide with Memorial Day, Independence Day and labor Day—all Federal holidays—in order to minimize the potential disruption to the operations of official establishments subject to Federal inspection. No FSIS employees will be permitted to work during furloughs, even if an establishment wishes to reimburse the Agency for providing the service.

In FY 1985, FSIS received and disbursed approximately $39.1 million for reimbursable overtime and holiday inspection services. The FY 1986 estimated revenue level for reimbursable services is also $39.1 million. The sequestration of 4.3 percent during FY 1986, however, decreases the level of expenditures allowed for such services to $37.4 million, a $1.7 million reduction. This, in turn, reduces the amount of overtime and holiday inspection services available in FY 1986.

Therefore, FSIS will provide overtime services to requesting establishments, importers, and exporters on a reimbursable basis, subject to the availability of personnel, until total expenditures for such services in FY 1986 reach $37.4 million. Under current law, FSIS will not be able to provide any overtime services once the $37.4 million allocated for such services is exhausted, which, based on current usage of reimbursable services, is estimated to occur on or about Septermber 12, 1986. A **Federal Register** notice will be issued in August 1986 setting the exact date that reimbursable services will be discontinued.

Done at Washington, DC, on: April 15, 1986.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 86-8872 Filed 4-18-86; 8:45 am]

BILLING CODE 3410-DM-M

Rural Electrification Administration

Clay Electric Cooperative, Inc.; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Part 1500–1508) and REA's Environmental Policies and Procedures (7 CFR Part 1794), has made a Finding of No Significant Impact with respect to a proposed project by Clay Electric Cooperative, Inc. (Clay). The project consists of construction of a new operations center on approximately 3.2 hectares (8 acres), immediately southwest of an existing substation and headquarters complex on the northwestern edge of the City of Keystone Heights, Clay County, Florida.

FOR FURTHER INFORMATION CONTACT: REA's Finding of No Significant Impact and Environmental Assessment (EA) and Clay's Borrower's Environmental Report (BER) may be reviewed in the Office of the Chief, Distribution and Transmission Engineering Branch, Southeast Area-Electric, Room 0270, South Agriculture Building, REA, Washington, D.C. 20250, telephone (202) 382–8436, or at Clay's office (Mr. T.B. Millican, Manager), P.O. Box 308, Keystone Heights, Florida 32656, telephone (904) 473–4911.

SUPPLEMENTARY INFORMATION: REA has reviewed Clay's BER and has determined that it represents an accurate assessment of the environmental impacts of the proposed project. The proposed project will consist of approximately 3.2 hectares (8 acres), a two story concrete building, storm water retention pond, gas tanks, vehicle washing facilities, parking for 16 visitors vehicles, and employee parking for 80 cars and 32 trucks. REA determined that the proposed project is not likely to affect any threatened or endangered species or critical habitat; it will have no effect upon any property listed or eligible for listing in the National Register of Historic Places; it will not occur in a wetland or a 100-year floodplain; it is not a critical action facility; it will not convert any important farmland, prime forestland or prime rangelands to other uses; it will have no effect upon any river section in the Nationwide Inventory of Wild and Scenic Rivers; and it will not occur in a unit of the Coastal Barrier Resources System. It will directly affect the coastal zone since all of the State of Florida is considered to be in the coastal zone. But, it will be undertaken in a manner, consistent to the maximum extent practicable with the coastal zone management program administered by the State.

Alternatives to the proposed operations center were considered, such as no action, alternate sites and rental.

Based upon Clay's BER and supporting documents, REA prepared an EA concerning the proposed project and its impacts. In accordance with REA's Environmental Policies and Procedures 7 CFR Part 1794, Clay advertised and requested comments on the environmental aspects of the proposed project. No comments were received. REA concluded that approval of financing assistance for all or part of the project would not constitute a major Federal action significantly affecting the quality of the human environment. An environmental impact statement is not necessary. This program is listed in the Catalog of Federal Domestic Assistance as 18.850–Rural Electrification Loans and Loan Guarantees. For the reasons set forth in the final rule related Notice to 7 CFR Part 3015, Subpart V in 50 FR 47034, November 14, 1985, this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with state and local officials.

Dated: April 15, 1986.

Jack Van Mark,

Acting Administrator.

[FR Doc. 86–8821 Filed 4–18–86; 8:45 am]

BILLING CODE 3410–15–M

DEPARTMENT OF COMMERCE

National Bureau of Standards

[Docket No. 51211–5211]

Proposed Federal Information Processing Standards for Database Language NDL and Database Language SQL

AGENCY: National Bureau of Standards, Commerce.

ACTION: Notice of Two Proposed Federal Information Processing Standards.

SUMMARY: These proposed standards adopt voluntary industry standards, Database Language NDL and Database Language SQL, for Federal use. The standards are currently draft standards that are expected to be approved as American National Standards in early 1986.

Prior to the submission of these proposed standards to the Secretary of Commerce for review and approval as Federal Information Processing Standards (FIPS), it is essential to assure that consideration is given to the needs and views of manufacturers, the public, and State and local governments. The purpose of this notice is to solicit such views.

These proposed FIPS contain two sections: (1) An announcement section, which provides information concerning the applicability, implementation, and maintenance of the standards, is provided in its entirety in this notice; and (2) a specification portion which deals with the technical requirements of the standards. Interested parties may obtain a copy of the technical specifications from the Computer and Business Equipment Manufacturers Association (CBEMA), Attn: X3 Secretariat, 311 First Street, NW, Washington, DC 20001, (202) 737–8888.

DATE: To be considered, comments on these proposed FIPS must be received on or before July 21, 1986.

ADDRESS: Comments concerning the adoption of Database Language NDL and Database Language SQL as FIPS are invited and may be sent to Director, Institute for Computer Sciences and Technology, ATTN: Proposed FIPS for NDL/SQL, National Bureau of Standards, Technology Building, Room B154, Gaithersburg, MD 20899.

Written comments received in response to this notice will be made part of the public record and will be available for inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, Herbert C. Hoover, Building, 14th Street between Pennsylvania and Constitution Avenues, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Ms. Joan Sullivan, Center for Programming Science and Technology, Institute for Computer Sciences and Technology, National Bureau of Standards, Gaithersburg, MD 20899, (301) 921–2431.

Dated: April 15, 1986.

Ernest Ambler,

Director.

Federal Information Processing Standards Publication_____

(Date)

Announcing the Standard for Database Language NDL

Federal Information Processing Standards Publications (FIP SPUBS) are issued by the National Bureau of Standards pursuant to section 111(f)(2)

of the Federal Property and Administrative Services Act of 1949, as amended, Pub. L. 89–306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 Code of Federal Regulations (CFR).

1. *Name of Standard.* Database Language NDL (FIPS PUB _____).

2. *Category of Standard.* Software Standard, Database.

3. *Explanation.* This publication announces adoption of American National Standard Database Language NDL, ANSI X3.133–198x, as a Federal Information Processing Standard (FIPS). ANSI X3.133–198x specifies three languages that make up a network model database management system. They are:

a. A schema definition language, for declaring the structures and integrity constraints of a network structured database.

b. A subschema definition language, for declaring a user view of that database.

c. A module language, including NDL statements, for declaring the database procedures and executable statements of a specific database application.

The purpose of this standard is to promote portability of database definitions and database application programs between different installations. The standard is used by implementors as the reference authority in developing a network model database management system and standard language interfaces to that database management system; and by other computer professionals who need to know the precise syntactic and semantic rules of the standard.

4. *Approving Authority.* Secretary of Commerce.

5. *Maintenance Agency.* Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

6. *Cross Index.*

a. American National Standard Database Language NDL, ANSI X3.133–198x.

b. ISO 8907, Database Language NDL.

7. *Related Documents.*

a. Federal Information Resource Management Regulation 201–8.1, Federal ADP and Telecommunication Standards.

b. American National Standard Programming Language COBOL, X3.23–1985, Addendum _____, Database NDL Interface Module.

c. Federal Information Processing Standards Publication 110, Guideline for Choosing a Data Management Approach.

d. NBS Special Publication 500–115, Report on Approaches to Database Translation.

e. NBS Special Publication 500–108, Guide on Data Models in the Selection and Use of Database Management Systems.

8. *Objectives.* Federal standards for database management systems permit Federal departments and agencies to exercise more effective control over the production, management, and use of the Government's information resources. The primary objectives of Federal database management system standards are:

—to encourage more effective utilization and management of database application programmers by ensuring that skills acquired on one job are transportable to other jobs, thereby reducing the cost of database programmer retraining.

—to reduce the overall software costs by making it easier and less expensive to maintain database definitions and database application programs and to transfer these definitions and programs among different computers and database management systems, including replacement database management systems.

—to reduce the cost of software development by achieving increased database application programmer productivity through the understanding and use of database methods employing standard structures and operations, standard data types, standard constraints, and standard interfaces to programming languages.

—to protect the software assets of the Federal government by insuring to the maximal feasible extent that Federal database management system standards are technically sound and that subsequent revisions are compatible with the installed base.

Government-wide attainment of the above objectives depends upon the widespread availability and use of comprehensive and precise standard database management system specifications.

9. *Applicability.*

a. Federal standards for database management systems should be used for computer database applications and programs that are either developed or acquired for government use. The FIPS Database Language NDL (FIPS NDL) is one of the database management system standards provided for use by all Federal departments and agencies. The FIPS NDL is suited for use in database applications that employ the network data model. The network data model is appropriate for highly structured applications requiring rapid access along predefined paths. Although this standard does not specifically address distributed database applications, it may be used, along with facilities for distributed transaction processing, to access network structured data at remote nodes in a distributed system.

b. The use of FIPS database languages is strongly recommended for database applications when one or more of the following situations exist:

—It is anticipated that the life of the database application will be longer than the life of the presently utilized equipment or database management system, if any.

—The database application is under constant review for updating of the specifications, and changes may result frequently.

—The database application is being designed and developed centrally for a decentralized system that employs computers of different makes and models or database software acquired from a different vendor.

—The database application will or might be run on equipment other than that for which the database application is initially written.

—The database application is to be understood and maintained by programmers other than the original ones.

—The database appication is or is likely to be used by organizations outside the Federal government (i.e., State and local governments, and others).

c. Nonstandard lanaguage features should be used only when the needed operation or function cannot reasonably be implemented with the standard features alone. A needed language feature not provided by the FIPS database languages should, to the extent possible, be acquired as part of an otherwise FIPS conforming database management system. Although nonstandard language features can be very useful, it should be recognized that their use may make the interchange of programs and future coversion to a revised standard or replacement database management system more difficult and costly.

d. It is recognized that programmatic requirements may be more economically and efficiently satisfied through the use of a database management system employing a different data model than those provided by the FIPS database languages or the use of a database management system that functionally conforms to a FIPS database language but does not conform to all other aspects of the FIPS. The use of any facility should be considered in the context of

system life, system cost, data integrity, and the protential for data sharing.

e. Programmatic requirements may be also more economically and efficiently satisfied by the use of automatic program generators. However, if the final output of a program generator is NDL database language, then the resulting language should conform to the conditions and specifications of FIPS NDL.

10. *Specifications.* The specifications for FIPS NDL are the Level 2 language specifications of the schema definition language, the subschema definition lanaguage, and the module language (including NDL statements) contained in American National Standard Database Language NDL, ANSI X3.133–198x.

ANSI X3.133–198x defines the scope of the specifications of (Paragraph 1.1, ANSI X3.133–198x), the syntax and semantics of NDL language (Paragraphs 2.0 through 10.0, ANSI X3.133–198x), and requirements for a conforming implementation (Paragraph 1.7, ANSI X3.133–198x). All of the specifications of ANSI X3.133–198x apply to FIPS NDL, with two exceptions. The first exception is that FIPS NDL requires an implementation conforming to FIPS NDL to support the identical syntax and functional requirements of ANSI X3.133–198x; e.g., FIPS NDL does not allow a claim of "functional conformance only" (as defined in Paragraphs 1.7.5 and 1.7.6 of ANSI X3.133–198x). The second exception is that FIPS NDL does not include module language for programming language PL/I.

In addition, a facility must be available in the implementation for the user to optionally specify monitoring of NDL (comprised of schema definition, subschema definition, and module language). The monitoring is an analysis of the NDL syntax used against the syntax specified by FIPS NDL. The implementation will diagnose and identify to the user, in an implementator-defined manner, the following:

—Any NDL syntax that does not conform to that included in FIPS NDL.
—Any NDL syntax conforming to FIPS NDL that, based on a user option (see Paragraph 1.7.2 of ANSI X3.133–198x), may be processed in a non-conforming manner. This monitoring will be based on the analysis of the NDL syntax and the invocation of the user option selecting the non-conforming functions. It is not intended that an analysis be made at processing time.

The standard does not specify the following:

—Concurrent access to the database by multiple users or processes.
—The limits on the number or sizes of database constructs; e.g., subschemas, record, sets, components, booloean expressions, etc.
—Application pre-processing facilities for producing separate standard database modules and standard language programs.
—A distributed database facility.

11. *Implementation.* The implementation of this standard involves three areas of consideration: acquisition of NDL implementations, interpretation of FIPS NDL, and validation of NDL implementations.

11.1 *Acquisition of NDL Implementations.*

a. This publication is effective (six months after date of announcement of this standard in the **Federal Register**). Network model detabase management systems acquired for Federal use after this date should implement FIPS NDL (which includes the schema, subschema, and module languages). Conformance to FIPS NDL should be considered whether NDL implementations are developed internally, acquired as part of an ADP system procurement, acquired by separate procurement, used under an ADP leasing arrangement, or specified for use in contracts for programming services.

A transition period provides time for industry to produce database management systems conforming to this standard. The transition period begins on the effective date and continues for one (1) year thereafter. The provisions of this publication apply to orders placed after the effective date; however, an NDL implementation conforming to FIPS NDL, if available, may be acquired for use prior to the effective date.

ANSI X3.133–198x specifies two levels of conformance. Level 1 has been defined to facilitate conformance of extant implementations. Although conformance to Level 1 of ANSI X3.133–198x is not sufficient to claim conformance to FIPS NDL, Level 1 implementations may be available during the transition period. An NDL Level 1 implementation may be acquired for interim use during the transition period if a FIPS NDL implementation is not available.

b. Database software is normally purchased as a complete package called a database management system (DBMS). A DBMS is an implementation of one or more data models (e.g., the network model or the relational model). In addition, a DBMS usually provides additional facilities and data interfaces independent of the interfaces specified by the standard. These may include access control, loading and unloading, dynamic schema manipulation, data dictionary, application program preprocessing, data storage specification, natural language query, report generator, or graphics display. A DBMS may also provide additional data structures, such as indices, or software, such as query optimizers, to enhance performance. User requirements for performance or for additional data administration facilities should be specified explicitly.

c. For a wide variety of new applications, either a network model or a relational model DBMS would satisfy user requirements for database services. A procurement may specify that the DBMS must provide interfaces conforming to one of the FIPS database language standards, but leave the selection of the specific standard to the vendor. This approach would be appropriate in the procurement of a DBMS-based application or a turnkey system, or in the procurement of a system where the choice of a data model is less significant than other factors.

11.2 *Interpretation of FIPS NDL.* NBS provides for the resolution of questions regarding FIPS NDL specifications and requirements, and issues official interpretations as needed. All questions about the interpretation of FIPS NDL should be addressed to: Director, Institute for Computer Sciences and Technology, Attn: Database Language NDL Interpretation, National Bureau of Standards, Gaithersburg, MD 20899.

11.3 *Validation of NDL Implementations.* A suite of automated validation tests for NDL implementations is currently under development. The suite will be made available when it is completed. For more information on NDL validation tests, contact: Director, Institute for Computer Sciences and Technology, Attn: Software Standards Testing Program, National Bureau of Standards, Gaithersburg, MD 20899.

12. *Waivers.* Under certain exceptional circumstances, the head of the agency is authorized to waive the application of the provisions of this FIPS PUB. Exceptional circumstances which would warrant a waiver are:

a. Significant, continuing cost or efficiency disadvantages will be encountered by the use of this standard and,

b. The interchange of information between the system for which the waiver is sought and other systems is not anticipated.

Agency heads may act only upon written waiver requests containing the information detailed above. Agency heads may approve requests for waivers

only by a written decision which explains the basis upon which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to the Director, Institute for Computer Sciences and Technology, National Bureau of Standards, Gaithersburg, Maryland 20899.

When the determination on a waiver request applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the *Commerce Business Daily* as a part of the notice of solicitation for offers on an acquisition or, if the waiver determination is made after that notice is published, by amendment to such notice.

A copy of the waiver request, any supporting documents, the document approving the waiver request and any supporting and accompanying document(s), with such deletions as the agency is authorized and decides to make under 5 U.S.C. 552(b), shall be part of the procurement documentation and retained by the agency.

13. *Where to Obtain Copies.* Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specification document is by arrangement with the American National Standards Institute.) When ordering, refer to Federal Information Processing Standards Publication _____ (FIPSPUB _____), and title. Payment may be made by check, money order, or deposit account.

Federal Information Processing Standards Publication _____

(Date)

Announcing the Standard for Database Language SQL

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Bureau of Standards pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Pub. L. 89–306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 Code of Federal Regulations (CFR).

1. *Name of Standard.* Database Language SQL (FIPS PUB _____).

2. *Category of Standard.* Software Standard, Database.

3. *Explanation.* This publication announces adoption of American National Standard Database Language SQL, ANSI X3.135–198x, as a Federal Information Processing Standard (FIPS). ANSIX3.135–198x specifies two languages that make up a relational model database management system. They are:

a. A schema definition language, for declaring the structures and integrity constraints of a database.

b. A module language, including SQL statements, for declaring the database procedures and executable statements of a specific database application.

The purpose of the standard is to promote portability of database application programs between different installations. The standard is used by implementators as the reference authority in developing a relational model database management system and standard language interfaces to that database management system; and by other computer professionals who need to know the precise syntactic and semantic rules of the standard.

4. *Approving Authority.* Secretary of Commerce.

5. *Maintenance Agency.* Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology.)

6. *Cross Index.*

a. American National Standard Database Language SQL, ANSI X3.135–198x.

b. ISO 9075, Database Language SQL.

7. *Related Documents.*

a. Federal Information Resource Management Regulation 201–8.1, Federal ADP and telecommunication Standards.

b. Federal Information Processing Standards Publication 110, Guideline for Choosing a Data Management Approach.

c. NBS Special Publication 500–115, Report on Approaches to Database Translation.

d. NBS Special Publication 500–108, Guide on Data Models in the Selection and Use of Database Management Systems.

8. *Objectives.* Federal standards for database management systems permit Federal departments and agencies to exercise more effective control over the production, management, and use of the Government's information resources. The primary objectives of Federal database management system standards are:

—to encourage more effective utilization and management of database application programmers by ensuring that skills acquired on one job are transportable to other jobs, thereby reducing the cost of database programmer retraining.

—to reduce the overall software costs by making it easier and less expensive to maintain database definitions and database application programs and to transfer these definitions and programs among different computers and management systems.

—to reduce the cost of software development by achieving increased database application programmer productivity through the understanding and use of database methods employing standard structures and operations, standard data types, standard constraints, and standard interfaces to programming languages.

—to protect the software assets of the Federal government by insuring to the maximal feasible extent that Federal database management system standards are technically sound and that subsequent revisions are compatible with the installed base.

Government-wide attainment of the above objectives depends upon the widespread availability and use of comprehensive and precise standard database management system specifications.

9. *Applicability.*

a. Federal standards for database management systems should be used for computer database applications and programs that are either developed or acquired for government use. The FIPS Database Language SQL (FIPS SQL) is one of the database management system standards provided for use by all Federal departments and agencies. The FIPS SQL is suited for use in database applications that employ the relational data model. The relational data model is appropriate for applications requiring flexibility in the data structures and access paths of the database. The relational data is desirable where there is a substantial need for ad hoc data manipulation by end users who are not computer professionals, in addition to the need for access by applications under production control. Although this standard does not specifically address distributed database applications, it may be used, along with facilities for distributed transaction processing, to access relational structured data at remote nodes in a distributed system.

b. The use of FIPS database languages is strongly recommended for database applications when one or more of the following situations exist:

—It is anticipated that the life of the database application will be longer than the life of the presently utilized equipment or database management system, if any.

—The database application is under constant review for updating of the specifications, and changes may result frequently.

—The database application is being designed and developed centrally for a decentralized system that employs computers of different makes and models or database software acquired from a different vendor.
—The database application will or might be run on equipment other than that for which the database application is initially written.
—The database application is to be understood and maintained by programmers other than the original ones.
—The database application is or is likely to be used by organizations outside the Federal government (i.e., State and local governments, and others).

c. Nonstandard language features should be used only when the needed operation or function cannot reasonably be implemented with the standard features alone. A needed language feature not provided by the FIPS database languages should, to the extent possible, be acquired as part of an otherwise FIPS conforming database management system. Although nonstandard language features can be very useful, it should be recognized that their use may make the interchange of programs and future conversion to a revised standard or replacement database management system more difficult and costly.

d. It is recognized that progammatic requirements may be more economically and efficiently satisfied through the use of a database management system employing a different data model than those provided by the FIPS database languages or the use of a database management system that functionally conforms to a FIPS database language but does not conform to all other aspects of the FIPS. The use of any facility should be considered in the context of system life, system cost, data integrity, and the potential for data sharing.

e. Programmatic requirements may be also more economically and efficiently satisfied by the use of automatic program generators. However, if the final output of a program generator is SQL database language, then the resulting language should conform to the conditions and specifications of FIPS SQL.

10. *Specifications.* The specifications for FIPS SQL are the Level 2 language specifications of the schema definition language and the module language (including SQL statements) contained in American National Standard Database Language SQL, ANSI X3.135–198x.

ANSI X3.135–198x defines the scope of the specification (Paragraph 1.1, ANSI X3.135–198x) and the syntax and semantics of SQL language (Paragraphs 2.0 through 6.12, ANSI X3.135–198x). All of these specifications apply to FIPS SQL, with two exceptions. Paragraphs 1.7.2 through 1.7.4 and Paragraph 1.7.6, dealing with conformance, are excluded from FIPS SQL. Also, FIPS SQL does not include module language for programming language PL/I.

In addition, a facility must be available in the implementation for the user to optionally specify monitoring of SQL (comprised of schema definition and moduel language). The monitoring is an analysis of SQL syntax used against the syntax specified by FIPS SQL. The implementation will diagnose and identify to the user, in an implementor-defined manner, the following:

—Any SQL syntax that does not conform to that included in FIPS SQL.
—Any SQL syntax conforming to FIPS SQL that, based on a user option (see Paragraph 1.7.5 of ANSI X3.135–198x), may be processed in a non-conforming manner. This monitoring will be based on the analysis of the SQL syntax and the invocation of the user option selecting the non-conforming functions. It is not intended that an analysis be made at processing time.

The standard does not specify the following:

—Concurrent access to the database by multiple users or processes.
—The limits on the number or sizes of database constructs; e.g. columns, rows, tables, views, sub-queries, boolean expressions, etc.
—Application pre-processing facilities for producing separate standard database modules and standard language programs.
—A distributed database facility.

—11. *Implementation.* The implementation of this standard involves three areas of consideration: acquisition of SQL implementations, interpretation of FIPS SQL, and validation of SQL implementations.

11.1 *Acquisition of SQL Implementations.*

a. This publication is effective (six months after date of announcement of this standard in the Federal Register). Relational model database management systems acquired for Federal use after this date should implement FIPS SQL (which includes the schema and module languages). Conformance to FIPS SQL should be considered whether SQL implementations are developed internally, acquired as part of an ADP system procurement, acquired by separate procurement, used under an ADP leasing arrangement, or specified for use in contracts for programming services.

A transition period provides time for industry to produce database management systems conforming to this standard. The transition period begins on the effective date and continues for one (1) year thereafter. The provisions of this publication apply to orders placed after the effective date; however, an SQL implementation conforming to FIPS SQL, if available, may be acquired for use prior to the effective date.

ANSI X3.135–198x specifies two levels of conformance. Level 1 has been defined to facilitate conformance of extant implementations. Although conformance to Level 1 of ANSI X3.135–198x is not sufficient to claim conformance to FIPS SQL, Level 1 implementations are expected to be available during the transition period. A full SQL Level 1 implementation may be acquired for interim use during the transition period if a FIPS SQL implementation is not available.

b. Database software is normally purchased as a complete package called a database management system (DBMS). A DBMS is an implementation of one or more data models (e.g. the network model or the relational model). In addition, a DBMS usually provides additional facilities and data interfaces independent of the interfaces specified by the standard. These may include access control, loading and unloading, dynamic schema manipulation, data dictionary, application program pre-processing, data storage specification, natural language query, report generator, or graphics display. A DBMS may also provide additional data structures, such as indices, or software, such as query optimizers, to enhance performance. User requirements for performance or for additional data administration facilities should be specified explicitly.

c. For a wide variety of new applications, either a network model or a relational model DBMS would satisfy user requirements for database services. A procurement may specify that the DBMS must provide interfaces conforming to one of the FIPS database language standards, but leave the selection of the specific standard to the vendor. This approach would be appropriate in the procurement of a DBMS-based application or a turnkey system, or in the procurement of a system where the choice of a data model is less significant than other factors.

11.2 *Interpretation of FIPS SQL.* NBS provides for the resolution of questions regarding FIPS SQL specifications and requirements, and issues official

interpretations as needed. All questions about the interpretation of FIPS SQL should be addressed to: Director, Institute for Computer Sciences and Technology, Attn: Database Language SQL Interpretation, National Bureau of Standards, Gaithersburg, MD 20899.

11.3 *Validation of SQL Implementations.* A suite of automated validation tests for SQL implementations is currently under development. The suite will be made available when it is completed. For more information on SQL validation tests, contact: Director, Institute for Computer Sciences and Technology, Attn: Software Standards Testing Program, National Bureau of Standards, Gaithersburg, MD 20899.

12. *Waivers.* Under certain exceptional circumstances, the head of the agency is authorized to waive the application of the provisions of this FIPS PUB. Exceptional circumstances which would warrant a waiver are:

a. Significant, continuing cost or efficiency disadvantages will be encountered by the use of this standard and,

b. The interchange of information between the system for which the waiver is sought and other systems is not anticipated. Agency heads may act only upon written waiver requests containing the information detailed above. Agency heads may approve requests for waivers only by a written decision which explains the basis upon which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to the Director, Institute for Computer Sciences and Technology, National Bureau of Standards, Gaithersburg, Maryland 20899.

When the determination on a waiver request applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the *Commerce Business Daily* as a part of the notice of solicitation for offers on an acquisition or, if the waiver determination is made after that notice is published, by amendment to such notice.

A copy of the waiver request, any supporting documents, the document approving the waiver request and any supporting and accompanying document(s), with such deletions as the agency is authorized and decides to make under 5 U.S.C. Sec. 552(b), shall be part of the procurement documentation and retained by the agency.

13. *Where to Obtain Copies.* Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specification document is by arrangement with the American National Standards Institute.) When ordering, refer to Federal Information Processing Standards Publication _____ (FIPSPUB _____), and title. Payment may be made by check, money order, or deposit account.

[FR Doc. 86-8847 Filed 4-18-86; 8:45 am]

BILLING CODE 3510-CN-M

National Oceanic and Atmospheric Administration

Marine Fisheries Advisory Committee; Public Meeting

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

Time and Date: The meeting will convene May 12, 1986, at 1:00 p.m. and adjourn at approximately 4:00 p.m., May 14.

Place: Holiday Inn-Brickell Point, 495 Brickell Avenue, Miami, Florida.

Status: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1982), notice is hereby given of a meeting of the Marine Fisheries Advisory Committee (MAFAC). MAFAC was established by the Secretary of Commerce on February 17, 1971, to advise the Secretary on all living marine resource matters which are the responsibility of the Department of Commerce. This Committee ensures that the living marine resource policies and programs of this Nation are adequate to meet the needs of commercial and recreational fishermen, environmental, state, consumer, academia, and other national interests.

May 12, 1986, 10:00 a.m., Marine Recreational Fisheries Subcommittee meeting.

May 12, 1986, 1:00–5:00 p.m., Fisheries Management Issues.

May 13, 1986, 8:30–11:30 a.m., Marine Recreational Fisheries Issues; 1:00–5:00 p.m., Fisheries Budget Issues.

May 14, 1986, 8:30–10:00 a.m., Seafood Inspection; 10:00–11:30 a.m., Non-tariff Trade Barriers; 1:00–2:00 p.m., Habitat Initiatives; 2:00–3:30 p.m., Executive Session.

FOR FURTHER INFORMATION CONTACT: Ann Smith, Executive Secretary, Marine Fisheries Advisory Committee, National Oceanic and Atmospheric Administration, Washington, DC 20235. Telephone: (202) 634–9563.

Dated: April 15, 1986.

James E. Douglas, Jr.,

Deputy Assistant Administrator, NMFS.

[FR Doc. 86-8817 Filed 4-18-86; 8:45 am]

BILLING CODE 3510-08-M

Marine Mammals: Permit Modification; Oregon Department of Fish & Wildlife; Modification No. 1 to Permit No. 499

Notice is hereby given that pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing Marine Mammals (50 CFR Part 216), scientific research Permit No. 449 issued to the Oregon Department of Fish and Wildlife, Marine Region, Marine Science Drive, Bldg. 3, Newport, Oregon 97365.

Section A–4 is added:

"4. The following may be taken by hot-branding:

a. Up to two hundred (200) harbor seals (*Phoca vitulina*) per year;

b. Up to one hundred (100) northern sea lions (*Eumetopias jubatus*) per year."

Section B–5 is deleted and replaced by:

"5. The Holder shall submit an annual report by December 31 of each year the Permit is in effect. This report shall contain a request for authorization to continue the research in the next year and should describe the previous year's activities, including the number of animals taken in each category of take conducted during the field season, any problems which may have arisen during the authorized activities, the reactions of nearby animals, detailed information on the conduct of the animals of the hot-branding experiments and their effects, and a statement as to whether or not the permitted activities had any unforeseen effects. The Assistant Administrator for Fisheries, in consultation with the Marine Mammal Commission, shall determine if granting the authorization for continued taking is appropriate based on a review of this report."

Section B–9 is added:

"9. The Holder shall keep a detailed record of the branding of each animal and monitor the branded individuals in order to check the healing of the brand and its long term effects."

This modification became effective on April 11, 1986.

The Permit, as modified, is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, DC; and

Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, NE, BIN C15700, Seattle, Washington 98115.

Dated: April 15, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86-8865 Filed 4-18-86; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Application for Permit: Web of Life Outdoor Education Center (P380)

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531–1544), and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222).

1. Applicant:

a. Name: Web of Life Outdoor Education Center.

b. Address: P.O. Box 530, Carver, Massachusetts 02543.

2. Type of Permit: Scientific research and scientific purposes.

3. Name and Number of Marine Mammals: Humpback whales (*Megaptera novaeangliae*) 25.

4. Type of Take: Harassment while taking exhalation samples.

5. Location of Activity: Southern Stellwagen Bank, Massachusetts.

6. Period of Activity: 2 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: April 14, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86–8867 Filed 4–18–86; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit; Hermann Gucinski (P362)

On October 11, 1985, notice was published in the **Federal Register** (50 FR 41549) that an application had been filed by Mr. Hermann Gucinski, Environmental Center, Anne Arundel Community College, 101 College Parkway, Arnold, Maryland 21012, to take an unspecified number of mysteceti by harassment during the collection of skin smears and replicates, and observational data.

Notice is hereby given that on April 11, 1986 as authorized by the provisions of the Marine Mammal Protection Act (16 U.S.C. 1361–1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

Issuance of this Permit as required by the Endangered Species Act of 1973 is based on a finding that such Permit: (1) was applied for in good faith; (2) will not operate to the disavantage of the endangered species which are the subject of this Permit; (3) and will be consistent with the purposes and policies set forth in section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with and is subject to Parts 220–222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: April 15, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86–8866 Filed 4–18–86; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Denial of Petition for Rulemaking and Adoption of Interim Informal Procedure Relating to the Recommendation of Enforcement Proceedings

AGENCY: Commodity Futures Trading Commission.

ACTION: Denial of Petition for Rulemaking; Interim Informal Procedure.

SUMMARY: The Commodity Futures Trading Commission denies a petition for formal rules that would allow submissions to the Commission as a matter of right by prospective respondents in Commission enforcement proceedings. The Commodity Futures Trading Commission is announcing an interim informal procedure regarding the submission of voluntary written statements by persons who may be named in proposed enforcement proceedings.

DATE: Effective on April 21, 1986.

FOR FURTHER INFORMATION CONTACT: Ray Sandona, Esq., Assistant Director, Division of Enforcement, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581 (202) 254–7424.

SUPPLEMENTARY INFORMATION: *Denial of Petition for Rulemaking.* The Commission received a petition pursuant to Commission Rule 13.2, 17 CFR 13.2, for a rule amending Part 11 of the Commission's Rules, 17 CFR 1.1 *et seq.:*

Which would provide that persons who are the subject of an investigation by the Commission be given a timely opportunity, in advance of the institution of any enforcement proceedings, to communicate their position to the Commission as to relevant matters of fact and law.

This proposal is similar to an informal procedure, adopted by the Securities and Exchange Commission in 1972, which permits what is known as the "Wells Submission." SEC Rule 202.5(c), 17 CFR 202.5(c). The petition seeks a rule to impose more formal requirements than the procedure in effect at the SEC and would require that a prospective respondent be given notice of the staff's charges and proposed enforcement recommendation and be accorded an opportunity to submit a written statement to the Commission that would accompany the staff recommendation.

The Commission is denying the petition because it proposes a rule that is unduly burdensome and would not be in the public interest. Moreover, the rule proposed in the petition would create a

right to be notified of a proposed enforcement proceeding as well as a right to present legal and factual arguments to the Commission why an action should not be commenced. The petition appears to suggest that the rights must be afforded as a matter of due process. However, neither of these rights is required either by the Constitution or by statute. *See SEC* v. *Jerry T. O'Brien*, 104 S. Ct. 2720 (1984); *SEC* v. *National Student Marketing Corp.*, 538 F.2d 404, 407 (D.C. Cir. 1976), *cert. denied*, 429 U.S. 1073 (1977); *Wellman* v. *Dickinson*, 79 F.R.D. 341, 352 (S.D.N.Y. 1978); *cf. United States* v. *Goldstein*, 342 F. Supp. 661, 668–669 (E.D.N.Y. 1972).

Interim Informal Procedure. The Commodity Futures Trading Commission announces an interim informal procedure adopted at the recommendation of its Division of Enforcement ("Division") for persons who may be named in proposed enforcement proceedings to submit written statements on matters relevant to the recommendation of the proposed proceeding. The Division will study and evaluate the impact of the procedure at the end of 12 months and make appropriate recommendations to the Commission so that the Commission can determine whether the procedure should be continued. The Commission contemplates that the Division's procedure set forth below will be the sole vehicle for communications regarding proposed enforcement proceedings between the Commission and persons who may be named in such proceedings. The procedure is intended to inform the public that the Division of Enforcement will review information submitted by potential respondents and forward it to the Commission before the Commission votes to commence an enforcement action. In addition, this announcement highlights aspects of this procedure that may affect an individual's decision to submit such a statement.

The Division, in its discretion, may inform persons who may be named in a proposed enforcement proceeding of the nature of the proposed allegations pertaining to them. The decision whether to inform such persons of a proposed enforcement proceeding is entirely within the discretion of the Division. There is no obligation that the Division inform anyone of the proposed proceeding. In many cases, premature disclosure to the persons suspected of a violation could inhibit effective Commission action. Moreover, notwithstanding any representation by the staff, the Commission may commence an action against any persons before a written submission is made. Applicable provisions of the procedure, *i.e.*, page limit, contents, and submission to the Division, should also be followed by any person involved in a Division investigation who wishes to submit a statement on his or her own initiative.

The procedure provides that a succinct written statement of no more than twenty (20) pages may be submitted to the Director, Division of Enforcement, 2033 K Street, NW., Washington, DC 20581, with copies to the staff conducting the investigation. All submissions should refer clearly to the specific investigation to which they relate. Any submission is voluntary and while it may include a statement of the events, factual circumstances or other matters relevant to the commencement of a proposed enforcement action, the Commission is more interested in a submission that focuses upon legal and policy arguments.[1] Any statement of fact must be sworn to by a person with personal knowledge of such fact and may not simply be made by counsel upon information and belief. In this regard, it should be noted that submission of a written statement may result in the use of the statement, including factual admissions, in an administrative or judicial proceeding by the Commission, as well as use by another governmental agency or even by a private party who may obtain the statement under the Freedom of Information Act.[2]

The propose of this procedure is to make information available to assist the Commission's determination, in the exercise of its discretion, whether and in what manner it is in the public interest to commence an enforcement proceeding. The procedure permits a written statement only and neither creates a right nor an obligation to make such a statement. In authorizing publication of this procedure the Commission is not soliciting any presentation from any member of the public. Moreover, the Division's procedure does not in any way affect the Commission's right to act prior to receipt of a statement. A written statement with supporting documentation, which conforms to this procedure, submitted to the Director of the Division of Enforcement before the commencement of an enforcement proceeding will, upon request, be forwarded to the Commission along with the Division's recommendation.[3] However, as noted above, no rights or obligations are created by the submission, and the Commission has no obligation to consider the written statement or any part thereof.

The Freedom of Information Act (FOIA), 5 U.S.C. 552, and the Commission rules thereunder, 17 CFR Part 145 (1978), may require disclosure of any statement or part thereof. Also, the Commission may, in its discretion, release any statement or part thereof received unless release is prohibited by the Commodity Exchange Act or other statute or regulation concerning the privacy of information. *See* Commission Rules 11.3, 145.5(g), 145.9, 17 CFR 11.3, 145.5(g) and 145.9.

Commodity Futures Trading Commission Interim Informal Procedure Relating to the Recommendation of Enforcement Proceedings

The Division of Enforcement ("Division"), in its discretion, may inform persons who may be named in a proposed enforcement proceeding of the nature of the allegations pertaining to them. The Division, in its discretion, may advise such persons that they may submit a written statement prior to the consideration by the Commission of any staff recommendation for the commencement of such proceeding. Unless otherwise provided for by the Director of the Division, such written statements shall be submitted within 14 days after persons are informed by the Division of Enforcement of the nature of the proposed allegations pertaining to

[1] The Commission does not envision use of a submission to resolve factual representations between the staff and a potential respondent. As noted by the SEC in connection with its Wells procedure, *see* Sec. Act Release No. 5310 (Sept. 27, 1972), disagreements as to factual matters are best left to be resolved through litigation because the Commission is not well positioned to adjudicate factual disputes in the absence of a fully developed factual record. Accordingly, the Commission anticipates that submissions under this procedure will in general be confined to matters of law or policy directly bearing on the question of whether an enforcement action should be authorized with respect to the person or entity on whose behalf the submission is made.

[2] The requirement that any statement of fact submitted on behalf of a proposed respondent be made under oath by persons with personal knowledge is one substantive difference from the SEC's Wells procedure. In addition, unless otherwise provided for by the Director of the Division, all submissions must be no longer than 20 pages and must be provided within 14 days of notice.

[3] This procedure of Commission consideration of written submissions from proposed respondents in enforcement proceedings is analogous to that followed in Commission Rule 10.108, 17 CFR 10.108, which provides that if a respondent is informed by the Division of Enforcement that the Division will not recommend to the Commission that it accept an offer of settlement, such offer shall not be presented to the Commission unless the respondent so requests.

them and shall be no more than twenty (20) pages, double spaced on 8½ by 11 inch paper, setting forth their views of factual, legal or policy matters relevant to the commencement of an enforcement proceeding. Any statement of fact included in the submission must be sworn to by a person with personal knowledge of such fact. Statements shall be forwarded to the Director, Division of Enforcement, Washington, DC 20581, with copies to the staff conducting the investigation, shall clearly identify the specific investigation, and, if desired, may request that the statement be forwarded to the Commission. Similarly, persons who become involved in an investigation, and submit a written statement on their own initiative, should follow the relevant procedures described herein. In the event the Division recommends the commencement of an enforcement proceeding to the Commission, any written statement will be forwarded to the Commission if so requested. The Commission may, in its discretion, consider all, any portion or none of the submission when it considers the staff recommendation to commence an enforcement proceeding.

Dated: April 15, 1986.

By the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 86-8848 Filed 4-18-86; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Board of Visitors; Meeting

AGENCY: Defense Systems Management College.

ACTION: Board of Visitors Meeting.

SUMMARY: A meeting of the Defense Systems Management College (DSMC) Board of Visitors will be held in Building 202, Fort Belvoir, Virginia, on Thursday, June 5, 1986, from 8:00 a.m. until 3:30 p.m. The agenda will include a review of accomplishments related to the system acquisition education, system acquisition research, and information collection and dissemination missions. It will also include a review of the DSMC plans, resources and operations. The meeting is open to the public; however, because of limitations on the space available, allocation of seating will be made on a first-come, first-serve basis. Persons desiring to attend the meeting should call Mrs. Joyce Reniere, telephone number (703) 664-6489.

April 16, 1986.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 86-8857 Filed 4-18-86; 8:45 am]

BILLING CODE 3810-01-M

Defense Intelligence Agency Scientific Advisory Committee; Meeting Cancelled

AGENCY: Defense Intelligence Agency Scientific Advisory Committee.

ACTION: Notice of cancellation closed meeting.

SUMMARY: Notice is hereby given that the closed meeting of the Strategic Defense Initiative Panel of the DIA Scientific Advisory Committee, scheduled for 17 April 1986, that was announced in the **Federal Register** on Monday, March 24, 1986 (Vol. 51, FR 10101) has been cancelled.

FOR FURTHER INFORMATION CONTACT: Lt Col Harold E. Linton, USAF, Executive Secretary, DIA Scientific Advisory Committee, Washington, DC 20301 (202/373-4930).

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

April 16, 1986.

[FR Doc. 86-8855 Filed 4-18-86; 8:45 am]

BILLING CODE 3810-01-M

Organization of the Joint Chiefs of Staff; Joint Strategic Target Planning Staff (JSTPS), Scientific Advisory Group; Closed Meeting

AGENCY: Joint Strategic Target Planning Staff, Department of Defense.

ACTION: Notice of closed meeting.

SUMMARY: The Director, Joint Strategic Target Planning Staff has scheduled a closed meeting of the Scientific Advisory Group.

DATE: The meeting will be held on 27 and 28 May 1986.

ADDRESS: The meeting will be held at Offutt AFB, Nebraska.

FOR FURTHER INFORMATION CONTACT: The Joint Strategic Target Planning Staff, Scientific Advisory Group, Offutt AFB, Nebraska 68113.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to discuss strategic issues which relate to the development of the Single Integrated Operational Plan (SIOP). Full development of the topics will require discussion of information classified TOP SECRET in accordance with Executive Order 12356, 2 April 1982. Access to this information must be strictly limited to personnel having requisite security clearances and specified need-to-know. Unauthorized disclosure of the information to be discussed at the SAG meeting could have exceptionally grave impact upon national defense. Accordingly, the meeting will be closed in accordance with 5 U.S.C. 552b(c)(1).

P. H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

April 16, 1986.

[FR Doc. 86-8856 Filed 4-18-86; 8:45 am]

BILLING CODE 3810-01-M

Strategic Defense Initiative Organization

ACTION: Notice of DoD Intent To Establish a Federally Funded Research and Development Center (FFRDC).

SUMMARY: The Department of Defense announces its intention to establish a Federally Funded Research and Development Center (FFRDC) to support the Strategic Defense Initiative Organization (SDIO) and to designate the FFRDC as the Strategic Defense Initiative Institute (SDII). The purpose of this action is to make continuously available to the Strategic Defense Initiative Organization (SDIO) a relatively small but dedicated technical support unit that can facilitate the utilization, in a manner that is more timely, cost effective, and productive than currently possible, of the large national capability that must be applied to the Strategic Defense Initiative Program (SDIP). To accompish this goal, the support unit personnel must have the across-the-board SDI-related technical skills and functional capabilities to perform a technology evaluation and integration role in support of the SDIO.

The SDII will seek flexible and innovative approaches to solving complex and multidimensional problems for the SDIP. In accomplishing this task, it will tap the broad base of talent, relevant experience, and perspectives available from addressing prior programmatic challenges. This will require contributions from a wide range of agencies and existing organizations, each of which already has some of the resources and skills in the needed areas, but no one of which can address SDIP technical support needs as a unified, coordinated whole.

The SDII must be free from actual, potential, or apparent individual or organizational conflicts of interest. It

must gain no competitive advantage from its position over those whose efforts it is helping the SDIO oversee; nor lack objectivity as a result of having profit-seeking, manufacturing, or other conflicting organizational goals, such as a desire to serve other clients.

It has been decided, based on a careful comparative evaluation by the SDIO of all feasible institutional alternatives, that only a carefully designated, new Federally Funded Research and Development Center (FFRDC) within ready physical access of the SDIO can effectively satisy the above purpose for the SDII. Accordingly, this announcement is being issued in compliance with the procedures of OFPP Policy Letter 84–1 of April 4, 1984, "Federally Funded Research and Development Centers."

The Mission Statement for the SDII is as follows:

Mission Statement

The specific mission of the SDII will be to perform, in a highly flexible manner, research, studies, and analyses of emerging technologies and system concepts relative to the Strategic Defense Initiative Program (SDIP); and to provide technical evaluation of basic and applied research efforts and program developments by other contractors. In particular, the scope and nature of the effort to be performed by the SDII in support of the SDIO will include, but not be limited to: (1) Identifying and evaluating existing and potential technical advances, technologies, and system concepts from all available sources; (2) Reducing the costs and increasing the effectiveness of basic and applied SDIP research; (3) Providing advice on the relative utility and integration implications of each of the complex technical aspects of the SDIP; (4) Assessing and helping to develop evolving technical requirements, architectures, and their related testbed needs; (5) Performing test and evaluation planning; (6) Integrating Offense/Defense scenarios and analyses into useful conclusions and framing of issues for decision by the SDIO; (7) Developing and maintaining a data base on active SDIP projects and capabilities, and continually analyzing same for overlap, duplication, and opportunities for coordination; (8) Conducting SDIP-related studies and analyses; and (9) Coordinating and performing other technical and liaison tasks, including interface with the pertinent acquisition activities of the military services, related to performance of SDIP-related technical activities in industry, universities, government laboratories, and elsewhere.

This announcement is not a synoposis in accordance with Section 18 of the Office of Federal Procurement Policy Act, or otherwise a synopsis of sources sought in connection with a procurement. It is being published in response to paragraph 6b(2) of the Office of Federal Procurement Policy letter on FFRDC's which provides for at least three notices over a 90-day period in the *Commerce Business Daily* and the **Federal Register** indicating an agency's intentions to sponsor an FFRDC and the scope and nature of the effort to be performed by the FFRDC.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Sybert, Special Assistant to the Secretary, Executive Secretariat/OSD, Pentagon 3E880, Washington, DC 20301–1000, telephone (202) 697–8388.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

April 16, 1986.

[FR Doc. 86–8858 Filed 4–18–86; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

April 3, 1986.

The USAF Scientific Advisory Board Armament Division Advisory Group meeting, previously scheduled for April 3–4, 1986, has been postponed. The Advisory Group will meet May 7, 1986 from 8:00 A.M. to 5:00 P.M. and May 8, 1986 from 8:00 A.M. to 3:00 P.M. at AF Armament Division Headquarters, Building 1, Eglin AFB FL.

The purpose of this meeting is to review and discuss selected programs and projects relating to the mission of the Armament Division and to advise the Commander on these programs.

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

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

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86–8843 Filed 4–18–86; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Routing of Class C Explosives on a Class C Tender—Exceptions Outlined

AGENCY: Department of the Army, DOD.

ACTION: Notice of exceptions to route class C explosives only on class C explosives tenders.

Purpose: The purpose of this change is twofold. (a) To recognize that there are some safety kits or commodities which may contain small quantities of class C explosives that do not represent a security risk, for example survival kits, pop rivets, aircraft ejection cartridges, .22 caliber, blank or practice ammunition, etc . . ., (b) to allow such items to be moved on Freight All Kinds (FAK) rates.

Summary: Effective June 1, 1986, all carriers transporting class C explosives may do so under a FAK commodity tender description vice a class C tender under the following exceptions, only:

(a) When the class C material is non-sensitive and does not require a transportation protective service, and

(b) When the class C material being transported does not exceed 1000 pounds gross weight per shipment.

Since all tenders now carry a mandatory exclusion (Freight All Kinds, except classes A, B, and C explosives, ammunition or fireworks), carriers wishing to handle up to 1000 pounds per shipment of class C commodities need to amend their tenders to reflect a DOD mandatory exclusion for FAK. The alternate FAK description should read:

Freight All Kinds, except all classes A and B explosives, ammunition or fireworks, and class C explosives, ammunition or fireworks requiring a DOD transportation protective service or nonsensitive class C commodities weighing in excess of 1,000 pounds per shipment, . . . (exclusions can be added by carrier)

Additionally, carriers interested in offering specific commodity class C tenders (Optional Form 280) should include the transportation protective services (TPS) of "Dual Driver Protective Service" (DDPS), "DOD Constant Surveillance Service" (DOD CSS), as well as the accessorial service "Signature and Tally Record Service." If the publication of new rates for these commodities results in increased rates, we require 30 days notice, following their receipt, before the new rates can become effective.

Further information may be obtained by writing to HQMTMC, ATTN: MT-INNT, Falls Church, VA 22141–5050, or by calling Blaise Guzzardo at (202) 756–1149 or Betty Yanowsky at (202) 756–1565/6.

John O. Roach II,

Army Liaison Officer With the Federal Register.

[FR Doc. 86–8896 Filed 4–18–86; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 86-22-NG]

Gas Ventures; Application To Import Natural Gas From Canada

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of application for blanket authorization to import natural gas from Canada for short-term and spot sales.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of March 31, 1986, of an application filed by Gas Ventures (Ventures) for a blanket authorization to import up to 100,000 Mcf per day and a total of 75 Bcf of Canadian natural gas for the anticipated term of the proposal. The gas would be supplied by Canadian producers or pipelines and sold on a short-term or spot basis to U.S. purchasers. Ventures would act on its own behalf or as an agent on behalf of U.S. purchasers and/or Canadian suppliers.

Ventures is a joint venture of ITRP Natural Gas Ventures, Inc. and Kimball Energy Corporation. The former is a wholly-owned subsidiary of ITR Petroleum, Inc., a Nevada corporation that currently sells gas to Ventures, and the latter is not affiliated with any other participant. Ventures is a marketer of natural gas, purchasing from imdependent producers in Wyoming and selling on a spot or short-term basis to Rocky Mountain or Pacific Northwest customers along the Northwest Pipeline Corporation system.

Ventures proposes an import authorization term to extend through December 31, 1987, and month to month thereafter until terminated upon 30 days written notice by Ventures or the ERA, an arrangement that Ventures says would be consistent with its domestic gas purchase contracts. The specific terms of each import and sale would be negotiated on an individual basis, terms would be market responsive, and, to the maximum extent possible, would constitute a best-efforts purchase and delivery basis with no minimum purchase or take-or-pay obligation. Ventures proposes to file quarterly reports to the ERA on a confidential basis. Only existing pipeline facilities would be used.

The application is filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protests, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene or notices of intervention, as applicable, and written comments are to be filed no later than 4:30 p.m., on May 21, 1986.

FOR FURTHER INFORMATION:

Norman Breckner, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-76, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9482

Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6667

SUPPLEMENTARY INFORMATION: The decision on this application will be made consistent with DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Public Comment Procedures

In response to this Notice, any person may file a protest, motion to intervene, or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices to intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-076-A, RG-23, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585. They must be filed no later than 4:30 p.m. e.d.t., May 21, 1986.

The Administrator intends to develop a decisional record on the application through responses to this Notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Ventures' application is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on April 14, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-8879 Filed 4-18-86; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 86-24-NG]

Natural Gas Imports; Carlyle Energy, Inc.; Application To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Application for Blanket Authorization To Import Natural Gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on April 4, 1986, of an application from Carlyle Energy, Inc. (Carlyle), a wholly-owned subsidiary of Carlyle Energy, Ltd., for blanket authorization to import Canadian natural gas for short-term sales in the domestic spot market. Authorization is requested to import up to 100 Bcf of Canadian natural gas during a two-year term beginning on the date of first delivery of the import. Carlyle intends to market individual volumes of natural gas produced by Carlyle Energy Ltd., its Canadian affiliate, and also import gas from various other Canadian suppliers for its own account or as agent on behalf of either a supplier or purchaser of such volumes. Since Carlyle intends to utilize existing pipeline facilities for the transportation of the volumes imported, the proposal does not contemplate the construction of any new domestic facilities.

The applicant proposes to submit quarterly reports giving details of individual transactions in the month following each calendar quarter.

The application was filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–111. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, and written comments are to be filed no later than May 21, 1986.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–076, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252–8162;

Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E–042, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–6667.

SUPPLEMENTARY INFORMATION: The decision on this application will be made consistent with the DOE's gas import policy guidelines, under which competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6694, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene, or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA–076–A, RG–23, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585. They must be filed no later than 4:30 p.m. e.d.t., May 21, 1986.

The Administrator intends to develop a decisional record on the application through responses to the notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessay to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trail-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based upon the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Carlyle's application is available for inspection and copying in the Natural Gas Division Docket Room, GA–076–A, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., April 14, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86–8877 Filed 4–18–86; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 86–10–NG]

NATGAS (U.S.) Inc.; Order Granting Blanket Authorization To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Order Granting Blanket Authorization to Import Natural Gas From Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting blanket authorization to import natural gas from Canada to NATGAS (U.S.) Inc. (NATGAS). The order issued in ERA Docket No. 86–10–NG authorizes NATGAS to import up to 730 Bcf over a two-year period for sale in the domestic spot market.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA–076, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., 20585. The docket room is open betweeen the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Issued in Washington, D.C., April 14, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86–8878 Filed 4–18–86; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95–621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate costs of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA, section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold which are to be effective May 1, 1986. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Department of Energy, Energy Information Administration, 1000 Independence Avenue, SW., Room BE–034, Washington, D.C. 20585, Telephone: (202) 252–6077.

Section I.

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on April 2, 1981, in Docket No. RM79–21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Per million BTU's
Alabama	$2.10
Arizona[1]	2.20
Arkansas	2.47
California[1]	2.20
Colorado[2]	2.30
Connecticut[1]	2.31
Delaware[1]	2.54
Florida	2.08
Georgia	2.16
Idaho[2]	2.30
Illinois	2.17
Indiana[1]	2.23
Iowa[1]	2.23
Kansas	2.20
Kentucky[1]	2.23
Louisiana[1]	2.58
Maine[1]	2.31
Maryland[1]	2.54
Massachusetts	2.17
Michigan[1]	2.23
Minnesota[1]	2.23
Mississippi	2.14
Missouri	2.14
Montana[2]	2.30
Nebraska[2]	2.23
Nevada[1]	2.20
New Hampshire[1]	2.31
New Jersey[1]	2.54
New Mexico[1]	2.58
New York	2.52
North Carolina[1]	2.22
North Dakota[1]	2.23
Ohio	2.12
Oklahoma[1]	2.58
Oregon	2.07
Pennsylvania[1]	2.54
Rhode Island[1]	2.31
South Carolina[1]	2.22
South Dakota[1]	2.23
Tennessee[1]	2.22
Texas	1.87
Utah [2]	2.30
Vermont [1]	2.31
Virginia[1]	2.22
Washington[1]	2.20
West Virginia	2.21
Wisconsin[1]	2.23
Wyoming[2]	2.30

[1] Region based price as required by FERC Interim Rule, issued on April 2, 1981, in Docket No. RM–79–21.
[2] Region based price computed as the weighted average price of Regions E, F, G, and H.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during February 1986 was $23.14 per barrel. The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which the incremental pricing threshold becomes effective. The prices found in *Platt's Oilgram Price Report* are given for each trading day in the form of high and low prices for No. 2 fuel oil in Metropolitan New York and Northern New Jersey. A lag adjustment factor was calculated using the average of the low posted price for these two areas for the ten trading days ending April 14, 1986, and dividing that price by the corresponding average price computed from prices published by Platt's for the month of February 1986. This lag adjustment factor was applied to the February price yielding $20.88 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective May 1, 1986, is $4.68 per million BTU's.

Section III. Method Used To Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79–21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81–27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on November 6, 1981, in Docket No. RM81–28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: For each selling price, the number of gallons sold to large industrial users in the months of December 1985, January 1986, and February 1986.[3] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used to Determine Alternative Price Ceilings

(1) Calculation of Volume-Weighted Average Price

The prices which will become effective May 1, 1986 (shown in Section I), are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, December 1985, January 1986, and February 1986. Reported prices for sales in December 1985 were adjusted by the percent change in the nationwide volume-weighted average price from December 1985 to February 1986. Prices for January 1986 were similarly adjusted by the percent change in the nationwide volume-weighted average price from January 1986 to February 1986. The volume-weighted 3-month average of the

[3] Large Industrial User—A person/firm which pruchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State, or Local), and the military are excluded.

adjusted December 1985 and January 1986, and the reported February 1986 prices were then computed for each State.

(2) Adjustment for Price Variation

States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) Calculation of Ceiling Price

The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B.(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3-months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.(4)) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million Btu's).

There were insufficient sales reported in Region G for the month of December 1985, January 1986, and February 1986. The alternative fuel price ceilings for the States in Region G were determined by calculating the volume-weighted average price ceilings for Region E; Region F, Region G, and Region H.

(4) Lag Adjustment

The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 20 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending April 14, 1986, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of 1986. A regional lag adjustment factor was similarly calculated for four regions. These are: One for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A

Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

Region B

Delaware
Maryland
New Jersey
New York
Pennsylvania

Region C

Alabama
Florida
Georgia
Mississippi
North Carolina
South Carolina
Tennessee
Virginia

Region D

Illinois
Indiana
Kentucky
Michigan
Ohio
West Virginia
Wisconsin

Region E

Iowa
Kansas
Missouri
Minnesota
Nebraska
North Dakota
South Dakota

Region F

Arkansas
Louisiana
New Mexico
Oklahoma
Texas

Region G

Colorado
Idaho
Montana
Utah
Wyoming

Region H

Arizona
California
Nevada
Oregon
Washington

Issued in Washington, D.C., April 17, 1986.

L.A. Pettis,

Deputy Administrator, Energy Information Administration.

[FR Doc. 86-8993 Filed 4-18-86; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) solicits comments concerning the appropriate procedures to be followed in refunding to adversely affected parties $40,000 obtained as a result of a Consent Order which the DOE entered into with Missouri Terminal Oil Company, a reseller-retailer of petroleum products located in St. Louis, Missouri. The money is being held in escrow following the settlement

of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. All comments should conspicuously display a reference to case number HEF–0131.

FOR FURTHER INFORMATION CONTACT: Walter J. Marullo, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252–6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order sets forth procedures and standards that the DOE has tentatively formulated to distribute to adversely affected parties $40,000 plus accrued interest obtained by the DOE under the terms of a Consent Order entered into with Missouri Terminal Oil Company (MTO). The funds were provided to the DOE by MTO to settle all claims and disputes between the firm and the DOE regarding the manner in which the firm applied the federal price regulations with respect to its sales of motor gasoline during the period March 1, 1979, through July 31, 1979.

OHA proposes that a two-stage refund process be followed. In the first stage, OHA has tentatively determined that a portion of the consent order funds should be distributed to firms and individuals that purchased MTO motor gasoline during the consent order period. In order to obtain a refund, each claimant will be required to submit a schedule of its monthly purchases of MTO motor gasoline and to demonstrate that it was injured by MTO's pricing practices. The specific requirements for proving injury are set forth in the following Proposed Decision and Order. Applications for Refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Some residual funds may remain after all meritorious first-stage claims have been satisfied. OHA invites interested parties to submit their views concerning alternative methods of distributing any remaining funds in a subsequent proceeding.

Any member of the public may submit written comments regarding the proposed refund procedures. Such parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this Notice. All comments received in this proceeding will be available for public inspection between 1:00 and 5:00 p.m., Monday through Friday, except Federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E–234, 1000 Independence Avenue, SW., Washington, DC 20585.

Dated: April 14, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

April 14, 1986.

Name of Firm: Missouri Terminal Oil Company.

Date of Filing: October 13, 1983.

Case Number: HEF–0131.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of actual or alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. In accordance with the provisions of Subpart V, on October 13, 1983, ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order entered into with Missouri Terminal Oil Company (MTO).

I. Background

MTO is a "reseller-retailer" of refined petroleum products as that term was defined in 10 CFR 212.31 and is located in St. Louis, Missouri. A DOE audit of MTO's records revealed possible violations of the Mandatory Petroleum Price Regulations, 10 CFR Part 212, Subpart F. The audit alleged that between March 1, 1979, and July 31, 1979, MTO committed possible pricing violations in its sales of motor gasoline.

In order to settle all claims and disputes between MTO and the DOE regarding the firm's sales of motor gasoline during the period covered by the audit, MTO and the DOE entered into a consent order on July 8, 1983. The consent order refers to ERA's allegations of overcharges, but notes that there was no finding that violations occurred. Additionally, the consent order states that MTO does not admit that it violated the regulations.

Under the terms of the consent order, MTO was required to deposit a total of $40,000, in two annual installments, into an interest-bearing escrow account for ultimate distribution by the DOE. MTO made payments of $20,000 each on January 4, 1984, and January 11, 1985.[1]

II. Proposed Refund Procedures

The procedural regulations of the DOE set forth general guidelines to be used by OHA in formulating and implementing a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to identify readily those persons who likely were injured by alleged overcharges or to ascertain readily the amount of such persons' injuries. For a more detailed discussion of Subpart V and the authority of OHA to fashion procedures to distribute refunds, *see Office of Enforcement*, 9 DOE ¶ 82,508 (1981), and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (*Vickers*).

Our experience with Subpart V cases leads us to believe that the distribution of refunds in this proceeding should take place in two stages. In the first stage, we will accept claims from identifiable purchases of motor gasoline who may have been injured by MTO's pricing practices during the period March 1, 1979, through July 31, 1979. If any funds remain after all meritorious in a second-stage proceeding, *See, e.g., Office of Special Counsel*, 10 DOE ¶ 85,048 (1982) (*Amoco*).

A. Refunds to Identifiable Purchasers

In the first stage of the MTO refund proceeding, we propose to distribute the funds currently in escrow to claimants who demonstrate that they were injured by MTO's alleged overcharges. As we have done in many prior refund cases, we propose to utilize certain presumptions and findings which will help to determine the extent of a purchaser's alleged injury.

The presumptions and findings we plan to adopt are also used to permit claimants to participate in the refund process without incurring inordinate expenses and to enable OHA to consider the refund applications in the most efficient way possible in view of the limited resources available. First, we plan to adopt a presumption that the alleged overcharges were dispersed evenly in all of MTO's sales of motor gasoline made during the consent order

[1] The total value of the MTO escrow account stood at $46,404.46 as of March 31, 1986.

period. In the past, we have referred to a refund process that uses this presumption as a volumetric method. Second, we propose to adopt a presumption of injury with respect to small claims. Third, we plan to adopt a presumption that spot purchasers were not injured by the alleged overcharges. Finally, we are making proposed findings that end users, certain types of regulated firms, and cooperatives were injured by MTO's pricing practices.

The pro rata, or volumetric, refund presumption assumes that alleged overcharges by a consent order firm were spread equally over all gallons of product covered by the consent order. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. This presumption is rebuttable, however, A claimant which believes that it incurred a disproportionate share of the alleged overcharges may submit evidence proving this claim in order to receive a larger refund. *See, e.g., Sid Richardson Carbon and Gasoline Co. and Richardson Products Co./Siouxland Propane Co.*, 12DOE ¶ 85,054 at 88,164 (1984), and cases cited therein.

Under the volumetric method we plan to adopt, a claimant will be eligible to receive a refund equal to the number of gallons of MTO motor galsoine that it purchased during the consent order period times the volumetric factor. The volumetric factor is the average per gallon refund and in this case equals $0.003505 per gallon.[2] in addition, successful claimants will receive a proportionate share of the accrued interest.

The second presumption we plan to use is that purchasers of MTO motor gasoline seeking small refunds were injured by the firm's pricing practices. There are a variety of reasons for adopting this presumption. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 (1982). These firms were in the chain of distribution where the alleged ovecharges occurred and therefore bore some impact of the alleged overcharges, at least initially. In order to support a specific claim of injury, a firm would have to compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure is generally time-consuming and expensive. With small claims, the cost to the firm of gathering the necessary information and the cost of OHA of analyzing it could exceed both the expected refund and the benefits from any additional precision. As a result, without simplified procedures injured could effectively be denied the opportunity to receive a refund.

Under the small-claims presumption, a claimant who is a reseller or retailer would not be required to submit any additional evidence of injury beyond volumes of MTO motor gasoline purchased if its refund claim is below a certain sum. Several factors determine the value of this threshold. For example, the cost to the applicant and the government of compiling and analyzing information sufficient to show injury should not exceed the amount of any relevant refund. In this case, where the refund amount is fairly low and the early months of the consent order period are many years past, $5,000 is a reasonable value for the threshold. *See Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 at 88,210 (1984); *Office of Special Counsel*, 11 DOE ¶ 85,226 (1984) *(Conoco)*, and cases cited therein.

A reseller or retailer which claims a refund in excess of $5,000 will be required to document its injury. While there are a variety of methods by which a firm can make such a showing, a firm is generally required to demonstrate (i) that it maintained a "bank" of unrecovered costs, in order to show that it did not pass the alleged overcharges through to its own customers, and (ii) that market conditions were the reason that it did not pass through those increased costs.[3]

If a reseller or retailer made only spot purchases, we propose that it should not receive a refund since it is unlikely to have been injured. As we have previously stated with respect to spot purchasers:

> [T]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firm's product] at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers.

Vickers, 8 DOE at 85,396–97. The same rationale applies in the present case. Therefore, we proposed that firms which made only spot purchases of MTO motor gasoline not receive refunds unless they present evidence which rebuts the spot purchaser presumption and established the extent to which they were injured as a result of their purchases of MTO motor gasoline during the consent order period.

As noted above, we have concluded that end users were injured by the alleged overcharges. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period. They were therefore not required to base their pricing decisions on cost increases or to keep records which would show whether they passed through cost increases. An analysis of the impact of the alleged overcharges on the final prices of goods and services which were not coverd by the petroleum price regulations would therefore be beyond the scope of a special refund proceeding. *See Office of Enforcement*, 10 DOE ¶ 85,072 (1983) *(PVM)*; *see also Texas Oil & Gas Corp.*, 12 DOE at 88,209, and cases cited therein.[4]

In addition, we propose that firms whose prices for goods and services are regulated by a governmental; agency or by the terms of a cooperative agreement not be required to demonstrate that they absorbed the motor gasoline overcharges alleged by ERA. In the case of regulated firms, *e.g.*, public utilities, any overcharges incurred as a result of MTO's alleged violations of the DOE regulations would routinely be passed through to the utilities' customers. Similarly, any refunds received by such firms would be reflected in the rates they wre allowed to charge their customers. Refunds to agricultural cooperatives would likewise directly influence the prices charged to their member customers. Consequently, we proposed adding such firms to the class of claimants that are not required to show that they did not pass through to their customers cost increases resulting from alleged overcharges. *See, e.g., Office of Special Counsel*, 9 DOE ¶ 82,538 (1982) *(Tenneco), and Office of Special Counsel*, 9 DOE 82,545 at 85,244 (1982) *(Pennzoil)*. Instead, those firms should provide with their application a full explanation of the manner in which refunds would be passed through to their customers and how the appropriate regulatory body or membership group will be advised of the applicant's receipt

[2] This figure is computed by dividing the $40,000 received from MTO by the 11,411,630 gallons of motor gasoline sold by the firm during the consent order period.

[3] Resellers or retailers who claim a refund in excess of $5,000 but who cannot establish that they did not pass through the price increases will be eligible for a refund of up to the $5,000 threshold, without being required to submit evidence of injury beyond purchase volumes. Firms potentially eligible for greater refunds may choose to limit their claims to $5,000. *See* Vickers, 8 DOE at 85,396. *See also* Office of Enforcement, 10 DOE ¶ 85,029 at 88,122 (1982).

[4] If a firm is both a spot purchaser and an end user, it will be treated as an end user and will not be required to make any showing of injury beyond that required of other end users.

of any refund money. Sales by cooperatives to nonmembers, however, will be treated the same as sales by any other reseller.

As in other cases, only claims for at least $15 will be processed. This minimum has been adopted in prior refund cases because the cost of processing claims for refunds of less than $15 outweights the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE at 85,225. *See also* 10 CFR 205.286(b). The same principle applies here.

If valid claims exceed the funds available in the escrow account, all refunds will be reduced proportionately. Actual refunds will be determined after analyzing all appropriate claims.

B. Applications for Refund

Any purchaser claiming a portion of the consent order funds will be required to file an Application for Refund pursuant to 10 CFR 205.283. In its application, a claimant must include a schedule of its monthly purchases of MTO motor gasoline during the consent order period as well as all relevant information necessary to support its claim in accordance with the presumptions and findings outlined above. A claimant must also state whether it has previously received a refund, from any source, with respect to the alleged overcharges underlying this proceeding. Each applicant must also state whether there has been a change in ownership of the firm since the audit period. If there has been a change in ownership, the applicant must provide the names and addresses of the other owners, and should either state the reasons why the refund should be paid to the applicant rather than to the other owners or provide a signed statement from the other owners indicating that they do not claim a refund. Finally, an applicant must report whether it is or has been involved as a party in DOE enforcement or private actions filed under section 210 of the Economic Stabilization Act. If these actions have been concluded the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action and its current status. The applicant must keep OHA informed of any change in status while its Application for Refund is pending *See* 10 CFR 205.9(d).

C. Distribution of Remaining Consent Order Funds

In the event that money remains after all meritorious claims have been satisfied, residual funds could be distributed in a number of ways in a subsequent proceeding. However, we will not be in a position to decide what should be done with any remaining funds until the initial stage of this refund proceeding has been completed. We encourage the submission by interested parties of proposals which address alternative methods of distributing any remaining funds.

It Is Therefore Ordered That The refund amount remitted to the Department of Energy by Missouri Terminal Oil Company pursuant to the Consent Order executed on July 8, 1983, will be distributed in accordance with the foregoing decision.

[FR Doc. 86-8880 Filed 4-18-86; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ORD-FRL-2999-5]

Addendum to the Health Assessment Document for Tetrachloroethylene (Perchloroethylene, Perc, PCE)

Correction

In FR Doc 86-7936 appearing on page 12202 in the issue of Wednesday, April 9, 1986, make the following correction: In the middle column, in the fourth and fifth lines from the bottom, the EPA document number should read "EPA-600/8-82-005FA".

BILLING CODE 1505-01-M

[OPP-00225; (FRL-3006-2)]

State-FIFRA Issues Research and Evaluation Group (SFIREG) Working Committees; Open Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a 2-day meeting of the Working Committee on Registration and Classification of State FIFRA Issues Research and Evaluation Group (SFIREG) and a 2-day meeting of the SFIREG Working Committee on Enforcement and Certification to discuss various aspects of pesticides. The meetings will be open to the public.

DATES: The Working Committee on Registration and Classification will meet on Tuesday and Wednesday, May 13 and 14, 1986. The Working Committee on Enforcement and Cetification will meet on Thursday and Friday, May 15 and 16, 1986. The meetings of both committees will start at 8:30 a.m. each day.

ADDRESS: The meeting will be held at: International Hotel, 300 Canal St., New Orleans, LA, (504-581-1300).

FOR FURTHER INFORMATION CONTACT: By mail: Philip H. Gray, Jr., Office of Pesticide Programs (TS-766C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 1115, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, Virginia, (703-557-7096).

SUPPLEMENTARY INFORMATION: The meeting of the Working Committee on Registration and Classification will be concerned with the following topics:

1. Section 24(c) audit.
2. Availability of accurate Restricted Use Pesticide information.
3. Comprehensive policy compendium from Office of Pesticide Programs.
4. Fact Sheets—do they contain inaccurate information?
5. Advertising policy.
6. Unenforceable label language—policy statement.
7. Minor use policy statement.
8. Termiticides—Does SFIREG need to update its current position?
9. Effective dates of future restricted use classifications.
10. Availability of final printed labeling.
11. Granular restrictions—impact on the State programs.
12. EPA chemigation policy.
13. Other topics as appropriate.

The meeting of the Working Committee on Enforcement and Certification will be concerned with the following topics:

1. Standards for triple rinsing of pesticide containers.
2. Uniform reporting of Federal and State outputs under enforcement grants.
3. EPA's rule to cover the sale of restricted use pesticides to uncertified applicators.
4. "Timely and appropriate response" requirement in the enforcement grant guidance.
5. Need for an updated list of cancelled and suspended pesticides.
6. Enforcement policy on wood preservatives.
7. Farm worker safety rule.
8. Chemigation Label Improvement Program notice.
9. Advertising policy.
10. Update on bloc grants.
11. Termiticides—OPP action impact on certification and enforcement.
12. EPA Action Plan and schedule for FIFRA-RCRA Project—Possible impact on State regulatory programs.
13. Report from the EPA Office of Pesticide Certification and Training.

14. Wood preservatives certification and training.

15. State Plan review and revision.

16. Aid for regional category specific training manuals.

17. Emergency dumping from aircraft.

18. Date for required relabeling "Channels of Trade date" or "one date."

19. Disposal by end users of cancelled/suspended pesticides.

20. Question of restricted use for power pole wraps.

21. Other topics as appropriate.

Dated: April 10, 1986.

Steven Schatzow,

Director, Office Pesticide Programs.

[FR Doc. 86-8834 Filed 4-18-86; 8:45 am]

BILLING CODE 6560-50-M

[WH-FRL-3005-6]

Reallotment of Funds Under Wastewater Treatment Works Construction Grants Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of reallotment of funds under Wastewater Treatment Works Construction Grants Program (40 CFR Part 35, Subpart I).

SUMMARY: This notice announces the distribution of unobligated fiscal year (FY) 1984 construction grant funds subject to reallotment after September 30, 1985, under section 205 of the Clean Water Act, 33 U.S.C. 1285; and explains the procedure by which the reallotment distribution was determined.

Section 205(d) of the Clean Water Act (the Act) requires that funds allotted for FY 1978 and beyond which are not obligated by the end of the initial allotment availability period ". . . shall be immediately reallotted by the Administrator . . .". This notice advises the public of the amounts available to the eligible States to be added to their allotments for grants for the construction of municipal wastewater treatment facilities. Under section 205(d), these funds are available for obligation until September 30, 1987.

DATED: April 21, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. John Olsen, Chief, Program Management Branch, Municipal Construction Division (WH-547), Office of Municipal Pollution Control, (202) 382-5837.

SUPPLEMENTARY INFORMATION: Sums allotted to a State under section 205 of the Act remain available for obligation during the fiscal year in which appropriated and the following 12 months (40 CFR 35.2010(b)). Funds not obligated at the end of the period of availability are reallotted to the States which fully obligated their allotments. $2,400,000,000 was appropriated by Pub. L. 98-45 for FY 1984. At the close of the availability period for the FY 1984 allotment (September 30, 1985), 19 States and territories had not obligated $9,948,254 of the $2.4 billion available in FY 1984 allotments.

As explained below, not all of the unobligated funds remaining after the period of availability are subject to reallotment at this time. Due to the following exception, the total amount reallotted is $9,943,154.

Northern Mariana Islands: Section 3(b)(2) of Pub. L. 95-348 (1978) provides that any funds made available to the Northern Mariana Islands (NMI) by the Congress after March 24, 1976 ". . . are hereby authorized to remain available until expended." Accordingly, construction grant funds allotted to the NMI which remain unobligated at the close of the period of availability prescribed by secton 205(b) of the Act are not subject to reallotment.

The amount remaining is $5,100 in FY 1984 funds. Because the NMI would have lost these funds to reallotment without this statutory provisions, section 205(d) prevents the NMI from receiving any funds of other States being reallotted.

Reallotment Procedure

To distribute the $9,943,154 balance subject to reallotment in accordance with the requirements of section 205(d) of the Act, the following procedure was used:

1. The percentages listed in section 205(c) of the Act (as amended by Pub. L. 97-117) were adjusted to reflect the absence of States which had not fully obligated their funds (§ 35.2010(b)).

2. The resulting percentages were applied to the $9,943,154 to arrive at the individual State allotments.

3. The resulting figures (rounded to the nearest $100) are listed in the table which follows. The table also identifies the States which did not fully obligate their funds and the amounts subject to reallotment.

These reallotted funds are available for obligation until September 30, 1987. After that date, unobligated balances will be reallotted under section 205(d) of the Act (§ 35.2010). Grants from these funds may be awarded as of the date of issuance of advices of allowance to the EPA Regional Administrators by the Comptroller of EPA.

Dated: April 12, 1986.

Lee M. Thomas,

Administrator.

State	Subject to reallotment	Reallotment
Alabama		$146,800
Alaska		78,600
Arizona		88,700
Arkansas		85,900
California		938,900
Colorado	$249,899	
Connecticut		160,800
Delaware	641,260	
District of Columbia		63,900
Florida	24,935	
Georgia		221,900
Hawaii	755,705	
Idaho		63,900
Illinois		593,700
Indiana	118,975	
Iowa	898,913	
Kansas	830,809	
Kentucky	464,640	
Louisiana	545,786	
Maine		100,300
Maryland	525,626	
Massachusetts		445,700
Michigan	1,679,709	
Minnesota		241,300
Mississippi		118,300
Missouri		363,900
Montana		63,900
Nebraska		67,100
Nevada		63,900
New Hampshire	118,561	
New Jersey		536,400
New Mexico		63,900
New York		1,456,554
North Carolina		236,900
North Dakota	278,164	
Ohio		739,000
Oklahoma		106,100
Oregon		148,300
Pennsylvania		520,000
Rhode Island		86,900
South Carolina		134,500
South Dakota		63,900
Tennessee		190,700
Texas		498,700
Utah		69,200
Vermont		63,900
Virginia		268,700
Washington		228,300
West Virginia		204,600
Wisconsin		354,900
Wyoming		63,900
Guam	53,211	
Puerto Rico	2,552,641	
Virgin Islands	101,920	
American Samoa	87,840	
Trust Territories of Pacific Islands	15,660	
Northern Mariana Islands		
Total	9,943,154	9,943,154

[FR Doc. 86-8838 Filed 4-18-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

April 14, 1986.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of the submission are available from Jerry Cowden, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact David Reed, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-7231.

OMB Number: 3060-0179
Title: Section 73.1590, Equipment Performance Measurements
Action: Reinstatement
Respondents: Television and radio broadcast station licensees
Estimated Annual Burden: 11,486 Recordkeepers; 9,981 Hours

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-8809 Filed 4-18-86; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed; The Port of Tacoma Terminal

The Federal Maritime Commission hereby gives notice that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of the agreement and the supporting statement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit protests or comments on the agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 20 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 560.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: 121-003904-004.

Title: The Port of Tacoma Terminal Agreement.

Parties:

Port of Tacoma (Port)
Totem Ocean Trailer Express, Inc. (Tote)

Synopsis: The proposed amendment would modify the agreement to (1) provide for the relocation of the Port's access to the preferential use area; and (2) substitute agreement exhibits to reflect the easement relocation and describe the premises as constructed. It would restate the agreement in its entirety and make certain nonsubstantive changes to the language of the agreement.

Filing Party: Mr. Thomas M. Kilbane, Jr., Garvey, Schubert, Adams & Barer, 1011 Western Avenue—10th Floor, Seattle, Washington 98104.

By Order of the Federal Maritime Commission.

Dated: April 16, 1986.

Tony P. Kominoth,

Assistant Secretary.

[FR Doc. 86-8863 Filed 4-18-86; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Vessel Sanitation Inspection Program

AGENCY: Centers for Disease Control (CDC), Public Health Service, HHS.

ACTION: Notice of program restructuring; discontinuation of routine sanitation inspections of international cruise ships by agency inspectors.

SUMMARY: The Centers for Disease Control (CDC) is restructuring the Vessel Sanitation Inspection Program for cruise ships that have international itineraries and call at U.S. ports. Routine sanitation inspections of such vessels by agency inspectors and publication of inspection results will be discontinued. CDC will provide the cruise ship industry with self-inspection guidelines for use in performing sanitation inspections.

EFFECTIVE DATE: April 30, 1986.

FOR FURTHER INFORMATION CONTACT: Laurence S. Farer, M.D., Director, Division of Quarantine, Center for Prevention Services, Centers for Disease Control, 1600 Clifton Rd., Atlanta, Georgia 30333.

SUPPLEMENTARY INFORMATION: The CDC Vessel Sanitation Inspection Program is conducted under the authority of Sections 361(a) and 366(c) of the Public Health Service Act (42 U.S.C. 264(a) and 269(c)). Regulations governing this program are Title 42, Part 71, of the Code of Federal Regulations.

In reviewing long-range public health needs and goals for the United States, CDC has determined that the Vessel Sanitation Inspection Program for cruise ships that have international itineraries and call at U.S. ports, should be restructured.

During the past 10 years, CDC and the cruise ship industry have worked together to improve the level of sanitation on cruise ships. This cooperative effort has resulted in an increase in the number of vessels able to meet CDC standards and a decrease in the frequency and severity of outbreaks of gastrointestinal disease on passenger vessels. Because of the heightened awareness of and attention to shipboard sanitation on the part of both the cruise ship industry and the traveling public, continued routine sanitation inspections by government inspectors are not necessary. Instead, CDC will work with the industry to initiate a self-inspection program which the industry can carry out on its own. CDC will continue to provide technical consultation and assistance, and investigate disease outbreaks if and when they occur. In accordance with the Public Health Service Act and applicable regulations, vessels will continue to be required to report illness and will remain subject to inspection when considered necessary.

A request for public comment on proposed changes in the Vessel Sanitation Inspection Program was published in the **Federal Register** (50 FR 27490) on July 3, 1985. Comments received as a result of the **Federal Register** Notice have been considered and appropriate technical changes will be included in the self-inspection guidelines.

Dated: April 14, 1986.

William E. Muldoon,

Director, Office of Program Support Centers for Disease Control.

[FR Doc. 86-8830 Filed 4-18-86; 8:45 am]

BILLING CODE 4160-18-M

National Institutes of Health

National Cancer Institute; Frederick Cancer Research Facility Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Frederick Cancer Research Facility Advisory Committee, National Cancer Institute, 8:30 a.m. to 5:00 p.m., May 12, 1986. The meeting will be held in the Conference Room in Building 426 at the Frederick Cancer Research Facility, Frederick, Maryland 21701.

The meeting will be open to the public on May 12 from 8:30 a.m. to 10:15 a.m. for a regular status report and discussion of changes and new initiatives. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed from 10:15 a.m. to adjournment on May 12 for review, discussion, and evaluation of individual projects and programs conducted by the contractor for the National Cancer Institute, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarrnted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301–496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Berge Hampar, Executive Secretary, Frederick Cancer Research Facility Advisory Committee, National Cancer Institute, Frederick Cancer Research Facility, Building 427, Frederick, Maryland 21701 (301–695–1108) will furnish substantive program information.

Dated: April 7, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86–8884 Filed 4–18–86; 8:45 am]

BILLING CODE 4140–01–M

National Institute of General Medical Sciences; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of the committees of the National Institute of General Medical Sciences for May and June 1986.

These meetings will be open to the public to discuss administrative details relating to committee business for approximately two hours at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, for the review, discussion, and evaluation of individual research training grant and research center grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Ann Dieffenbach, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Building 31, Room 4A52, Bethesda, Maryland 20892 (Telephone: 301–496–7301), will provide a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from each executive secretary whose name, room number, and telephone number are listed below each committee.

Name of Committee: Genetic Basis of Disease Review Committee
Executive Secretary: Ms. Linda Engel, Room 950, Westwood building, Telephone: 301–496–7125
Date of Meeting: May 30, 1986
Place of Meeting: Building 31C, Conference Room 7, National Institutes of Health, Bethesda, Maryland
Open: May 30, 1986, 8:30 a.m.–10:30 a.m.
Closed: May 30, 1986, 10:30 a.m.–adjournment

Name of Committee: Pharmacological Sciences Review Committee
Executive Secretary: Dr. Rodney Ulane, Room 952, Westwood Building, Telephone: 301–496–4772
Dates of Meeting: June 5–6, 1986
Place of Meeting: Building 31C, Conference Room 6, National Institutes of Health, Bethesda, Maryland
Open: June 5, 1986, 8:30 a.m.–10:30 a.m.
Closed: June 5, 1986, 10:30 a.m.–5:00 p.m.; June 6, 1986, 8:30 a.m.–adjournment

Name of Committee: Cellular and Molecular Basis of Disease Review Committee
Executive Secretary: Dr. Helen Sunshine, Room 950, Westwood Building, Telephone: 301–496–7125
Date of Meeting: June 9, 1986
Place of Meeting: Building 31C, Conference Room 7, National Institutes of Health, Bethesda, Maryland
Open: June 9, 1986, 8:30 a.m.–10:30 a.m.
Closed: June 9, 1986, 10:30 a.m.–5:00 p.m.

Name of Committee: Minority Access to Research Careers Review Committee
Executive Secretary: Dr. Agnes Donahue, Room 949, Westwood Building, Telephone: 301–496–7585
Dates of Meeting: June 12–13, 1986
Place of Meeting: Building 31C, Conference Room 9, National Institutes of Health, Bethesda, Maryland
Open: June 12, 1986, 8:30 a.m.–10:30 a.m.
Closed: June 12, 1986, 10:30 a.m.–5:00 p.m.; June 13, 1986, 8:30 a.m.–adjournment

(Catalog of Federal Domestic Assistance Program Nos. 13–859, 13–862, 13–863, 13–880, National Institute of General Medical Sciences, National Institutes of Health)

Dated: April 7, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86–8885 Filed 4–18–86; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of 2-Chloroethanol

The HHS' National Toxicology Program today announces the availability of the Technical Report describing toxicology and carcinogenesis studies of 2-chloroethanol, an intermediate in the synthesis of ethylene oxide and ethylene glycol and in the production of indigo, dichloroethyl formal and thiodiethylene glycol. It is also an industrial solvent, a pre-emergent plant growth stimulator, an extractant in the dewaxing of mineral oil, and an antioxidant for textile printing dyes.

Toxicology and carcinogenesis studies of 2-chloroethanol were conducted by dermal application of 2-chloroethanol dissolved in 70% ethanol/30% water solutions to groups of 50 F344/N rats of each sex at doses of 0, 50, or 100 mg/kg for 103 weeks or to groups of 50 Swiss CD–1 mice of each sex at doses of 0, 7.5, or 15 mg per animal for 104 weeks.

Under conditions of these 2-year dermal studies, there was no evidence of carcinogenicity [1] of 2-chloroethanol for male and female F344/N rats given 50 or 100 mg/kg per day or for male and female Swiss CD–1 mice given 7.5 or 15 mg per animal per day.

Copies of *Toxicology and Carcinogenesis Studies of 2-Chloroethanol (Ethylene Chlorohydrin) in F344/N Rats and Swiss CD–1 Mice (Dermal Studies)* (T.R. 275) are available

[1] The NTP uses five categories of evidence of carcinogenicity to summarize the strength of the evidence observed in each animal study: two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings ("equivocal evidence"), one category for no observable effect ("no evidence"), and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

without charge from the NTP Public Information Office, MD B2-04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone (919) 541-3991, FTS: 629-3991.

Dated: April 9, 1986.

David P. Rall,

Director.

[FR Doc. 86-8886 Filed 4-18-86; 8:45 am]

BILLING CODE 4140-01-M

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Isophorone

The HHS' National Toxicology Program today announces the availability of the Technical Report describing toxicology and carcinogenesis studies of Isophorone, a solvent or cosolvent for polyvinyl and nitrocellulose resins, lacquers, finishes, pesticides, herbicides, and a variety of fats, oils and gums.

Toxicology and carcinogenesis studies of isophorone were conducted by administering 0, 250, 500 mg isophorone/kg body weight per day by gavage in corn oil to groups of 50 F344/N rats and 50 B6C3F$_1$ mice of each sex, 5 days per week for 103 weeks.

Under the conditions of these 2-year gavage studies, there was some evidence of carcinogenicity [1] of isophorone in male F344/N rats as shown by the occurrence of renal tubular cell adenomas and adenocarcinomas in animals given 250 or 500 mg/kg per day; carcinomas of the preputial gland were also observed at increased incidence in male rats given 500 mg/kg. There was no evidence of carcinogenicity in female F344/N rats given 250 or 500 mg/kg per day. For male B6C3F$_1$ mice, there was equivocal evidence of carcinogenicity of isophorone as shown by an increased incidence of hepatocellular adenomas or carcinomas (combined) and of mesenchymal tumors in the integumentary system in animals given 500 mg/kg per day and by an increase in malignant lymphomas in animals given 250 mg/kg per day. There was no evidence of carcinogenicity of isophorone in female B6C3F$_1$ mice given 250 or 500 mg/kg per day.

[1] The NTP uses five categories of evidence of carcinogenicity to summarize the strength of the evidence observed in each animal study: two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings ("equivocal evidence"), one category for no observable effect ("no evidence"), and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

Copies of *Toxicology and Carcinogenesis Studies of Isophorone in F344/N Rats and B6C3F$_1$ Mice (Gavage Studies)* (TR 291) are available without charge from the NTP Public Information Office, MD B2-04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone (919) 541-3991, FTS: 629-3991.

Dated: April 16, 1986.

David P. Rall,

Director.

[FR Doc. 86-8887 Filed 4-18-86; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Plan for the Use and Distribution; Wichita and Affiliated Tribes

April 9, 1986.

This notice if published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), as amended, requires that a plan be prepared and submitted to Congress for the use and distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on March 20, 1985, in satisfaction of the award granted to the Wichita and Affiliated Tribes (Keechi, Waco and Tawakonie) before the United States Claims Court in Dockets 371 and 372. The plan for the use and distribution of the funds was submitted to Congress with a letter dated October 29, 1985 and was received (as recorded in the Congressional Record) by the Senate on November 5, 1985 and by the House of Representatives on November 6, 1985. The plan became effective on February 26, 1986 as provided by the 1973 Act, as amended by Pub. L. 97-458, since a joint resolution disapproving it was not enacted. The plan reads as follows:

For the use and Distribution of the Wichita and Affiliated Tribes (Keechi, Waco and Tawakonie) of Oklahoma Judgment Funds in Dockets 371 and 372 Before the United States Claims Court.

The funds appropriated on March 20, 1985, in satisfaction of an award granted to the Wichita and Affiliated Tribes (Keechi, Waco and Tawakonie) in Dockets 371 and 372 before the United States Claims Court, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be used and distributed as follows:

Per Capita Payment Aspect

The Wichita and Affiliated Tribes (Keechi, Waco and Tawakonie) membership roll shall be brought current under the enrollment procedures, as provided in the Tribe's Governing Resolution adopted May 8, 1961, and amended on June 24, 1972 and on May 21, 1977; to include all eligible members born on or prior to and living on the effective date of this plan. Subsequent to the preparation and approval of the membership roll, the Secretary of the Interior (hereinafter "Secretary") shall make a per capita distribution of eighty (80) percent of the judgment funds, in sums as equal as possible, to each tribal enrollee.

Programming Aspect

Twenty (20) percent of the funds, and any shares remaining after the per capita payment provided above, shall be invested by the Secretary pursuant to the provisions of 25 U.S.C. 162a. The invested funds, including the interest and investment income accrued, shall be made available for use on a budgetary basis in programs of social and economic benefits, as proposed in the Tribe's plan of operation as recommended by the membership and subject to the approval of the Secretary.

The tribal membership shall have an opportunity to be heard in the development of all proposed programs and to discuss and take action upon them. The Executive Committee shall implement and administer the approved programs.

General Provisions

The per capita shares of living competent adults shall be paid directly to them. Per capita shares of legal incompetents and minors shall be handled as provided in the Act of October 19, 1973, (87 Stat. 466) as amended. The per capita shares of deceased individual beneficiaries shall be distributed to the heirs and legatees as determined in accordance with 43 CFR, Part 4, Subpart D.

None of the funds distributed per capita or held in trust under the provisions of this plan, shall be subject to Federal or State income taxes, and the per capita payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act or, except for per capita shares in excess

of $2,000 any Federal of federally assisted programs.

Ross O. Swimmer,

Assistant Secretary—Indian Affairs.

[FR Doc. 86-8845 Filed 4-18-86; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Prineville District; Advisory Council Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Prineville District Advisory Council will be held on May 29, 1986.

The Council will meet in the District conference room at 10:00 a.m. at 185 E. Fourth Street, Prineville, OR 97754.

The agenda will consist of a discussion of the exchange/land base adjustment program, the upcoming resource management plan/environmental impact statement for the Brothers/LaPine Planning Area located in the south half of the Prineville District and the decisions reached in the recently completed resource management plan for the Two Rivers Planning Area located in the north half of the district. The Take Pride in America Program which has been initiated by the Secretary of the Interior will also be discussed.

The public and news media is welcome to attend any segment of the Council meeting. Persons wishing to address the Council either orally or in writing should contact the District Manager at the above address by May 27, 1986.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within thirty days following the meeting.

James L. Hancock,

District Manager.

[FR Doc. 86-8846 Filed 4-18-86; 8:45 am]

BILLING CODE 4310-33-M

Spokane District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Spokane District Advisory Council will be held on Wednesday, May 21, 1986. The meeting will begin at 9:00 a.m. in the Conference Room of the BLM Spokane District Office, East 4217 Main Avenue, Spokane, Washington.

The agenda for the meeting is as follows:

1. Discussion of the Juniper Dunes Wilderness Area.
2. Discussion of the proposed BLM/USFS interchange.
3. Discussion of the Annual Work Plan.
4. Discussion of "Project Pride."
5. Discussion of old business.
6. Public comments and statements.

Any responsible person wishing to make an oral statement should notify the District Manager, Bureau of Land Management, Spokane District Office, East 4217 Main Avenue, Spokane, Washington 99202, or telephone (509) 456-2570 by the close of business, 4:30 p.m., Friday, May 16, 1986. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

A written report of the Council meeting will be maintained at the BLM Spokane District Office and will be made available for public inspection. Reproduction of the meeting report will be made available to the public at the cost of duplication. The meeting is open to the public and news media.

Joseph K. Buesing,

District Manager.

[FR Doc. 86-8829 Filed 4-18-86; 8:45 am]

BILLING CODE 4310-33-M

Colorado; Realty Action

AGENCY: Bureau of Land Management, Interior.

ACTION: Exchange of public and private lands in Conejos County. C-35455.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under section 206 of the *Federal Land Policy and Management Act of 1976,* (90 Stat. 2756; 43 U.S.C. 1716):

T. 33 N., R. 10 E., NMPM,
Sec. 35: NE¼,
T. 33 N., R. 11 E., NMPM,
Sec. 15: W½W½,
Sec. 20: E½NE¼, NE¼SE¼,
Sec. 21: N½, N½SE¼, N½SW¼,
Sec. 22: NW¼.

Comprising 1,080 acres of public lands.

In exchange for these lands the United States will acquire the following described lands from Stan and Lester Bagwell:

T. 32 N., R. 10 E., NMPM,
Sec. 12: SE¼NE¼, NE¼SE¼,
T. 32 N., R. 11 E., NMPM,
Sec. 7: Lots 2, 3 & 4, SE¼SE¼ and West 1011 ft. of NE¼SW¼,
Sec. 18: Lots 1, 3 & N½ of 4, E½NW¼, NE¼SW¼, N½SE¼SW¼,
T. 33 N., R. 11 E., NMPM,
Sec. 22: Lots 3 & 4, S½SW¼,
Sec. 27: Lots 1, 2, 3 and NW¼NW¼,
Sec. 28: Lots 1 and 2.

Comprising 792.67 acres M/L of private lands.

The purpose of this exchange is to acquire the non-Federal lands which have high public values for a rafting launch site, public outdoor recreational use, wildlife habitat and management of adjoining public lands. The lands to be obtained in the exchange will have good physical and legal access. The public lands to be transferred to non-Federal ownership have few or no public values.

The values of the lands to be exchanged are approximately equal; full equalization of values will be achieved by payment to the United States by Stan and Lester Bagwell of funds in an amount not to exceed 25 percent of the total value of the lands to be transferred out of Federal ownership.

Lands to be transferred from the United States will be subject to all valid existing rights. Included in the patent will be a reservation to the United States for rights-of-way for ditches and canals under the Act of August 30, 1890. A part of the land may be transferred subject to section 24 of the Federal Power Act.

Publication of this notice segregates the public lands from the operation of all non-discretionary appropriations, including the mining laws, for a period of 2 years from the date of first publication.

Further information concerning the exchange, including the environmental assessment is available for review at the San Luis Resource Area, Alamosa, Colorado.

For a period of 45 days from the date of first publication, interested parties may submit comments to Canon City District Office, 3080 East Main Street, Canon City, Colorado 81212, telephone (303) 275-0631.

Donnie R. Sparks,

District Manager.

[FR Doc. 86-8844 Filed 4-18-86; 8:45 am]

BILLING CODE 4310-JB-M

National Park Service

Intention To Negotiate Concession Contract; Ross Lake Resort, Inc.

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Regional Director of the Pacific Northwest Region of the National Park Service proposes to negotiate a concession contract for the continued

provision of marina services for the public at Ross Lake National Recreational Area within North Cascades National Park Complex in the state of Washington. The contract will be for a period of five (5) years from June 15, 1986 through June 14, 1991.

The existing concessioner, Ross Lake Resort, Inc., has performed its obligations to the satisfaction of the Secretary under a current contract. Therefore, pursuant to the Act of October 9, 1965, the existing concessioner is entitled to be given a preference in the negotiation of a new contract. This preference allows an existing satisfactory concessioner to offer to meet the terms of the best offer made in response to the terms of the Statement of Requirements if that offer is not that of the existing satisfactory concessioner.

For a copy of the Statement of Requirements describing the opportunity offered and including the application requirements, interested parties should write to the Superintendent, North Cascades National Park Complex, 2105 Highway 20, Sedro Woolley, Washington, 98284 or call Mr. Phil Parker, Concession Analyst, 206–856–5700.

The Secretary will consider and evaluate all proposals timely received. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

This contract action has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

Dated: March 19, 1986.

William J. Briggle,

Acting Regional Director, Pacific Northwest Region.

[FR Doc. 86–8881 Filed 4–18–86; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the seventy-sixth meeting of the Board for International Food and Agricultural Development (BIFAD) on May 13 and 14, 1986.

The purposes of the meeting are to consider an agenda for the second decade of Title XII, to hear presentations on the Biden-Pell grants for Development Education and the Agricultural Education Project in Cameroon, to consider proposed extensions of the Collaborative Research Support Programs on Peanuts and Small Ruminants, and to receive reports on the American Association of State Colleges and Universities, proposal for a program of linkages with smaller institutions, BIFAD's role in evaluation of Title XII Projects, policies affecting agriculture, and a study of institution-building projects of its universities in Africa.

The meeting will held at 1:30 and adjourn at 5:00 on May 13 and will begin at 8:30 on May 14 and adjourn at 12:30. Both days the meetings will be held in the Loy Henderson Conference Room in the State Department, 1st floor, Washington, DC 20523. Any interested person may attend, may present oral statements with the Board before or after the meeting, or may present oral statements in accordance with procedures, established by the Board, and to the extent the time available for the meeting permits. A person lacking a U.S. Government building pass acceptable to the State Department should notify Gretchen Berry of the BIFAD Staff (telephone (202) 647–6449) in order that arrangements may be made to facilitate entry into the building.

Erven J. Long, Director, Research and University Relations, Bureau for Science and Technology, Agency for International Development, is designated as AID Advisory Committee Representative at this meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, International Development Cooperation Agency, Washington, DC 20523, or telephone him at (703) 235–8929.

Dated: April 15, 1986.

Handy Williamson, Jr.,

Acting Director, Office of Research and University Relations.

[FR Doc. 86–8849 Filed 4–18–86; 8:45 am]

BILLING CODE 6116–01–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 290 (Sub-2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Approval of Rail Cost Adjustment Factor and Decision.

SUMMARY: The Commission has decided to approve the cost index filed by the Association of American Railroads (AAR) under the procedures of Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures.* Application of the index provides for a second quarter 1986 Rail Cost Adjustment Factor (RCAF) of 1.023. The RCAF shows a decrease of .046 or 4.3 percent in railroad input prices from the first quarter 1986 level of 1.069. Since the second quarter 1986 RCAF is below the level of a prior RCAF, no rate actions are ordered.

EFFECTIVE DATE: April 1, 1986.

FOR FURTHER INFORMATION CONTACT: Robert C. Hasek (202) 275–0938, or Douglas Galloway (202) 275–7278.

SUPPLEMENTARY INFORMATION: By decision served January 2, 1985 (50 FR 87, January 2, 1985) we outlined the procedures for the calculation of the all inclusive index of railroad input costs and the methodology for the computation of the RCAF. These procedures replaced an interim methodology which was formerly used. AAR is required to calculate the forecasted index on a quarterly basis and submit it on the fifth day of the last month of each calendar quarter.

We have reviewed AAR's calculations of the index for the second quarter of 1986 and find that, with the exception of the lease rental portion of the equipment rents component, these calculations comply with the rules contained in our decision served January 2, 1985. AAR's handling of lease rentals is acceptable on an interim basis.

The indexing rules call for the lease rental portion of the equipment rents component of the index to be calculated using actual data. On November 15, 1985, AAR filed a petition to reopen this proceeding for the purpose of modifying our rule concerning this component. AAR's petition is currently under consideration. At this time we will continue to accept use of the Producer Price Index for Industrial Commodities, less Fuel, Power and Related Products as a surrogate for the lease rental portion of the equipment rents component of the index. We have previously observed that the lease rental portion of the index is only 2.4 percent of the total and is not likely to have a major effect on the RCAF.

In our most recent decision in this proceeding we restated a lump sum payment to certain members of the United Transportation Union (UTU) by amortizing it over the life of the present union contract with interest at the three-month Treasury Bill interest rate. We

instructed AAR to continue this calculation by amortizing the principal balance over the remaining quarters using a three-month Treasury Bill interest rate available seven days prior to the submission date of the quarterly index. We have verified AAR's calculation and find that it complies with our instructions.

The major reason for the sharp decrease in the second quarter 1986 RCAF from the first quarter level is a projected 49.2 percent decrease in fuel prices. Additionally, all other components except Equipment Rents showed a slight decline from first quarter levels.

We find the RCAF for the second quarter of 1986 to be 1.023. This is a decrease of .046 or 4.3 percent from the first quarter of 1986. Since the second quarter RCAF is below a previously higher level, no rate actions are ordered.

The indices and RCAF derived from AAR's second quarter 1986 calculations are shown in Table "A" of the Appendix to this decision. Table "B" shows the fourth quarter 1985 index calculated on both an actual basis and a forecasted basis for comparative purposes.

We will issue a notice of proposed rulemaking (NPR) soon proposing changes in the final rules in this proceeding which were issued on January 2, 1985. The NPR will have an expedited comment period. We will propose that rates increased when the RCAF declines. That NPR will also solicit comments on whether the RCAF should be adjusted for forecast error. Action on petitions for reconsideration for the first quarter RCAF, adjustments to the second quarter RCAF, and for modification of railroad rate levels will be held in abeyance until issuance of a final notice in the proposed rulemaking. Because we are not ordering rollbacks at this time, our decision to make the new RCAF effective retroactively will have no immediate rate and tariff implications. Rather, the practical consequences of the April 1 implementaiton date will be addressed in our final decision(s) at the conclusion of the rulemaking proceeding.

This decision will not significantly affect the quality of the human environment or the conservation of energy resources. This proceeding will not have a significant adverse impact on a substantial number of small entities because these procedures simplify a formerly complex and burdensome rate increase procedure.

Authority: 49 U.S.C. 10321, 10707a, 5 U.S.C. 553.

Dated: April 15, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

James H. Bayne,

Secretary.

Appendix

TABLE A.—EX PARTE 290 (SUB-NO. 2) ALL INCLUSIVE INDEX OF RAILROAD INPUT COSTS

Line No. and index component	1984 weights	First quarter 1986 forecast	Second quarter 1986 forecast
1. Labor	50.5	150.4	149.7
2. Fuel	10.8	101.8	51.7
3. Materials and supplies	7.8	107.1	105.2
4. Equipment Rents	9.4	151.5	151.8
5. Depreciation	7.4	116.5	116.4
6. Other items [1]	14.1	120.3	120.2
7. Weighted Average	100.0	135.1	129.2
8. Linked Index [2]		129.3	123.7
9. Rail Cost Adjustment Factor [3] (10/1/82=100) 120.9=100		1.069	1.023

[1] Other items are a combination of Purchased Services, Casualties and Insurance, General and Administrative, Other Taxes and Loss and Damage, all of which are measured by the Producer Price Index for Industrial Commodities, less Fuel, Power and Related Products.

[2] Linking is necessitated by a change to 1984 weights beginning with the fourth quarter 1985. The following formula was used for the second quarter 1986 index:

$$\frac{\text{2nd Quarter 1986 Index (1984 Weights)}}{\text{1st Quarter 1986 Index (1984 Weights)}} \times \text{1st Quarter 1986 Index (Linked Index)} = \text{Linked Index (1980 Weights to 1984 Weights)}$$

or

$$\frac{129.2}{135.1} \times 129.3 = 123.7$$

[3] The denominator was rebased to an October 1, 1982 level in accordance with the requirements of the Staggers Rail Act of 1980.

Table B.—Ex Parte 290 (Sub-No. 2) Comparison of Fourth Quarter 1985 Index Calculated on Both a Forecasted and an Actual Basis

Line No. and index component	1984 weights (percent)	Fourth quarter 1985 forcast	Fourth quarter 1985 actual
1. Labor	50.5	139.0	139.0
2. Fuel	10.8	87.1	97.0
3. Materials and Supplies	7.8	107.7	107.7
4. Equipment Rents	9.4	151.8	151.5
5. Depreciation	7.4	116.0	116.4
6. Other Items	14.1	120.0	120.0
7. Weighted Average	100.0	127.8	128.8
8. Linked Index		122.3	123.3
9. Rail Cost Adjustment Factor		1.012	[1] 1.020

[1] For comparative purposes only, an RCAF for the fourth quarter 1985 has been calculated using actual data. The published RCAF for the fourth quarter 1985 was computed using forecasted data.

[FR Doc. 86-8818 Filed 4-18-86; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30783]

James River Corporation et al.—Control Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505 the Commission exempts James River Corporation (JR) from 49 U.S.C. 11343 for the acquisition by JR of control of Crown Zellerbach Corporation (CZ) and in turn of Western Transportation Co., Inc., a wholly-owned subsidiary of CZ, subject to employee protective conditions. The operating rights of Palantic Steamship Co., Inc. are cancelled and the request to exempt the acquisition, by JR of control of Palantic Steamship Co., Inc., through the acquisition of control of CZ, is dismissed.

DATES: This exemption is effective April 28, 1986.

Petitions to reopen must be filed by May 12, 1986.

ADDRESSES: Send pleadings referring to Finance Docket No. 30783 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representatives: Richard H. Catlett, Jr., McGuire, Woods & Battle, One James Center, Richmond, VA 23219.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

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

Decided: April 14, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

James H. Bayne,

Secretary.

[FR Doc. 86-9026 Filed 4-18-86; 10:52 am]

BILLING CODE 7035-01-M

NATIONAL SCIENCE FOUNDATION

Committee Management, Notice of Establishment

A determination has been made that the establishment of the Advisory Panel for Advanced Scientific Computing is necessary and in the public interst in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), and other applicable law. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Name of Panel: Advisory Panel for Advanced Scientific Computing.

Purpose: To advise on the merit of proposals for the establishment of national supercomputer centers and for the establishment of appropriate networking methods between researchers, institutions, and the centers.

Dated: April 16, 1986.

M. Rebecca Winkler,

Committe Management Officer.

[FR Doc. 86-8874 Filed 4-18-86; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specfic problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for pemits and licenses.

The draft guide, temporarily identified by its task number, CE 301-4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Standard Format and Content for the Safety Analysis Report for Onsite Storage of Spent Fuel Storage Casks" and is intended for Division 3, "Fuels and Materials Facilities." It is being developed to provide guidance on the type of information needed by the NRC staff for its evaluation of a Safety Analysis Report for storage of spent fuel in casks at a nuclear reactor site. The guide also provides a format for submitting this information.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC. Comments will be most helpful if received by June 16, 1986.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 14th day of April 1986.

For the Nuclear Regulatory Commission.

Guy A. Arlotto, Director,

Division of Engineering Technology, Office of Nuclear Regulatory Research.

[FR Doc. 86-8868 Filed 4-18-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-382, License No. NPF-38 EA 85-10]

Louisiana Power & Light Co. (Waterford, Unit 3); Order Imposing Civil Monetary Penalties

Louisiana Power & Light Company (the licensee) is the holder of Operating License NPF-38 (the license) issued by the Nuclear Regulatory Commission (the Commission or NRC) on March 16, 1985. The license authorizes the licensee to operate the Waterford 3 Steam Electric Station, Unit 3 in accordance with the conditions specified therein.

II

NRC safety inspections of the licensee's activities under Construction Permit CPPR-103 were conducted from June 1983-September 1985. During these inspections, the NRC staff determined that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalties (NOV) was served upon the licensee by letter dated May 24, 1985. The NOV stated the nature of the violations, the provisions of the NRC's requirements that the licensee had violated, and the amount of the civil penalties proposed for the violations. The licensee responded to the NOV on July 19, 1985. Upon consideration of the licensee's response, and the statements of fact, explanations, and arguments for remission or mitigation of the proposed civil penalties contained therein, as set forth in the Appendix to this Order, the Director, Office of Inspection and Enforcement, has determined that civil penalties in the amount of One Hundred Ten Thousand Dollars ($110,00) should be imposed.

III

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2282, Pub. L. 96-295, and 10 CFR 2.205, it is hereby ordered that:

The licensee pay civil penalties in the amount of $110,000 within thirty days of the date of this Order by check, draft, or money order payable to the Treasurer of the United States and mailed to the Director, Office of Inspection and Enforcement, USNRC, Washington, DC 20555.

IV

The licensee may, within thirty days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement at the above address. A copy of the hearing request shall also be sent to the Executive Legal Director, Office of the Executive Legal Director, USNRC, Washington, DC 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee violated NRC requirements as set forth in the Notice of Violation and Proposed Imposition of

Civil Penalties, as amended by the enclosed Appendix, and

(b) Whether on the basis of such violations this Order should be sustained.

Dated at Bethesda, Maryland, the 10th day of April 1986.

For the Nuclear Regulatory Commission.

James M. Taylor, Director,

Office of Inspection and Enforcement.

Appendix

On May 24, 1985 a Notice of Violation and Proposed Imposition of Civil Penalties (NOV) was issued to Louisiana Power and Light Company (LP&L) for violations of NRC requirements identified during several special and routine NRC inspections. LP&L's response to the NOV was provided in a letter dated July 19, 1985. The response provides the reasons why the licensee believes several proposed violations are not violations and why mitigation of some of the proposed civil penalties is appropriate. LP&L also provides additional information unavailable at the time of the NRC inspection and clarifies existing information regarding the disputed violations. The contested violations are restated below followed by a description of the licensee's response, and the NRC's evaluation and conclusions. Violations that are admitted and where mitigation is requested are not restated. However, a description of licensee's response and the NRC's evaluation and conclusions are provided as appropriate.

Violation I.D—Failure To Take Adequate Corrective Action (Licensee admits Violations I.A, I.B, I.C, I.E, I.F., and I.G)

Criterion XVI of 10 CFR 50, Appendix B requires that measures be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition.

Louisiana Power and Light (LP&L) Quality Assurance (QA) Manual Section QR 16.0, Revision 2, "Corrective Action," paragraph 16.3, requires, in part, that LP&L and its major contractors implement procedures for correction of significant conditions adverse to quality which include determining the cause(s) of the significant adverse conditions, taking prompt corrective action to prevent repetition of the adverse conditions, and documenting and reporting the adverse conditions along with their determined cause(s) and corrective actions to appropriate levels of management for review and assessment.

Contrary to the above:

LP&L failed to take adequate actions to correct two Significant Construction Deficiencies (SCD) 73 and 78 which they issued on April 11, 1983, and April 28, 1983, respectively, to address welding deficiencies by American Bridge in the Reactor Containment Building and the Reactor Auxiliary Building. A comprehensive reinspection program was initiated by LP&L and rework has been completed. A subsequent inspection by the NRC of approximately 380 welds fabricated by Peden Steel Company, which was an American Bridge subcontractor, revealed several welds which did not meet the specified acceptance criteria.

Reference (Ref): Construction Appraisal Team (CAT) [NRC Inspection Report 50–382/84–07], Section VIII.B.4.

Summary of the Licensee's Repsonse

LP&L admits the violation as stated with the following exceptions. LP&L denies that corrective actions for SCD–73 were incomplete in that SCD–73 was retracted by LP&L and became a subset of SCD–78. Thus, actions were completed for SCD–73 under the scope of SCD–78. Additionally, since Peden Steel was not a subcontractor for American Bridge, the scope of both SCDs did not include Peden Steel activities. LP&L does admit, however, that corrective actions were incomplete for SCD–78. The NRC identified that the scope of SCD–78 did not, but should have, included the American Bridge work on the missile framing for both steam generators.

NRC Evaluation of Licensee's Response

The NRC staff reviewed SCD–73, dated April 11, 1983, and SCD–78, dated April 28, 1983, and verified that SCD–73 had been incorporated into SCD–78. In addition, the NRC staff's review verified that Peden Steel was not a subcontractor for American Bridge and, therefore, was not within the scope of SCD–73 or SCD–78. However, the failure of the licensee to include work performed by American Bridge on the steam generator missile framing as part of the total reinspection effort identified in the scope of SCD–78 sufficiently illustrates an example of a significant weakness that existed in LP&L's implementation of its quality assurance program with regard to its corrective action program.

Conclusion

The subject violation has been amended to read as follows:

LP&L failed to take adequate actions to correct Significant Construction Deficiency 78, issued on April 28, 1983 that addressed welding deficiencies by American Bridge in the Reactor Containment Building and the Reactor Auxiliary Building. A comprehensive reinspection program was initiated by LP&L and rework has been completed. However, work performed by American Bridge on the steam generator missile framing was not included in the scope of Significant Construction Deficiency 78.

The NRC staff views this as a single example of the licensee's failure to take adequate corrective action to identified problems. Therefore, as actions taken to resolve deficiencies identified by Significant Construction Deficiency 73 were apparently appropriate, the civil penalties associated with Violation I.D. are being mitigated 50%, a reduction of civil penalties in the amount of Two Thousand Five Hundred Dollars ($2,500).

Violation II—Failure to Ensure Qualification of QA Personnel

Summary of Licensee Response

LP&L admits the violation as stated in the NOV. However, the licensee requests mitigation of the civil penalties proposed for this violation in that, because of the potential severity of this violation, it initiated and completed prompt, intensive, and exhaustive corrective action. Specifically, a verification program was implemented to review the professional credentials of 100 percent of the Quality Assurance/Quality Control (QA/QC) personnel ever employed during the construction phase of Waterford 3 who performed safety-related activities. In addition, the NUS Corporation provided an independent overview of the program.

The licensee's conclusion, as communicated in the "Collective Significance" document as part of its response to the Prelicensing Assessment, indicated that with the exception of Mercury Company, the disposition of most deficiencies identified in Prelicensing Assessment Nos. 1 and 10 did not require any reinspection. For Issue No. 20, an engineering evaluation of the work performed by the Construction Management Team (CMT) personnel established that questions about personnel qualifications did not render the work indeterminate. Also, many other methods (e.g., Authorized Nuclear Inspector, Nondestructive Examination, perequisite preoperations/integrated testing, overinspections, etc.) provide assurance that quality has been built into the plant. Since no significant hardware changes were required, positive evidence as to the adequacy of the overall Construction QA program was provided.

NRC Evaluation of the Licensee's Response

The QA program is required to provide control over activities affecting the quality of identified structures, systems, and components to an extent consistent with their importance. One aspect of this QA program is the need for verification of quality by inspection and tests. To ensure the validity of this verification of quality, the personnel performing activities affecting quality must possess sufficient education and experience, and be suitably trained, to achieve and maintain proficiency in performing their activities.

When a breakdown in the quality verification program occurs, extensive corrective actions are necessary to reestablish confidence in the structures, systems, and components important to safety. LP&L accomplished this by implementing a verification program for the review of the professional credentials of 100 percent of the QA/QC personnel ever employed at Waterford 3 who performed safety-related work, performing engineering evaluations of work performed by individuals that may not have been qualified, and using other methods (e.g., ANI, NDE, prerequisite preoperations/integrated testing, overinspections, etc.) which provided assurance that quality had been built into the plant.

The NRC staff acknowledges that LP&L has taken corrective actions. However, these actions were not unusually prompt nor extensive in view of the severity of the

problem, and were necessary to verify the quality of the plant *after* the construction of the facility was essentially completed. The intent of the QA program is to provide control over activities while they are in progress. These violations provide multiple examples where LP&L's QA program did not ensure qualification of QA personnel performing safety-related inspection activities while construction activities were in progress. Therefore, mitigation of the civil penalties for prompt and extensive corrective actions is not appropriate.

Conclusion

The NRC staff believes that imposing the proposed civil penalty amount associated with Violation II is warranted. Mitigation based on prompt and extensive corrective action for this violation is not appropriate in this case. Furthermore, the civil penalties emphasize the need for LP&L to ensure that QA/QC personnel satisfy the appropriate qualification requirements during the operations phase so that an effective operations QA program can be better implemented.

Violation III—Failure to Adequately Disposition Conditions Adverse to Quality

(Only the pertinent portions of the violation that are denied are restated below.)

Criterion XVI of 10 CFR 50, Appendix B requires that measures to be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition.

LP&L QA Manual Section QR 16.0, "Corrective Action," paragraph 16.2, requires in part that the major contractors and their suppliers establish written procedures for identifying, for determining the cause of, for evaluating, and for correcting conditions adverse to quality, such as failures malfunctions, deficiencies, deviations, defective material and equipment and nonconformances.

A. Ebasco Procedure ASP–III–7, Issue K, "Processing of Nonconformances," paragraph 4.3 defines a nonconformance as a condition in characteristics, documentation, or procedure which renders the quality of the item or service unacceptable or indeterminate. Attachment 7.1, Item 15, requires that the recommended disposition provide specific resolution to correct the nonconforming condition, provide specific resolution to correct the nonconforming condition, including program changes necessary, i.e., revision to specifications, procedures, retraining of personnel, etc. In addition, Item 20 requires that a separate individual evaluate the disposition to ensure that the recommended disposition provides justification as applicable to support and document compliance with applicable codes and standards or makes reference to the appropriate analysis reports.

Contrary to the above, the disposition for the following examples of Ebasco NCRs was not adequate to resolve the identified nonconformance. (30 examples were provided for this violation. The examples are restated as necessary in the Summary of the Licensee's Response below.)

B. Mercury Procedure SP–669, "Procedure for Handling of Nonconformances and Corrective Action," paragraph 4.2, defines a disposition as, "Those actions required to resolve a nonconformance."

Contrary to the above, the recommended disposition for the following examples of Mercury NCRs was not adequate to resolve the identified nonconformance . . . (15 examples were provided for this violation. Examples are restated as necessary in the Summary of the Licensee's response below.)

C. Ebasco Procedure ASP–IV–70, "Handling of Engineering Discrepancy Notices," in paragraph 4.1 defines a discrepancy as "A deviation from the specified requirements (including procedures) that can be readily corrected in accordance with standard approved operating procedures or specifications based on good engineering practices. Discrepancies do not require an elaborate engineering evaluation or disposition for correction. They are deviations from good engineering practice and procedures."

Contrary to the above, LP&L and its contractor Ebasco demonstrated a pattern of dispositioning Engineering Discrepancy Notices (EDNs) "accept as is" or "use as is" when Ebasco Procedure ASP–IV–70, "Handling of Engineering Discrepancy Notices," did not allow this disposition. The correct disposition of an EDN is to bring the subject item into conformance or generate a nonconformance for disposition.

Examples of EDNs dispositioned "accept as is" are:

1. EDN–EC–1648 Arc strikes and undercut.

2. EDN–C–1618 Procedural violations on rework of emergency diesel generator component.

3. EDN–EC–1476 MT or PT on the weld root pass was bypassed.

Ref: SSER–7, A–302.

Summary of the Licensee's Response

The licensee denies ten of the thirty examples in Violation III.A., denies three of the nine examples in Violation III.B, and denies Violation III.C in its entirety. The licensee did not address six of the examples in Violation III.A and these are presumed to be admitted. LP&L also requests mitigation of the civil penalties proposed for Violations III.A and III.B. A description of each of the licensee's arguments for the contested violations follows:

III.A. *Citation: NCR–7139*—Involved field inspections of horizontal seismic supports for radiation monitors RE–HV 5021S, and RE–HV 0200.6S. Only the data for the RE–HV 5021S support was the correct attachment.

Response: The licensee denies the violation stating that the disposition was properly implemented in accordance with the Nonconformance Report (NCR). Only a minor revision was necessary to substitute the documentation for support 38E089 with the documentation for 35E088. The disposition was unaffected by this revision. (Note: Correct support designation should be RE–UV–50315, not RE–UV–50215)

Citation: NCR–6159—Inspection of tubetrack welding identified that prior to July 1982, an unknown quantity of welding was performed using WPS–"B" procedure without backing plates. Traceability problems were not identified and addressed by the NCR–6159. In addition, the sample used for tensile testing the welds should have been representative of the weakest weld joint in lieu of the strongest (i.e., worst case example should have been used to conduct tests).

Response: The licensee denies this violation. The licensee, while it maintains that traceability was not in fact a subject or a concern of this NCR, indicates that tubetrack materials were purchased, received and maintained by Ebasco's QA program. Also, the tensile test specimen to which the violation refers was designed to obtain tensile strength of the weld joint so that, when converted to stress, the strength could be translated in subsequent calculations utilizing geometries of the real joints and the manner of load application.

Citation: NCR–7547—Noted discrepancies against OCR–1830 and Mercury NCR–0806. The disposition was based on passing hydrostatic test for acceptability of fitup discrepancy between the union and tubing. The disposition does not account for the effects of service conditions such as vibration and cyclic loads; and an engineering evaluation was not performed.

Response: LP&L denies the violation in that the disposition was based on field inspection and rework of connections, not on satisfying hydrostatic test criteria for acceptability. The connections were also radiographed to further ensure fit-up was acceptable. Ebasco Specification LOU 1564–100 requires minimum engagement of ¼" where as actual was 5/16". Therefore, fit-ups of the connections were acceptable.

Citation: NCR–1650—Identified that the pressure gauge on the anchor bolt tension tester was out of tolerance, reading +450 psi higher than actual. The NCR disposition was to retest all anchor bolts installed prior to the date the tension test gauge was determined to be out of calibration. However, the affected bolts cannot be identitfied since the torquing procedure, QCP–309, did not require the recording of the tester serial number.

Response: LP&L denies the violation. LP&L argues that the disposition to the NCR does not require identification of the specific anchor bolts tested, only that an anchor bolt be retested for each representative group. However, LP&L indicates that as a result the NRC staff's disposition concern, corrective action had not been implemented on all representative groups of anchor bolt.

Citation: NCR–6165—States " . . . welder R–1 is not qualified to this procedure. . ." The disposition states,". . . Measures taken to preclude recurrence is required. . ." No indications of the actions taken could be located.

Response: LP&L denies the violation. The disposition as originally written referenced welder R–1 instead of welder R–7. Welder R–7 was qualified to the welding procedure, so a noncomforming condition never existed. LP&L maintains that the disposition as originally written on the face of the NCR was

adequate to resolve the identified nonconformance.

Citation: NCR–7182, NCR–7180, NCR–7181, NCR–7184, NCR–6723—These NCRs also involve a violation of ANSI N45.2, Section 13 requirements in that QCP 309 did not require the tension testing equipment's serial number, calibration date, and pressure gauge number to be recorded.

Response:—LP&L denies that the NCRs involve a violation of ANSI N45.2, Section 13 in that Quality Control Procedure (QCP) 309 did not require the tension testing equipment serial number, calibration date and pressure gauge number to be recorded. LP&L admits that QCP 309 did not require recording of the above information; however, its program provides all controls necessary to meet ANSI N45.2, Section 13. Therefore, the dispositions were in fact adequate to resolve all nonconformances that were identified.

Citation: NCR 6514—The problem of traceability for the weld being performed was still in question; not addressed. The NCR also questioned use of some Bergen-Patterson designed supports installed by Mercury without traceability. This problem was also not addressed by referenced attachment.

Response: LP&L denies the violation. Traceability of welds was not a subject of this NCR as written. Rather, the use of Bergen-Patterson designed supports installed by Mercury Company without traceability was questioned. The disposition accepted the supports as installed as no unqualified steel was used by Mercury Company to fabricate safety-related supports; the affected supports were not required to be fabricated in accordance with ASME Section III, subsection NF requirements; and structural members supplied originally by Bergen-Patterson were not stamped with heat numbers and is the probable cause of Mercury's documentation not noting heat numbers. LP&L maintains this NCR was therefore dispositioned properly.

Citation: NCR–4219 (Mercury–614)—Identified a violation of WCP 3110.4, paragraph 6. The sample system piping had been bent downward causing a low point in the piping. The piping was being forced down by support SLRR–188. QCP–3110.4 stated that "tubing must be properly routed." This disposition stated that ". . . tubing was reevaluated after support SLRR–188 and sample line were installed, after completion of Penetration 29 work." There were no records for rework or reinspection to indicate satisfactory reinstallation of supports and sample lines.

Ref: SSER–7, A–33 (applicable to all above NCRs).

Response: LP&L denies the violation. This dispositon was signed by the instrumentation and control engineer who, once Penetration #29 was reworked, as documented on Mercury Company NCR 684, evaluated the affected piping and verified that it met the installation criteria. Therefore, LP&L maintains this NCR was dispositioned properly.

Citation: NCR–7724— Addressed problems with the qualification of Mercury welders. Ebasco's disposition of this NCR failed to determine if (1) welder M–109 had performed welds to WPS–Y for which he was not qualified; (2) welder M–101 had performed welds to WPS–Y for which he was not qualified; (3) welder M–85 had performed welds to WPS–D after his qualifications record had been voided.

Ref: SSER–7, A–215.

Response: LP&L denies the violation in that the welders referenced in the NCR were appropriately qualified to the appropriate procedures, but due to documentation errors, their qualification appeared questionable. The licensee maintains that the disposition to the NCR resolves these discrepancies and was adequate to resolve the nonconformance. However, based on the above dispositions, a Welder Qualification records review was performed to assure that discrepancies did not exist regarding welding procedure accuracy. The review identified no additional deficiencies and concluded that the Welder Qualification Records were accurate.

Citation: NCR–6719/R1—Identified problems with Mercury hydrostatic test conditions. The Ebasco disposition of the NCR was based on analyzing the "worse case" hydrostatic test conditions; however, only one test was reviewed by Ebasco.

Response: LP&L denies the violation. The licensee maintains that three tests were in fact analyzed by Ebasco. Later, a worst case hydrostatic test configuration was identified. The licensee notes that Ebasco did not "assume" a worst case but actually determined a worst hydrostatic test. Several hydrostatic test configurations had to be evaluated before the worst case could be determined.

Ref: SSER–7, A–49.

III.B *Citation: NCR–363*—Indicated a problem with fitup of emergency diesel generator fuel oil tank "A". This was a safety-related system; therefore, an authorized nuclear inspector (ANI) review should have been performed, but was not.

Response: LP&L denies the violation in that the ASME process pipe connected to the emergency diesel generator fuel oil tank "A" as described in the NCR is an ASME Class 3 installation and does not require ANI review.

Citation: NCR–554.—Noted numerous problems with supports during a walkdown. There was no proof of work being performed to correct these problems other than a memo (Form 211) stating that work was performed.

Response. LP&L denies the violation in that Form 211 attached to the NCR is a standard Mercury Quality Control Report on which the QC Inspector documented his inspection of acceptable resolution to each identified concern. Additionally, Form 211 references Mercury Company Work Package #1723 which was found to contain documentation of all rework activities required by the NCR.

Citation: NCR–658—Identified problems with OCR 1671 seismic Category I support, B–430–X23–J–42. The NCR stated "the disposition has been completed, all rework documented." There was other no documentation in the package other than the NCR W3–7317 acceptance letter.

Response: LP&L deinies the violation in that Mercury Company Nonconformance Procedure SP–664 does not specifically require supporting documentation to be attached to an NCR if is cross-referenced to the NCR. Although documentation was not in the package, the NCR and rework documentation were cross-referenced for retrievabiltiy and verification that corrective action was completed.

Ref: SSER–7, A–232 (applicable to NCRs included in Violation III.B).

III.C. The licensee denies this violation in its entirety. The licensee arues that procedures were followed, dispositions were made, and corrective actions were taken. LP&L maintains that procedure ASP-IV-70, "Handling of Engineering Discrepancy Notices" (EDNs), states, in sections 6.3.2.4 and sections 6.3.2.5, respectively:

"The Engineering Inspector may either provide the recommended disposition himself or forward the EDN to the appropriate discipline Resident Engineer for recommended disposition. Once the recommended disposition has been completed, the EDN shall be forwarded to the appropriate discipline Senior Resident Engineer, or his designee, for disposition."

"After the Senior Resident Engineer, or his designee, has provided the disposition, he shall indicate to whom the EDN is to be referred for corrective action, or whether an ESSE evaluation is required. (An ESSE evaluation is required whenever the disposition recommends or accepts a deviation from approved design criteria.)"

The licensee further argues that the violation documents the supposition that correct EDN dispositions require conformance or generation of an NCR for disposition. The procedure did not prohibit any specific disposition, but did require controls for appropriate dispositioning and concurrence.

NRC Evaluation of the Licensee's Response

The NRC staff notes that Violations III.A and III.B included 39 examples of problems identified in LP&L's program of dispositioning conditions adverse to quality, 13 of which were disputed by the licensee. (The NRC staff also notes that not response was received from the licensee for six of the examples in Violation III.A). The NRC staff reviewed the NCRs where LP&L denied that a violation in fact existed and, using the additional information and clarified dispositions provided by the licensee, determined that those NCRs had been properly dispositioned (NCRs 7139, 6159, 7547, 1650, 6165, 7182, 7180, 7181, 7184, 6723, 6514, 4219, 7724, 6719/R1, 363, 554, and 658). However, at least three of these 13 examples required additional comprehensive reviews because of inaccurate information provided in the NCRs (NCRs 6514, 7724, and 6165). In addition, the licensee acknowledged that even though deficiencies were processed in accordance with site procedures, the procedures did not provide adequate specific guidelines, which led to the excessive need for judgments and interpretation. As a result, the LP&L Operations OA Audit (SA–W3–QA–84–06, performed January 24–30, 1984), and the continued screening review of 100 percent of Ebasco and subcontractor NCRs to varying degrees, throughout 1984, was necessary to determine the extent of this problem.

Therefore, the NRC staff believes that the remaining examples are sufficient to establish that the violations were themselves significant enough to warrant civil penalties. In addition, since extensive reviews were required to assess the adequacy of the licensee's nonconformance reporting program, the NRC staff believes that mitigation of the civil penalties based on extensive corrective actions would not be appropriate.

With regard to Violation III.C, the NRC staff's concern involved the use of EDNs rather than NCRs, not whether the processing of EDNs was procedurally controlled. As the violation as proposed stated, ". . . paragraph 4.1 defines a discrepancy as deviation from the specified requirements (including procedures) *that can be readily corrected* (emphasis added) in accordance with standard approved operating procedures or specifications based on good engineering practices . . ." The NRC staff evaluation of the three EDNs cited in the violation indicated that the conditions documented may have represented a greater problem than that of a discrepancy as defined by ASP-IV-70, paragraph 4.1. Furthermore, the NRC staff believes that a more elaborate evaluation of these problems may have been appropriate. However, upon further review, the NRC staff also agrees that the procedure did not prohibit any specific disposition, such as "use-as-is," as the licensee successfully argued. Therefore, Violation III.C is being withdrawn.

Conclusion

Violations III.A and III.B should be amended to delete the examples of the violations LP&L denied in its response. The NRC staff views the remaining examples sufficient to establish the licensee's significant failure to adequately disposition conditions adverse to quality. However, since some of the examples are being withdrawn, a reduction of the proposed civil penalties associated with Violations III.A and III.B in the amount of Two Thousand Five Hundred Dollars ($2,500) is warranted. Violation III.C is also being withdrawn, reducing the proposed civil penalties' amount by another Five Thousand Dollars ($5,000).

Violation IV—Failure to Establish QA Program for Application of Nuclear Protective Coatings

Summary of the Licensee's Response

The licensee admits the violation occurred as stated in the NOV. However, LP&L believes that this violation warrants mitigation due to the following extenuating circumstances. Corrective actions, as defined in its response, were extensive. Deficiencies associated with this violation were reported to the NRC as a Significant Construction Deficiency in accordance with the requirements of 10 CFR 50.55(e) and all corrective actions have been completed.

NRC Evaluation of the Licensee's Response

The NRC staff acknowledges that the licensee took corrective action in evaluating and repairing the protective coatings for the interior of the containment vessel. However, these repairs and evaluations were necessary to ensure the integrity of the protective coatings and to determine the effect failed coatings material may have on safety systems during a design basis accident. In addition, the NRC staff acknowledges the submittal of the required report and the completion of all corrective actions.

However, the NRC staff views the failure of LP&L to implement a QA program for application of nuclear protective coatings as significant weakness that existed in LP&L's QA program during construction. The corrective actions taken were necessary because of this weakness and, therefore, are considered neither prompt nor extensive. Thus, the NRC staff does not believe that mitigation of the civil penalties proposed for Violation IV is warranted. The NRC staff is imposing the full civil penalty amount associated with this violation to emphasize to the licensee the importance for it to ensure similar weaknesses are not carrier over into the operational QA program.

Conclusion

The request for mitigation of the civil penalty associated with this violation has been denied.

Violation V—Failure To Maintain Quality Assurance Records (Only the pertinent portions of the violation that are denied are restated below.)

Criterion XVII of 10 CFR 50, Appendix B, requires that sufficient records be maintained to furnish evidence of activities affecting quality. The records shall include at least the following: operating logs and the results of reviews, inspections, tests, audits, monitoring of work performance and material analyses. The records shall also include closely related data such as qualifications of personnel, procedures, and equipment. Inspection and test records shall as a minimum, identify the inspector or data records, the type of observation, the results, the acceptability, and the action taken in connection with any deficiencies noted. Records shall be identifiable and retrievable. Consistent with applicable regulatory requirements, the applicant shall establish requirements concerning record retention, such as duration, location, and assigned responsibility.

LP&L QA Manual Section QR-2.0, "Quality Assurance Program," Table 2.1, states that LP&L is committed to guidance document ANSI N45.2.9, "Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Plants," draft 11, Revision O, January 1, 1973. This ANSI standard requires that the licensee retain QA records in accordance with the retention periods listed in Appendix A of this standard. The following is a sample list of types of records with the retention periods indicated.

Record type	Permanent	Years after commercial operation
Concrete Placement Records	X	
Soil Compaction Test Reports	X	
Field Inspection Report and Release Material Properties Reports.	X	
Performance Test Procedures and Results Records.	X	
Nonconformance Reports	X	
Welding Personnel Qualifications		2
Welding Procedures	X	
Welding Inspection Reports (Magnetic, Liquid Penetrant, Radiographic, Ultrasonic).	X	
Welding Filler Metal Material Reports	X	

Contrary to the above, the NRC inspectors noted that the following QA documents had not been maintained as required by ANSI N45.2.9 . . . (Ten examples were provided for this violation. The examples are restated as necessary in the Summary of the Licensee's Response below.)

Summary of the Licensee's Response

LP&L denies three of the ten examples cited in Violation V. LP&L further requests mitigation of the proposed civil penalties for the seven examples admitted. Specifically, the licensee admits Examples A and B of Violation V recognizing that accountability measures for Ebasco and Mercury NCRs could have been enhanced early in the construction phase. Mitigation of civil penalties is requested on the basis that these two violations has no impact on actual hardware installations and that closed or voided Ebasco and Mercury NCRs were accounted for. LP&L also admits Example D, but requests mitigation of proposed civil penalties based on its extensive corrective actions for inspector qualifications and certification as explained in the Summary of Licensee Response for Violation II. In addition, the licensee admits Examples E, F, G, and I of Violation V, but believes they represent isolated and minor examples of missing documentation. Documentation noted by NRC to be missing was found (Example G), or the associated hardware was determined to be adequate, based on evaluation or reconstruction of other associated documentation (Examples E, F, G, and I). In addition, for Examples E and I, Ebasco and LP&L performed a review of 100 percent of the concrete placement packages to assure overall program adequacy. For Example G, an extensive analysis was performed and concluded that the soil backfill was capable of resisting all impound loads including seismic effects. (Note: In Item E, "3 of 5" should read "5 of 5." Concrete placement package 593-501-16 should read 499-503-16.)

Violations V.C., V.H., and V.J. are denied by LP&L, and are restated below with the response following.

V.C. *Citation:* CB&I did not maintain records of coating materials purchased from Carboline for applications to the inside of the containment vessel.

Ref: SSER-7, A-256.

Response: The licensee denies this violation believing that this violation is subsumed by Violation IV. Chicago Bridge and Iron's contract had no QA requirements for protective coatings applications inside the

containment. Hence no records of coating materials purchased from Carboline were maintained.

V.H. *Citation:* Inspection documentation does not exist for several bolted connections on the east and west main steam line framing (elevation +46 and above).

Ref. SSER-7, A-30.

Response: LP&L denies the violation as stated. SCD-78, dated March 29, 1983, identified deficiencies in American Bridge structural steel installations and documentation (reference NRC Violation I.D.). LP&L recognizes and agrees that corrective actions (scoping) were inadequate, but maintains that in place programs and procedures would have required proper reinspection and documentation if the SCD corrective actions had been scoped properly. Ebasco procedures ASP-IV-128 and 129 had been developed when SCD-78 was issued. These procedures would have been used and were, in fact, used after the scoping problem was brought to its attention.

V.J. *Citation:* CCW system structure (cooling tower) pour package (499-804-8A1). The top of the wall pour was identified as not being covered with water for one day during that airing period. Discrepancy Notice (DN) L308 specified that the normal curing period be extended two extra days. Curing information for the final day was not in the package.

Ref: CTA, section V.B.1.

Response: LP&L denies the violation as stated in the NOV in that Discrepancy Notice DN-C-308 was dispositioned in error on October 20, 1976 to extend the curing time for the concrete placement to four days (from October 20-23, 1976). The licensee subsequently issued NCR W3-236. This NCR become the higher tier and controlling document. Since the NCR (W3-236) did not require any additional curing days in that the disposition was "accept-as-is", no additional reports were required to be maintained.

NRC Evaluation of the Licensee's Response

The NRC staff reviewed Examples C, H, and J of Violation V using the information provided in the licensee's response. As a result of this review, the NRC staff is withdrawing Examples C, H and J from the NOV. With regard to Example H, whether or not procedures were developed that would have been used to require inspection and documentation is not at issue for the cited violation. The fact that documentation did not exist at the time of the NRC review effort is at issue, and the response provided by LP&L to the cited violation addresses this issue. With regard to Example J, the NRC staff would point out that the Discrepancy Notice is a QA record that should reflect accurate information, even though it is a "lower tier" document. Furthermore, its disposition appears appropriate with regard to the concern of shrinkage cracking, a concern that is not always addressed by simply satifying compressive strength requirements.

The NRC staff believes the seven remaining examples cited in Violation V are sufficient to establish the failure of LP&L to properly maintain QA records during the construction process. Extensive reviews were performed by the licensee to assure program adequacy due to weaknesses that existed in the licensee's QA program during construction. In the NRC staff's view, mitigation of the civil penalties associated with Violation V based on the performance of these required reviews would not be appropriate. Even though the associated hardware was determined to be adequate, it is significant that these intensive inspections and investigations were necessary. Also, these civil penalties emphasize to the licensee the importance the NRC places on the maintenance of QA records.

Conclusion

Examples C, H, and J have been withdrawn from Violation V. No mitigation of civil penalties associated with this violation is warranted.

Violation VI—Failure to Adequately Review Quality Assurance Records

Summary of the Licensee Response

LP&L admits the violations as stated in the NOV. The licensee believes these violations identified were either a misinterpretation of requirements (Example A) or were isolated instances in which in-place design control requirements were not followed (Examples B and C). The licensee believes that mitigation is warranted based on prompt and extensive corrective actions.

NRC Evaluation of the Licensee's Response

These examples represent deficiencies identified by the NRC in various reviews after the licensee's contractor had conducted its document reviews performed to verify the acceptability of the Construction-Installation Records. Two of these (Examples A and B), are considered particularly significant in that hardware changes as well as additional reviews were required to verify the acceptability of the installations. These examples are indicative of LP&L's failure to adequately review QA records. In addition, actions taken by the licensee were not unusually extensive in view of the problems identified. Therefore, mitigation of the Civil penalties associated with this violation would not be appropriate.

Conclusion

No mitigation of the Civil penalties associated with Violation VI is warranted.

Violation VII—Improper Welder Certification

Criterion XVI of 10 CFR 50, Appendix B, requires that measures be established to assure that special processes, including welding, heat treating, and nondestructive testing, are controlled and accomplished by qualified procedures in accordance with applicable codes, standards, specifications, criteria, and other special requirements.

LP&L QA Manual section QR 9.0, Revision 2, "Control of Special Processes," requires that "Special process control records shall provide objective evidence that special processes were performed in compliance with approved special process control procedures by qualified personnel. Results of nondestructive examinations, inspections, and tests shall be recorded in accordance with applicable codes, standards, and specifications. Special process control shall be retained by the vendor and/or supplied to LP&L as required by contract or purchase order. Qualifications records of procedures, equipment, and personnel associated with special processes shall be established, filed, and kept up-to-date."

Contrary to the above, the following examples of Mercury welder certification records indicated the welders were certified to welding procedures for which they were not qualified.

A. Welder M-44—Was originally qualified to WPS-B but the record had been retyped and incorrectly indicated the welder was qualified to WPS-Y. The NRC staff reviewed the welder's qualifications record, but could find no qualification to WPS-Y.

B. Welder M-109—The NRC staff found that the welder's WPS-Y qualifications record was dated November 26, 1982, and voided October 22, 1983; however, the welder qualification status record did not show qualification or welding performed to WPS-Y.

C. Welder M-9—This welder's qualification status record reflected dates different than those recorded on the welder qualifications record for WPS-E. This record had been revised to change the qualification test date from December 18, 1979, to December 18, 1978. However, the welder qualification status record indicated the test was performed on December 18, 1979, as originally dated.

D. Welder M-101—This welder was originally qualified to WPS-B but the welder's qualification test record had been revised and the qualification changed to WPS-Y. The NRC staff reviewed the welder's qualification record, but could find no qualification to WPS-Y.

Ref: SSER-7, A-215

Summary of the Licensee Response

LP&L denies the violation as stated. A review of all Mercury welders for proper qualifications was initiated in October 1983 as a result of the disposition to NCR-W3-7218. The review revealed that Mercury welders making safety and seismic welds were properly qualified with the exception of one welder. The identified exception was dispositioned using NCR-W3-7219. Since the NRC review, NCR-W3-7218 has been supplemented with an attachment that provides a clearer and more auditable documentation of the review.

NCR-W3-7724 was issued as a result of concerns regarding discrepancies in Mercury welder qualifications records noted by the NRC inspectors during the special inspections. The licensee determined that welders had welded to processes for which they were qualified with the exception of welder M-315. This welder did perform a weld out of his qualifications; however, the weld was rejected in process by the Mercury QC inspector and redone by a qualified welders.

NRC Evaluation of the Licensee's Response

Based on the licensee's response the NRC staff agrees with LP&L's contention that the violation is not valid as stated in the NOV. The licensee argues that welders were

certified to welding procedures for which they were qualified. Based on the supplementary documentation to NRC–W3–723 and a reevaluation of NCRs W3–7219 and W3–7724, the NRC staff agrees with that argument. The four examples cited in the violation indicated that documentation provided for certification of the welders was not appropriate to reflect the welder's qualifications and therefore, not properly established, filed, and kept up-to-date. In addition, at the time of the NRC review, these records were incomplete and difficult to retrieve. However, since welders were certified to welding procedures for which they were qualified, a reduction in the civil penalties associated with this violation is warranted.

Conclusion

Violation VII is being withdrawn from the NOV. The civil penalties associated with this violation are being withdrawn in the amount of Five Thousand Dollars ($5,000).

Violation VIII—Failure to Properly Identify Conditions Adverse to Quality (Only the pertinent portion of the violation that is denied is restated below.)

Criterion XVI of 10 CFR 50, Appendix B, requires that measures be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and NCRs are properly identified and corrected.

LP&L QA Manual section 16.0, "Corrective Action," paragraph 16.2, requires, in part, that the major contractors and their suppliers establish written procedures for identifying, for determining the cause of, for evaluating, and for correcting conditions adverse to quality such as failures, malfunctions, deficiences, deviations, defective material and equipment, and nonconformances.

B. Ebasco Procedure ASP–III–7, "Corrective Action," paragraph 6.2.1, requires, in part, that an NCR be issued if the condition cannot be corrected within the scope of approved engineering drawings, specifications, or procedures, or if elaborate engineering evaluation is required, or involves items designed ASME section III. Paragraph 4.3 of this procedure defines a nonconformance as "a condition in characteristic, documentation, or procedure which renders the quality of an item or service unacceptable or indeterminate. Examples of nonconformances include: physical defects, test failures, incorrect or inadequate documentation, or deviation from prescribed inspection or test procedures."

Contrary to the above, the following efficiencies were identified during performance of Ebasco Quality Assurance Instruction QAI 9, "Review and Handling of Construction—Installation Records":

Item 1. *Q3–CC–1C–6*—[1] 9.2 dated May 27, 1983 reviewed Item 1—Torque wrench CT–339 was designated by field instructions for torquing of bolts to 90 ft/lbs. This wrench, designated for work between 0–600 ft/lbs. had not been calibrated for use in the lower range. Resolution was "use as is" since the bolts are evenly torqued, but resolution did not address the problem with the calibration of the torque wrench. An NCR should have been issued.

Item 2. *Q2–SI–1C–89*—[1] 9.2 dated March 24, 1983, reviewed item—Dravo certified material test report (CMTR) which indicated the piping material specified as 376TP304. The bill of material specified the material as 358TP304. An NCR should have been issued.

Item 3. *Q2–LW3–SI–10–F/E*—[1] 9.2 reviewed Item 11—Supplemental data was added to quality assurance records. The additions were neither initialed or dated, as required by ANSI N45.2.9, paragraph 3.2.6. An NCR should have been issued.

Item 4. *QMC-HYPO P11.E*—[1] 9.2 reviewed Items 43, 78, and 81—Penetration test reports were generated s a result of the work required by CIWA 820914 and FCR 1498 R1 for the installation of seal rings in penetrations. The work performed was not inspected or documented. An NCR should have been issued.

Ref: SSER–7,A–05

Summary of the Licensee's Response

The licensee admits that Example A occurred as stated in the NOV and that an NCR should have been written: however, the licensee requests mitigation based on prompt corrective action nd claims no adverse safety condition would have resulted had the deficiency gone undetected.

LP&L denies that Example B occurred based on paragraphs 7.3.3 to 7.3.5 of Ebasco Procedure QAI–9, Revision 2. The licensee believes these procedural requirements provide adequate assurance that Ebasco Form QAI–9.2, "Construction Installation Records Deficiency Reports," was reviewed for potential nonconforming conditions. The licensee believes the items cited in Example B are not considered to have been potentially nonconforming; however, further clarification should have been provided with the 9.2 resolutions.

The licensee recognizes that Example C reflects the NRC concern identified in the Prelicensing Assessment Issue No. 4; however, mitigation of the proposed civil penalties is requested in that no issues revealed conditions that required physical plant changes. No lower tier documents that were judged to warrant processing as an NCR described conditions which, if left uncorrected, would adversely affect plant safety, and upgrading the documents to NCRs would not have changed the dispositions or corrective actions. Furthermore, during a review of sampled documents, no defects (a hardware deficiency which if left uncorrected would adversely affect safety) were found and on that basis there was a confidence level of 95 percent that 90 percent of the total population neither described conditions that have safety significance nor met the reportability criterion of 10 CFR 50.55(e) and 10 CFR Part 21.

(Note for Example B: Correct Q3–CC–IC–16 to Q3–CC–1C–6 for Item 1, Correct date May 5, 1983 to May 21, 1983 for Item 1, Correct Q2–ST–1C–89 to Q2–S1–1C–89 for Item 2, Correct Q2–W3–ST–10F/E to Q2–LW3–S1–10–F/E for Item 3, Correct QMC–HVPO–P11E to QIVC–HVPO–P11–E for Item 4, Correct FCR 1490 R1 to FCR 1498R1.)

[1] Refers to Quality Assurance Instruction QAI–9, Attachment 9.2, "Construction—Installation Records Deficiency Report."

NRC Evaluation of the Licensee's Response

This violation addresses what the NRC staff perceived as examples of the licensee's failure to properly identify conditions adverse to quality. Eight different items in three different areas were cited. The licensee admits four of the items, and denies the remaining four items in one area (Example B).

An effective QA program that is implemented during the construction phase looks to identify and correct problems as constuction progresses. A strong corrective action program ensures conditions adverse to quality are identified, and corrected and recurrence is pervented. As a result of the NRC reviews, the NRC staff concluded that LP&L did not have a strong corrective action program in-place during construction, and extensive inspections and investigations were necessary to establish the extent of nonconformances when some were identified. For instance, one example of a violation of separation criteria was identified in Example A. LP&L then inspected 53 additional N1 instrument lines were 13 violations out of 276 locations were identified. All violations were evaluated and found acceptable. A walkdown of 12 other N1 instrument lines was performed, and one item required rework. While these reviews resulted in few hardware changes, they were necessary to verify the quality of construction at Waterford 3 because of the number of problems identified by the NRC in the various areas. Although the licensee requests mitigation for prompt corrective action, in the NRC staff's view, mitigation of any of the civil penalties associated with Example A, or any of the examples in Violation VIII, would deemphasize the importance for the licensee to ensure it has a strong corrective action program during operation, and that nonconformances are *promptly* identified and corrected. Such a program must be in-place during both construction and operation.

The NRC staff does not agree with LP&L that all of the items cited in Example B are not potentially nonconforming. The NRC staff does agree with LP&L for two of the items, and items 3 and 4 are being withdrawn from Example B. However, for items 1 and 2, from the information provided both during the NRC review and in the licensee's response, these items should have been documented on NRCs for evaluation and disposition in accordance with the appropriate requirements. In item 1, the torquing of flange bolts to the required values specified in field instruction with a torque wrench that was not calibrated or of an incorrect range renders the actual torque values indeterminate. Likewise, for item 2, a conflict between a certified material test report and a bill of material would not be recognized as a clerical error by the individual performing the record review, otherwise the problem would not have been documented. Thus, by procedure, an NRC should have been written as the material was indeterminate.

In the NRC staff's view the three items cited in Example C are considered significant, particularly item 3. The NRC staff would point out that it does not agree that these deficiencies are minor and controllable without the additional review provided by an

NCR. For the same reasons as discussed above, mitigation is not warranted.

In summary, the NRC staff's concern involving Violation VIII was that the example cited in the violation represented a pattern of documenting nonconformances (items requiring an engineering evaluation) on documents or in systems other than the system approved by the LP&L QA program. The NRC staff believes the six items are in themselves sufficient to establish a weakness in the LP&L QA program for the failure to properly identify conditions adverse to quality.

Conclusion

Items 3 and 4 of Example B in Violation VIII are withdrawn from the NOV. No mitigation or reduction in the civil penalties associated with Violation VIII is warranted.

Violation IX—Inadequate Procedures to Control Activities Affecting Quality (Only the pertinent portion of the violation that is denied is restated below.)

Criterion V of 10 CFR 50, Appendix B, requires that activities affecting quality shall be prescribed by documented instructions, procedures, or drawings of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings.

LP&L QA Manual Section QP–5.0, Revision 2, "Instructions, Procedures and Drawings," required that "Safety-related activities of LP&L and its major contractors shall be described in documented instructions, procedures, drawings, specifications, checklists, or manuals appropriate to the circumstances. Activities such as design, procurement, manufacturing, construction, installation, testing, inspection, and auditing shall be accomplished in accordance with these documents."

Contrary to the above, review of the following procedures revealed that the instructions were inadequate to ensure that activities affecting quality were correctly executed.

A. Ebasco Procedure ASP–IV–18, Issue Q, "Receiving, Storage, Issuing and Control of Welding Electrodes and Filler Materials," does not meet the storage and rebake requirements for storage of AWS A5.1 (7018), electrodes, as described by AWS D1.1–1980, to which Ebasco is committed. American Welding Society AWS D1.1–1980 requires that low hydrogen electrodes conforming to AWS A5.1 be purchased in hermetically sealed containers or be dried for at least 2 hours between 450 °F and 500 °F before they can be used. Electrodes shall be dried prior to use if the hermetically sealed container shows evidence of damage. Immediately after opening of the hermetically sealed container or removal of the electrodes from drying ovens, electrodes shall be stored in ovens held at a temperature of at least 250°F (120°C). After the opening of hermetically sealed containers or removal from drying or storage ovens, electrode exposure to the atmosphere shall not exceed 4 hours prior to being returned to the storage area. In the case that electrodes are exposed for a period greater than 4 hours, the electrodes are required to be redried.

Ebasco Procedure ASP–IV–18 requires that electrodes be stored in ovens of a temperature between 200–300 °F for approximately 8 hours following removal from the hermetically sealed container and prior to use. Covered electrodes are not to be exposed to ambient temperatures for more than 4 hours and if unused are to be returned to the storage ovens for 8 hours prior to reissuance. No instructions are given for electrodes exposed for a period greater than 4 hours.

Ref: SSER–7, A–215

Summary of Licensee Response

LP&L denies Example A contending that instructions were adequate to ensure activities affecting quality were correctly executed. The licensee does admit that Ebasco weld material control procedure, ASP–IV–18, never provided for rebaking weld rods. However, the procedure did require low hydrogen electrodes be redried or destroyed if the four hour American Welding Society (AWS) Code exposure limit was exceeded. This method was used to provide adequate drying using conventional rod ovens as opposed to rebake ovens which required higher temperatures. The required temperature and times did differ from AWS D1.1; however, they did meet ASME section II, Part C, SFA 5.1, which is endorsed by AWS.

In addition, LP&L retained the weld rod manufactuer to duplicate this drying process which showed the technique to be adequate. Furthermore, the NRC staff previously determined that noted conditions had no safety significance or impact on hardware. [Reference SSER 9, "Discussion of 23 Issues as presented in the June 13, 1984 letter from D. G. Eisenhut (NRC) to J. M. Cain, LP&L, Issue 22."]

The licensee admits that the procedure as cited in Example B used by LP&L construction QA for "transfer" reviews was not approved until March 22, 1984. However, the licensee requests mitigation of proposed civil penalties based on their extensive reviews finding no adverse safety conditions resulting from the use of an unapproved procedure.

NRC Evaluation of the Licensee's Response

Example A was based upon the time and temperature requirements delineated in AWS D1.1–1980 to which Ebasco was committed to for control of low hydrogen electrodes (7018). The use of time and temperature requirements as established in ASME Section II, Part C, SFA 5.1, without first verifying the adequacy of the drying process, as opposed to the rebake process, using a suitable test program constitutes a failure to control an activity that directly affects quality. Ebasco Procedure ASP–IV–18, Issue O, "Receiving, Storage, Issuing, and Control of Welding Electrodes and Filler Materials," did not meet the storage and rebake requirements for storage of AWS A5.1 (7018) electrodes as described by AWS D1.1–1980. The procedure therefore was inadequate to control the rebake process for low hydrogen (7018) electrodes.

Example B is viewed to be significant by the NRC staff. The review performed by LP&L was necessary to determine if preoperational testing was adversely affected or invalidated and if system operability may have been jeopardized. This review was necessary because of the inadequate implementaton of LP&L's QA program. Therefore, mitigation of any of the civil penalties associated with Example B would not be appropriate.

Conclusion

Example A of Violation IX was accurately identified as an inadequate procedure to control activities affecting quality. Thus, no reduction in the propsed civil penalties amount is warranted. In addition, mitigation of the civil penalties associated with Example B would not be appropriate.

Violation X—Failure to Control Conditionally Released Equipment

Summary of the Licensee's Response

The licensee admits the violation as stated in the NOV, but requests mitigation of the proposed civil penalties based on extensive reviews and the argument that no adverse safety condition existed.

NRC Evaluation of the Licensee's Response

The NRC staff does not consider that mitigation would be appropriate in that the review performed by LP&L was necessary to verify that Conditional Certifications of equipment and other conditional release conditions have been identified, reviewed and resolved.

Conclusion

No mitigation of civil penalties associated with Violation X is appropriate.

Violation XI—Failure to Maintain Design Control

Summary of the Licensee's Response

LP&L admits that approved procedures for design control were not followed or lacked clarity but denies that this violation represents a 10 CFR Part 50, Appendix B, Criterion III violation since the design control program was in place.

NRC Evaluation of the Licensee's Response

The NRC staff recognizes that Ebasco Procedure ASP–IV–58, Revision E. "Attachment to Seismic Supports," required that added loads be reported to engineering for inclusion into the "Seismic Allowable Load Chart." The examination of 28 seismic cable tray and HVAC supports by the NRC CAT inspector revealed that 18 exhibited loads were not shown on the design documents. Based on the potential significance and number of examples identified, the NRC staff concluded that the controls provided by the Ebasco procedure were not sufficient to ensure that added loads were identified and included on the "Seismic Allowable Load Chart." While a design control program was in place, weaknesses existed such that additional measures were necessary for the identification and control of design interfaces and for coordination among participating design organizations to satisfy the requirements of 10 CFR Part 50, Appendix B. Criterion III, "Design Control."

Conclusion

The use of 10 CFR Part 50, Appendix B, Criterion III in this violation is appropriate.

Violation XII—Failure to Adequately Perform Document and Design Control Reviews

The licensee admits this violation.

Violation XIII.C—Failure to Implement an Adequate Inspection Program (LP&L admits Violations XIII.A and XIII.B)

Criterion X of 10 CFR 50, Appendix B, requires that a program for inspection of activities affecting quality be established for and executed by or for the organization performing the activity to verify conformance with the documented instructions, procedures, and drawings for accomplishing the activity.

LP&L QA Manual Section 10, "Inspection," paragraph 10.1, requires, in part, that LP&L's major contractors establish programs for inspection during manufacturing and construction to assure conformance with applicable instructions, procedures, drawings, specifications, and contract requirements.

C. Contrary to the above, the licensee did not ensure that an adequate inspection program was implemented by their contractors to ensure that HVAC restraints were inspected to the actual as-built configuration.

Ref: CAT, section III.B.3

Summary of the Licensee's Response

The licensee denied this violation as stated. All cases noted in the NRC review were installations that conformed to the alternate installation details as shown on Ebasco design drawings, but did not conform to the contractor (Waldinger) generated "fabrication tickets" (shop fabrication drawings) which reflected basic design details. These contractor generated "fabrication tickets" were considered supplementary to the Ebasco (Contract) design drawings (which is noted on many of the Waldinger drawings). Therefore, acceptance of the modified connection based on alternate allowable design drawings was valid with regard to procedure requirements.

Waldinger's procedure should have stated that inspection criteria could be either "fabrication tickets" or design drawings" which would have prevented the NRC finding and this alleged violation.

NRC Evaluation

Based on the additional information provided, the NRC has concluded that Violation XIII.C should be withdrawn.

Conclusion

The subject violation has been withdrawn. Withdrawal of the civil penalties in the amount of Five Thousand Dollars ($5,000) associated with this violation is warranted.

[FR Doc. 86-8875 Filed 4-18-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-369 and 50-370]

Duke Power Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to the Duke Power Company (the licensee) for the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

Environmental Assessment

Identification of Proposed Action

The proposed amendments would change the Technical Specifications to provide for operation up to full power with the Upper Head Injection Accumulator (UHI) System functionally disabled (i.e., with UHI isolation valves closed) or with UHI physically removed.

Other changes associated with UHI isolation or removal would also be made to appropriate Technical Specifications. These include deletion of Technical Specifications requiring UHI system maintenance, surveillance, and leakage verification and modification of Technical Specifications to reflect deletion of UHI related containment penetrations and associated conductor overcurrent protective devices, containment isolation valves, and system piping snubbers. The proposed Technical Specifications also reflect changes to the ECCS cold leg injection accumulators to increase the operable range limits of the nitrogen gas cover-pressure (from 430 and 484 psig to 585 and 639 psig), and to decrease the operable range limits of their water volume (from 8022 and 8256 gallons to 6870 and 7342 gallons). The changes to the ECCS cold leg injection accumulators would also be accompanied by appropriate modifications to instrumentation alarm functions and procedures, and by replacement of flow restricting orifices in their discharge piping with orifices of smaller diameter; however, these accompanying changes do not involve a change to the Technical Specifications.

The proposed action is in accordance with licensee's letters dated May 9, October 2 and 14, December 17 and 23, 1985, January 14, March 17, and April 8, 1986.

The Need for the Proposed Action

The licensee has requested this action because the UHI system has been found to cause frequent maintenance problems and operational delays. Filling and venting requirements of the UHI System add about 10 hours to a startup from cold shutdown conditions. The system contributes to occupational radiation exposure during normal operation (i.e., during surveillance and maintenance) and during refueling outages requiring removal or reconnection of injection piping to the reactor vessel upper head. The continuing operational difficulties and radiological exposures associated with the UHI system would be eliminated upon completion of system removal.

Environmental Impacts of the Proposed Action

A. Plant Radiological Releases

The UHI system performs no function during normal operation but serves to mitigate accidents after they occur. Therefore, no adverse change in plant radiological or non-radiological releases would occur for normal operation of the plant with the UHI system isolated or removed.

Plant performance and consequences after an accident or transient are the same with the UHI system functionally disabled (isolated) as with the UHI system physically removed. By letter dated October 2, 1985, and amended March 17, 1986, the licensee provided safety analyses for loss-of-coolant accidents (LOCA) and non-LOCA transients for the planned configuration (no UHI operation, modified cold-leg injection) using Commission approved analytical models and methodology. The Commission has reviewed these analyses and finds that the radiological and non-radiological releases for accidents and transients are not increased. The Commission, with the technical assistance of a contractor, Sandia National Laboratories, has also performed independent plant performance analyses of a LOCA using more realistic models (TRAC) and assumptions and finds that the UHI system is of only marginal (if any) benefit in mitigating conditions during and after a LOCA, and that no significant changes in fuel damage or radiological releases would occur after a LOCA without UHI operation.

Accordingly, Commission findings in the Final Environmental Statement Related to Operation of William B. McGuire Nuclear Station, Units 1 and 2, dated April 1976, and its January 1981 addendum, regarding radiological and non-radiological releases from the plant during normal operation or after accidents are not adversely altered by this action.

B. Occupational Radiological Aspects of UHI Removal

By letters dated October 29, 1985 and December 23, 1985, the licensee described the construction changes and activities associated with UHI removal. The principal tasks involve (1) replacing or reboring four cold leg accumulator flow element orifice plates, (2) cutting of the reactor vessel head penetrations and welding on caps, followed by hydrotesting, (3) removing UHI piping, valves, support/restraints and instrumentation, (4) capping various UHI piping interfaces with other systems, (5) capping two 12-inch containment penetrations, (6) relocating the level transmitters on the cold leg accumulators and (7) capping accumulator lines at the accumulator. The submittals compared the dose incurred from task performance (144 person-Rem for the two units) with dose avoided through reduced maintenance, inspection and operational requirements (420 person-Rem for the two units), and found a net exposure savings of 276 person-Rem over plant life due to UHI removal. The Commission has evaluated the radiological aspects of the proposed changes against the criteria of Chapter 12 of the Standard Review Plan (NUREG–0800) and Regulatory Guide 8.8, "Information Relevant to Ensuring that Occupational Radiation Exposures at Nuclear Power Stations will be as Low as it is Reasonably Achievable," and has concluded that the radiological aspects of UHI removal have been fully considered, and that the radiation protection measures planned for the tasks are acceptable to protect the workers, and will result in doses that are as low as is reasonably achievable.

C. Waste

Removal of the UHI related components and associated tasks is estimated by the licensee to generate about 807 cubic feet of contaminated components for each McGuire unit, mostly comprised of various-diameter pipe, valves, hangers, Grayloc disconnectors and thermal sleeves. About 94% of this component volume is estimated to contain low or medium radiation and contamination levels for a total waste activity of about 1.4 curies; and the other 6% (about 55 cubic feet) from near the reactor vessel head area is estimated to contain high radiation and contamination levels for a total waste activity of about 5.2 curies. The total estimated radioactivity associated with these components is, therefore, 6.6 curies The components will either be decontaminated and scrapped or transported to Barnwell, South Carolina for burial as low-level waste. The licensee estimates that using the decontamination option would reduce the waste volume for disposal to about one cubic foot. The total estimated activity of 6.6 curies represents only approximately 3.0% of the total activity shipped from McGuire in solid waste in 1985. Disposal and shipment of radioactive materials will be performed in accordance with applicable regulatory requirements.

D. Conclusion

Plant radiological and non-radiological releases during normal operation or after an accident will not be increased by the proposed action. Disposal of system components would add only a small fraction to the radioactivity normally shipped from the site in solid waste. The radiological exposure of construction workers during UHI removal will be as low as is reasonably achievable, and will be less than the dose which would, otherwise, result to personnel observing and maintaining the UHI system for the remainder of plant life. Accordingly, we conclude that this proposed action would result in no significant adverse environmental impact.

Alternative to the Proposed Actions: Since we have concluded that the environmental effects of the proposed action are negligible, any alternatives with equal or greater environmental impact need not be evaluated.

The principal alternative would be to deny the requested amendments. That alternative, in effect, is the same as the "no action" alternative. Neither alternative would reduce environmental impacts of plant operation but would result in increased personnel radiation exposure during plant life.

Alternative Use of Resources: This action does not involve the use of resources not previously considered in connection with the Nuclear Regulatory Commission's Final Environmental Statement dated April 1976 or its addendum dated January 1981 related to this facility.

Agencies and Persons Consulted: The NRC staff reviewed the licensee's requests of May 9, October 2 and 14, December 17 and 23, 1985, and January 14, March 17 and April 8, 1986. The NRC staff discussed this action with the ACRS Subcommittee on ECCS on February 21, 1985, and March 26, 1986, and with the ACRS Full Committee on April 10, 1986.

Finding of No Significant Impact: The Commission has determined not to prepare an environmental impact statement for the proposed license amendments.

Based upon this environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for amendment dated May 9, 1985, and its supplements dated October 2 and 14, December 17 and 23, 1985, January 14, March 17, and April 8, 1986; the Final Environmental Statement related to operation of William B. McGuire Nuclear Station, Units 1 and 2 (NUREG–0063) dated April 1976, including its addendum dated January 1981; and ACRS Transcripts dated February 21, 1985, March 26 and April 10, 1986 which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28242.

Dated at Bethesda, Maryland, this 16th day of April 1986.

For the Nuclear Reguatory Commission.

Darl S. Hood,

Acting Director, PWR Project Directorate No. 4, Office of Nuclear Reactor Regulation.

[FR Doc. 86–8869 Filed 4–18–86; 8:45 am]

BILLING CODE 7590–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Hydropower Assessment Steering Committee; Meeting

AGENCY: The Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Hydropower Assessment Steering Committee to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1–4. Activities will include:

- Hydro assessment: Rivers study, anadromous fish;
- Protected areas designation consultation;
- FERC update;
- Other; and
- Public comment.

DATE: April 24, 1986. 9:30 a.m.

ADDRESS: The meeting will be held in the Council's meeting room, 850 SW. Broadway, Suite 1100, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Peter Paquet, 503–222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 86–8820 Filed 4–18–86; 8:45 am]

BILLING CODE 0000–00–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–15052; File Nos. 812–6103 and 3–6578]

E.F. Hutton & Co. Inc. and The E.F. Hutton Group Inc.; Application for Exemption From Section 9(a) of the Investment Company Act of 1940—Notice of Filing of Consultants' Reports and Deadlines for Submitting Participation Requests and Written Submissions

April 15, 1986.

Notice is hereby given that Nelson S. Kibler and Frederick M. Werblow, the independent consultants selected by E.F. Hutton & Company Inc. ("Hutton") and The E.F. Hutton Group Inc. (collectively, "Applicants"), and accepted by the Commission, to examine, respectively, Hutton's policies and practices regarding the handling of customer securities and monies and its investment company operations, have filed their reports and recommendations. *See* Investment Company Act Release No. 14774 (Oct. 29, 1985), Securities Exchange Act Release No. 22949 (Feb. 25, 1986) and Investment Advisers Act Release No. 1014 (Feb. 25, 1986). The reports are available for public inspection in the Commission's Public Reference Branches at its Headquarters Office in Washington, DC and Regional Offices in Chicago and New York.

Notice is hereby further given that interested persons wishing to be heard or otherwise participate in the hearing on Applicants' request for permanent relief from section 9(a) of the Investment Company Act of 1940 have 30 days from the date hereof in which to file a reqeust to do so; and parties to the matter, and interested persons allowed to participate in the matter, will have 60 days from the date hereof in which to file written submissions with the Commission on the issues to be considered in the hearing. Interested persons should refer to Investment Company Act Release No. 14774, cited above, for the procedure by which they may seek to participate in the hearing, the issues to be considered in the hearing, and the type of written submissions which may be made to the Commission in this matter.

By the Commission.

John Wheeler,

Secretary.

[FR Doc. 86–8822 Filed 4–18–86; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Incorporated

April 16, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following securities:

Kaneb Energy Partners, Ltd.

Depositary Units representing Limited Partnership Interests (File No. 7–8906)

Zenith Laboratories, Inc.

Common Stock, $0.09 Par Value (File No. 7–8907)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 7, 1986, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86–8873 Filed 4–18–86; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD–86–029]

National Boating Safety Advisory Council; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the National Boating Safety Advisory Council to be held on Tuesday and Wednesday, May 13 & 14, 1986, at the Beach Quarters Hotel, 5th & Oceanfront, Virginia Beach, Virginia, beginning at 9:00 a.m. and ending at 4:00 p.m. on both days. The agenda for the meeting will be as follows:

1. Introduction of new Council Members.
2. Review of action taken at the 36th Meeting of the Council.
3. Members' Items.
4. Executive Director's Report.
5. Regulatory review.
6. Capacity Plate Replacement Subcommittee report.
7. Update on Hybrid Life Preserver project.
8. Report on 1985 Boating Accident Statistics.
9. Update on Regulatory Project, Operating a Vessel While Intoxicated.
10. Reply to Members' Items.
11. Remarks by Chief, Office of Boating, Public, and Consumer Affairs.
12. Chairman's Session.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time. Additional information may be obtained from Captain M. B. Stenger, Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard, (G–BBS), Washington, DC, 20593, or by calling (202) 426–1080.

Issued in Washington, DC, April 16, 1986.

L.C. Kindbom,

Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public, and Consumer Affairs.

[FR Doc. 86–8850 Filed 4–18–86; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

Advisory Circular: Cutouts in a Modified Fuselage of Small Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Draft Advisory Circular (AC) Availability and Request for Comments.

SUMMARY: This AC provides information and guidance concerning acceptable means of compliance with Part 23 of the Federal Aviation Regulations (FAR) applicable to the structural substantiation of a fuselage modified by incorporation of large or small cutouts.

DATE: Commenters must identify File AC 23–5X; Subject: Cutouts in a Modified Fuselage of Small Airplanes, and comments must be received on or before June 20, 1986.

ADDRESS: Send all comments on the proposed draft AC to: Federal Aviation Administration, ATTN: Regulations and Policy Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Joseph W. Burress, Aerospace Engineer, Regulations and Policy Office (ACE–110), Aircraft Certification Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; commercial telephone (816) 374–6941, or FTS 758–6941.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this proposed draft AC by writing to: Federal Aviation Administration, Aircraft Certification Division, Regulations and Policy Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

Comments Invited

Interested parties are invited to submit comments on the proposed draft AC. The proposed draft AC and comments received may be inspected at the offices of the Regulations and Policy Office (ACE–110), Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, Missouri, between the hours of 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

Background

Incorporation of large cutouts in a fuselage is one of the most significant structural modifications made to an airplane. Such modifications include large cargo door cutouts, baggage door cutouts, enlargement of existing doors, installation of oversize windows, etc. Small cutouts in a fuselage cause less of a structural problem. These modifications include such items as camera window cutouts, auxiliary power unit (APU) intake and exhaust cutouts, antenna cutouts, etc. The redistribution of axial and shear loads, pressure loads, and changes in stiffness and fatigue strength are considerations that should be evaluated. If multiple cutouts are close to one another, superposition of loads may occur.

Issued in Kansas City, Missouri, April 10, 1986.

Barry D. Clements,

Manager, Aircraft Certification Division.

[FR Doc. 86–8804 Filed 4–18–86; 8:45 am]

BILLING CODE 4910–13–M

Research and Special Programs Administration

Applications for Renewal or Modification of Exemptions or Applications to Become a Party to an Exemption; Correction

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for renewal or modification of exemptions or application to become a party to an exemption; correction.

SUMMARY: This document corrects a notice published in the **Federal Register** on Thursday, April 10, 1986 on page 12433. The closing date for comments should have been April 24, 1986 instead of March 26, 1986.

Issued in Washington, DC, on April 15, 1986.

Joseph T. Horning,

Chief, Exemptions and Approvals Division, Office of Hazardous Materials Transportation.

[FR Doc. 86–8823 Filed 4–18–86; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirement Submitted to OMB for Review

Date: April 15, 1986.

The Department of the Treasury has submitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, P.L. 96–511. Copies of this submission may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0625
Form Number: SWR–E 2486
Type of Review: Extension
Title: Letter Requesting Documentation or Information Supporting Exemption from Windfall Profit Tax Under Section 4991 and 4494, IRS
Clearance Officer: Garrick Shear (202) 566–6150, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224
OMB Reviewer: Robert Neal (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Joseph F. Maty,

Departmental Reports Management Office.

[FR Doc. 86–8861 Filed 4–18–86; 8:45 am]

BILLING CODE 4810–25–M

Public Information Collection Requirement Submitted to OMB for Review

Date: April 16, 1986.

The Department of the Treasury has submitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, P.L. 96–511. Copies of this submission may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: 1515–0068
Form Number: CF 28
Type of Review: Extension
Title: Customs Form 28
Clearance Officer: Vince Olive (202) 566–9181, U.S. Customs Service, Room 6321, 1301 Constitution Avenue, NW., Washington, DC 20229
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Joseph F. Maty,

Departmental Reports Management Office.

[FR Doc. 86–8860 Filed 4–18–86; 8:45 am]

BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 76
Monday, April 21, 1986

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).

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1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., Wednesday, April 23, 1986.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Md.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED:

1. Enforcement Matter OS# 3789a

The staff will brief the Commission on issues related to OS# 3789a.

2. Enforcement Matter OS# 5550

The Commission will consider Enforcement Matter OS# 5550.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301–492–6800.

April 16, 1986.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 86–8882 Filed 4–17–86 9:35 am

BILLING CODE 6355-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., Thursday April 24, 1986.

LOCATION: Third Floor Hearing Room, 1111–18th Street, N.W., Washington, DC

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

FY'88 Planning

The staff will brief the Commission on proposed Fiscal Year 1988 planning issues.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301–492–6800.

April 16, 1986.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 86–8883 Filed 4–7–86; 9:36 am]

BILLING CODE 6355-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 2:00 p.m. (eastern time), Monday, April 28, 1986.

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200–C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street, NW., Washington, D.C. 20507.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

Closed

1. Litigation Authorization: General Counsel Recommendations
2. Discussion of Certain Commissioners' Charges
3. Discussion of Subpoena Determinations

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings.)

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer at (202) 634–6748.

Dated: April 16, 1986.

Cynthia C. Matthews,

Executive Officer, Executive Secretariat.

This Notice Issued April 16, 1986.

[FR Doc. 86–8942 Filed 4–17–86; 8:45 am]

BILLING CODE 6750-06-M

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m. (eastern time), Tuesday, April 29, 1986.

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200–C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street, NW., Washington, DC 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open

1. Announcement of Notation Vote(s)
2. A Report on Commission Operations (Optional)
3. Refinement of EEOC's Investigative Techniques Applicable to Uncooperative Respondents
4. Amendment to Title VII Procedural Regulations

Closed

1. Litigation Authorization: General Counsel Recommendations
2. Discussion of Certain Commissioners' Charges
3. Discussion of Subpoena Determinations

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings.)

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer at (202) 634–6748.

Dated: April 16, 1986.

Cynthia C. Matthews,

Executive Officer, Executive Secretariat.

This Notice Issued April 16, 1986.

[FR Doc. 86–8943 Filed 4–17–86; 8:45 am]

BILLING CODE 6750-06-M

5

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

April 16, 1986.

TIME AND DATE: 10:00 a.m., Tuesday, April 22, 1986.

PLACE: Room 600, 1730 K St., NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Z.B. Houser v. Northwestern Resources Co., Docket No. WEST 83–101–D. (Issues

include whether the administrative law judge appropriately dismissed the discrimination complaint.)

It was determined by a unanimous vote of Commissioners that a meeting be held on this item and that no earlier announcement of the meeting was possible. 5 U.S.C. 552b(e)(1).

Any person intending to attend this meeting who requires special accessibility features and/or auxiliary aids must inform the Commission in advance of those needs, so the Commission may, subject to limitations, ensure access for any handicapped person who gives reasonable advance notice. 29 CFR 2706.150(a)(3) and 2706.160(e).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5629.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 86-8974 Filed 4-17-86; 3:19 pm]

BILLING CODE 6735-01-M

6

NATIONAL MEDIATION BOARD

TIME AND DATE: 2:00 p.m., Wednesday, May 7, 1986.

PLACE: Board Hearing Room 8th Floor, 1425 K. Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of April, 1986.

2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Director's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Director, Tel: (202) 523-5920.

Date of notice: April 10, 1986.

Rowland K. Quinn, Jr.,

Executive Director, National Mediation Board.

[FR Doc. 86-8894 Filed 4-17-86; 9:37 am]

BILLING CODE 7550-01-M

7

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND PLACE: 9:00 a.m., Tuesday, April 29, 1986.

PLACE: NTSB Board Room, Eighth Floor, 800 Independence Avenue, SW., Washington, DC 20594.

STATUS: The first four items will be open to the public; the last item will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Summary Reports:* Runway Incursion Special Investigations.

2. *Marine Accident Report:* Grounding of the U.S. Passenger Vessel PILGRIM BELLE, at Sow and Pigs Reef, Vineyard Sound, Massachusetts, on July 28, 1985.

3. *Railroad Accident Report:* Rear-End Collison of Metro-Dade Transportation Administration Train Nos. 172-171 and 141-142, Miami, Florida, June 26, 1985.

4. *Recommendations:* To the American Public Transit Association (APTA) and the Urban Mass Transportation Administration (UMTA) on Alcohol and Drug Use on Rail Rapid Transit Systems.

5. *Opinion and Order:* Administrator v. Vance, Docket SE-6548; disposition of respondent's appeal.

FOR MORE INFORMATION, CONTACT: Catherine T. Kaputa, (202) 382-6525.

Catherine T. Kaputa,

Federal Register Liaison Officer.

April 16, 1986.

[FR Doc. 86-8929 Filed 4-17-86; 10:56 am]

BILLING CODE 7533-01-M

8

OVERSEAS PRIVATE INVESTMENT CORPORATION

Meeting of the Board of Directors

TIME AND DATE: 9:00 a.m. (closed portion). 10:30 a.m. (open portion), Tuesday, April 29, 1986.

PLACE: Offices of the Corporation, seventh floor Board Room, 1615 M Street, NW., Washington, DC.

STATUS: The first part of the meeting from 9:00 a.m. to 10:30 a.m. will be closed to the public. The open portion of the meeting will start at 10:30 a.m.

MATTERS TO BE CONSIDERED: (Closed to the public 9:00 a.m. to 10:30 a.m.):

1. Finance Project in Caribbean Country.
2. Finance Project in Middle Eastern Country.
3. Insurance Project in African Country.
4. China Underwriting Policy.
5. Facultative Reinsurance Advisory Group.
6. Review of OPIC Internal Procedures Complying with Statutory Performance Requirements Provisions.
7. OPIC Privatization.
8. Claims Report.
9. Information Report: Citrus Fruit Policy.
10. Information Report: Finance.
11. Information Report: General.

FURTHER MATTERS TO BE CONSIDERED: (Open to the public 10:30 a.m.):

1. Approval of the Minutes of the Previous Meeting.
2. Approval of Scheduled Board Meetings.
3. Personnel Actions.
4. Financial Statements.
5. Information Reports.

CONTACT PERSON FOR INFORMATION: Information with regard to this meeting may be obtained from the Secretary of the Corporation at (202) 457-7015.

Elizabeth A. Burton,

Corporate Secretary.

April 17, 1986.

[FR Doc. 86-8938 Filed 4-17-86; 8:45 am]

BILLING CODE 3210-01-M

9

PAROLE COMMISSION

PLACE: 5550 Friendship Boulevard, One North Park Building, Room 420-F, Chevy Chase, Maryland 20815.

DATE AND TIME:

Monday, April, 28, 1986—11:00 a.m. to 5:30 p.m.

Tuesday, April, 29, 1986—9:00 a.m. to 5:30 p.m.

Wednesday, April, 30, 1986—9:00 a.m. to 5:30 p.m.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of minutes of open business meeting of January 28 and 29, 1986, and Conference Call Business Meeting of February 28, 1986.

2. Reports from the Chairman, Vice Chairman, Commissioners, Legal, Research, Case Operations, and the Administrative Section.

3. Presentations to the Commission by:

(a) David Nurco [4/29/86—11:00 a.m.]

(b) Marie Ragghianti [4/30/86—9:00 a.m.]

4. Participation in Alcohol Anti-Buse Program

5. Enforcement of Special Drug Aftercare Condition

6. National Defense Emergency Preparedness

7. Hearings with one hearing examiner present

8. Assistance to law enforcement agencies through inmate cooperation

9. Special parole terms—aggregation with regular parole terms

10. Uniform procedures for utilizing volunteers

11. Uniform procedures for utilizing interns

12. Increased victim participation in the parole decision process

13. Use of parolees and mandatory releasees as informants

14. Uniformity of a temporary parole certificate

15. Testing of suspected parolees for AIDS

16. Parole of certain prisoners to deportation detainers

17. Proposed guideline revisions

(a) Transportation of unlawful aliens

(b) Introduction/distribution of narcotics in institutions

(c) Drugs for personal use

(d) Distribution of drugs near schools

(e) Cocaine dependence and salient factor score

(f) Miscellaneous items

(g) Decisions above the guidelines involving poorer risks than salient factor score

Consent Agenda

The following items are placed on the Commission's Consent Agenda. A request to discuss a particular item must be received by April 22, 1986. Items for which no such request is received shall be deemed adopted by consent and will not be discussed at the meeting.

18. Technical cleanup—Rule 2.20 DEA and drug purity information
19. Interim rules made into final rules

CONTACT PERSON FOR MORE INFORMATION: Peter B. Hoffman, Director of Research, United States Parole Commissiom, (301) 492–5980.

Dated: April 16, 1986.

Joseph A. Barry,

General Counel, United States Parole Commission.

[FR Doc. 86–8930 Filed 4–17–86; 10:56 am]

BILLING CODE 4410–01–M

10

PAROLE COMMISSION

DATE AND TIME: Monday, April 28, 1986—9:00 a.m. to 11:00 a.m.

PLACE: 5550 Friendship Boulevard, One North Park Building, Room 420–F, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Appeals to the Commission of approximately 16 cases decided by the National Commissioners pursuant to a reference under 28 CFR 2.17 and appealed pursuant to 28 CFR 2.27. These are all cases originally heard by the examiner panels wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Analyst, National Appeals Board, United States Parole Commission, (301) 492–5987.

Dated: April 16, 1986.

Joseph A. Barry,

General Counsel, United States Parole Commission.

[FR Doc. 86–8931 Filed 4–17–86; 10:56 am]

BILLING CODE 4410–01–M

11

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [51 FR 11871 April 7, 1986].

STATUS: Closed meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Tuesday, April 1, 1986.

CHANGE IN THE MEETING: Additional item.

The following additional item was considered at a closed meeting held on Tuesday, April 8, 1986, at 2:30 p.m.

Consideration of *amicus* participation.

Chairman Shad and Commissioners Cox, Peters, Grundfest and Fleischman determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Gerald Laporte at (202) 272–3085.

John Wheeler,

Secretary.

April 16, 1986.

[FR Doc. 86–8998 Filed 4–17–86; 3:58 pm]

BILLING CODE 8010–01–M

Federal Register

Monday
April 21, 1986

Part II

Regulatory Information Service Center

Introduction to the Unified Agenda of Federal Regulations

REGULATORY INFORMATION SERVICE CENTER

Unified Agenda of Federal Regulations

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulations.

SUMMARY: The Regulatory Flexibility Act (5 U.S.C. 602) requires that agencies publish semiannual regulatory agendas describing regulatory actions they are developing. Executive Order 12291 and OMB Bulletins implementing section 5 of the Executive order establish minimum standards for executive agencies' agendas, including specific types of information for each entry, and publication in a uniform format. All Federal regulatory agencies have chosen to publish their regulatory agendas as part of this **Unified Agenda of Federal Regulations.**

The following Parts in this issue of the **Federal Register** are the agency agendas, which together comprise the April 1986 edition of the semiannual **Unified Agenda of Federal Regulations.**

ADDRESS: Regulatory Information Service Center, Room 5216, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory projects, please refer to the Agency Contact listed for each entry. To provide comment on or to obtain further information about the **Unified Agenda of Federal Regulations**, contact: Mark G. Schoenberg, Executive Director, Regulatory Information Service Center, Room 5216, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503, (202) 395-6993.

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About the Unified Agenda

The **Unified Agenda of Federal Regulations** is compiled by the Regulatory Information Service Center for the Office of Information and Regulatory Affairs, Office of Management and Budget. The Center provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency managers, and the public.

The Office of Information and Regulatory Affairs is responsible for overseeing the Federal Government's regulatory, paperwork, and information-management activities and for implementing President Reagan's Executive Orders 12291 (Federal Regulation) and 12498 (Regulatory Planning). Under EO 12498, OMB publishes the **Regulatory Program of the United States Government** each year.

The Regulatory Program is a policy document and a management tool that sets forth the priorities of the agency head and of the President regarding the Significant Regulatory Actions (SRAs) that will be conducted during the program year to which it pertains.

The Regulatory Program and the Agenda differ in several ways. The Unified Agenda includes more regulatory actions because it covers almost every Federal agency and includes an exhaustive list of all rulemakings for each. This year's Regulatory Program covers only 22 of the major Federal regulatory agencies, and includes only the most significant of all the regulatory actions that each agency plans to undertake. The

Regulatory Program, however, describes each entry more thoroughly than the Unified Agenda.

Most of the regulatory actions described in the **Regulatory Program of the United States Government** are included in this Agenda. In general, the Regulation Identifier Number (RIN) for the action is the same for both publications; however, occasionally, several Agenda entries are combined into one Program entry, and a new RIN is assigned to that entry in the Program.

This edition of the Unified Agenda includes 56 regulatory agendas from all Federal departments, agencies, and commissions that publish agendas. Agencies of the United States Congress are not included. The Unified Agenda provides uniform reporting of data on regulatory activities under development throughout the Federal Government.

The Unified Agenda is produced through a computer system designed by the Center with the advice and assistance of the Government Printing Office. The system was designed to save agencies time and money by automating the preparation and printing of their agendas in a uniform format and to make the Agenda easier to use.

This edition of the Agenda contains a Subject Index to help readers locate entries from various agencies that may affect a particular area of interest. The numbers in the index refer to the sequence numbers that appear before the title of each entry in the Agenda. All entries are numbered sequentially from the beginning to the end of the Agenda.

For those agencies that requested it, we provided a computer-produced Table of Contents that appears after the preamble of the agency's agenda. The agency Tables of Contents help readers locate quickly those entries within an agency that may be of most interest to them.

All agendas contain uniform data elements -- regulation title, significance, legal authority, CFR citation, abstract, legal deadline, timetable, small business effects, and agency contact. Agencies also include any additional information they consider important. If any of the data elements is not included, the agency either did not report the information or may provide an explanation in its preamble. For further information, please contact the individual agency.

The **Unified Agenda of Federal Regulations** is published in April and October of each year. We welcome comments on this edition and suggestions for improving future ones.

DATED: April 1, 1986.

Mark G. Schoenberg,

Executive Director.

How to Use the Unified Agenda

Each agency agenda appears as a separate Part in this edition of the **Federal Register.** The Parts are organized alphabetically in four groups: cabinet departments, other executive agencies, joint authorities, and independent agencies. Departments are divided into agencies, which may in turn be divided into subagencies.

Each agency begins its agenda with a preamble providing information specific to its agenda. Each agency was asked to list its rules in four groups:

1. Prerule Stage -- actions agencies will undertake in the next 12 months to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking and include Advance Notices of Proposed Rulemaking and reviews of existing regulations.

2. Proposed Rule Stage -- actions for which agencies plan to publish a Notice of Proposed Rulemaking as the next step in their rulemaking process.

3. Final Rule Stage -- actions for which agencies plan to publish a final rule or take other final action as the next step in their rulemaking process.

4. Completed Actions -- actions or reviews the agency completed or withdrew since publishing its last agenda. This section also includes items that were begun and completed between issues of the Unified Agenda.

An agency may use a subheading to identify regulations that it has grouped according to a particular topic. When these subheadings are used, they appear above the title of the first regulation in the group.

A bullet (●) preceding an entry indicates that the entry appears in the Agenda for the first time.

The Agenda Sequence Number preceding the title of each entry identifies the location of the entry in this edition of the Agenda. The same number is used in the index to enable readers to find entries on specific subjects. Those agencies that chose to provide a Table of Contents at the beginning of their agendas also use the sequence number in their Table of Contents. Sequence numbers should help readers easily locate items of most interest to them, either by agency or by subject.

The regulatory activities included in the agency agendas are those currently planned for the next 12 months. The agendas do not include regulations excluded from review under EO 12291 such as military regulations and regulations related to internal agency management.

OMB Bulletin 86-4 states that entries describing regulations in the Agenda should contain, at a minimum, the following information:

- Title of the Regulation.
- Significance -- an indication of the significance of the entry that appears when:
  a. the action will be included in the **Regulatory Program of the United States Government** for the 1986 program year, or
  b. the agency otherwise considers the action a priority.

The Significance heading appears only if the entry is a significant action.

- Legal Authority -- the section(s) of the "United States Code" (U.S.C.) or Public Law (PL) or the Executive order that authorize(s) the regulatory action (agencies may provide common name references to laws in addition to U.S.C. or PL references).
- CFR Citation -- the section(s) of the **Code of Federal Regulations** that affect or will be affected by the action.
- Abstract -- a description of the problem the regulation will address; the need for a Federal solution; and, to the extent available, the alternatives that the agency is considering to address the problem and the potential costs and benefits of the action.
- Legal Deadline -- an indication of whether the rule is subject to a statutory or judicial deadline and, if so, the date of that deadline.
- Timetable -- the dates and citations (if available) for all past stages and at least the next future stage of rulemaking. If a date appears in this section as 00/00/00, it means the date of the action is presently undetermined. Similarly, 10/00/86 means the agency can predict the month and year the action will take place, but not the date it will occur.
- Effects on Small Businesses and Other Small Entities -- indicates whether the rule is expected to have a significant economic impact on a substantial

number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).
- Agency Contact -- the name, title, address, and phone number of a person in the agency who is knowledgeable about the regulation.

Some agencies have provided other optional information at their discretion.

Data Limitations

Agencies prepared entries for this edition of the Unified Agenda to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Agenda does not create a legal obligation on agencies to adhere to schedules within it or to confine their regulatory activities to those regulations that appear in it. The information in this edition is accurate as of February 27, 1986, in the judgment of the submitting agencies, except as otherwise noted in individual agency preambles.

List of Abbreviations

The following abbreviations appear throughout this edition of the Agenda:

ANPRM -- An Advance Notice of Proposed Rulemaking is a preliminary notice that an agency is considering a regulatory action. The agency issues an ANPRM before it develops a detailed proposed rule, describing the general area that may be subject to regulation and asking for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a formal regulatory proposal.

CFR -- **The Code of Federal Regulations** is an annual codification of the general and permanent regulations published in the **Federal Register** by the departments and agencies of the Federal Government. The Code is divided into 50 titles and each title covers a broad area of Federal regulatory law. The CFR is keyed to and kept up-to-date by the daily issues of the **Federal Register**.

EO -- An Executive order is a directive from the President to an executive agency, issued under Constitutional or statutory authority. Executive orders are published in the **Federal Register** and in Title 3 of the **Code of Federal Regulations**.

FR -- The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents required by statute to be published.

FY -- The Federal fiscal year runs from October 1 to September 30.

NPRM -- A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act, an NPRM must include, at a minimum:
- A statement of the time, place, and nature of the public rulemaking proceeding;
- A reference to the legal authority under which the rule is proposed; and
- Either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL -- A Public Law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, as opposed to a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the two-year life of each Congress; for example, PL 97-17 would be the seventeenth public law of the 97th Congress.

RFA -- A Regulatory Flexibility Analysis (RFA) describes the impact of a proposed rule on small entities, as required by the Regulatory Flexibility Act (5 U.S.C. 601). An RFA describes why the agency is considering the action; the objectives of and legal basis for the proposed rule; an estimate of the number of small entities that could be affected and the compliance requirements they would have to fulfill; any other duplicative, overlapping, or conflicting Federal rules; and alternatives to the proposed action. When required, an initial RFA accompanies an NPRM and a final RFA accompanies a final rule.

RIA -- A Regulatory Impact Analysis is required by EO 12291 for all major rules and other regulations designated by the Office of Management and Budget. An RIA is prepared to determine whether a proposed regulatory action meets the requirements of Section 2 of EO 12291, namely that it:
- Be based on adequate information concerning the need for and consequences of the action;
- Not be undertaken unless the potential benefits outweigh the potential costs to society;
- Maximize net benefits to society;
- Entail the least net cost to society of the alternatives considered; and
- Take into account the condition of particular affected industries, the national economy, and contemplated future regulatory actions.

RIN -- The Regulatory Information Service Center assigns a Regulation Identifier Number to identify each regulatory action listed in the Agenda.

USC -- The "United States Code" is a consolidation and codification of all general and permanent laws of the United States. The USC is divided into 50 titles and each title covers a broad area of Federal law.

Information About Additional Copies

Additional copies of this edition of the **Federal Register** are available from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238.

Copies of individual agency agendas may be available directly from the agency. Please contact the particular agency for further information.

[FR Doc. 86-6913 Filed 04-18-86; 8:45 am]

BILLING CODE 3194-01-T

federal register

Monday
April 21, 1986

Part III

Department of Agriculture

Semiannual Regulatory Agenda

USDA

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A, Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda: Spring 1986

AGENCY: Office of the Secretary, Department of Agriculture.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of major and non-major regulations being developed in agencies of the U.S. Department of Agriculture in conformance with Executive Order 12291, Federal Regulation. The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Pub. L. 96-354.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions; but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action.

ADDRESSES: Requests for copies of the Agenda should include a self-addressed, stamped envelope and be directed to: Regulatory Agenda, OBPA, Office of the Secretary, Room 148-E, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 382-1270.

DATED: March 14, 1986.

Richard E. Lyng,

Secretary.

Agricultural Marketing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1	Mohair Standards	0581-AA06
2	Wool Standards	0581-AA12
3	Fees for Service for Voluntary and Mandatory Programs	0581-AA19

Agricultural Marketing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4	Review: Voluntary Grading of Poultry Products and Rabbit Products	0581-AA21

Agricultural Marketing Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
5	Plant Variety Protection Board Meeting	0581-AA17
6	Establishment of User Fees for Cotton Market News Service	0581-AA18
7	Review: Mandatory Inspection of Eggs and Egg Products	0581-AA22
8	Review: Grading of Shell Eggs	0581-AA23
9	Review: Voluntary Inspection and Grading of Egg Products	0581-AA24
10	Milk Marketing Orders	0581-AA25
11	Proposed Regulations for Fruits, Vegetables and Related Commodities as Authorized by Federal Marketing Orders	0581-AA26

Agricultural Stabilization and Conservation Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
12	Commodity Credit Corporation (CCC) Claims Regulations	0560-AA38
13	Regs. Relating to the Referral of Delinquent Debts to Credit Reporting Agencies	0560-AA50
14	1987 Feed Grain Program	0560-AA59

USDA

Agricultural Stabilization and Conservation Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
15	1987 Extra Long Staple (ELS) Cotton Program	0560-AA60
16	National Average Loan Rates for 1987-Crop Quota and Additional Peanuts	0560-AA61
17	1987 Upland Cotton Program	0560-AA64
18	1987-Crop Flue-Cured Tobacco Marketing Quotas	0560-AA67
19	1987-Crop Burley Tobacco Marketing Quotas	0560-AA68
20	1986 Price Support Levels for All Kinds of Tobacco	0560-AA70
21	1986 Soybean Loan Program	0560-AA71
22	1987 Rice Program	0560-AA72
23	1987-Crop Honey Price Support Program	0560-AA73
24	Price Support Loan Program for 1986 Through 1990-Crops Sugar Beets and Sugarcane	0560-AA74
25	Formula for Defining the Prevailing World Market Price of Cotton and Mechanism for Periodically Announcing the World Market Price	0560-AA75
26	Formula for Defining the Prevailing World Market Price of Rice and Mechanism for Periodically Announcing the World Market Price	0560-AA76
27	1986-Crop Honey Price Support Program and Regulations Governing 1982 and Subsequent Crops - Amendment 4	0560-AA78
28	1987-Crop Peanuts National Poundage Quota	0560-AA79
29	1987 Wheat Program	0560-AA82
30	Highly Erodible Land and Wetland Conservation Programs	0560-AA88

Agricultural Stabilization and Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
31	National Average Loan Rates for 1985-Crop Quota and Additional Peanuts and Minimum Commodity Credit Corporation (CCC) Export Edible Sales Price for Additional Loan Peanuts	0560-AA31
32	1985 Price Support Level for Honey	0560-AA32
33	1986 Wheat Program	0560-AA58
34	1986 Upland Cotton Program	0560-AA62
35	National Average Loan Rates for 1986-Crop Quota and Additional Peanuts and CCC Sales Policy for 1986-1991 Crops of Peanuts	0560-AA63
36	1987 Wool and Mohair Program	0560-AA65
37	1986 Wool and Mohair Program	0560-AA66
38	1986 Rice Program	0560-AA69
39	Conservation Reserve Programs Under the Food Security Act of 1985	0560-AA77
40	1986-Crop Peanuts National Poundage Quota	0560-AA80
41	1986 Feed Grain Program	0560-AA84
42	1986-Crop Marketing Quotas for Burley Tobacco	0560-AA85
43	1986-Crop Flue-Cured Tobacco Marketing Quotas and Price Support Level	0560-AA86
44	1986 Extra Long Staple (ELS) Cotton Program	0560-AA87

Agricultural Stabilization and Conservation Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
45	Standards for the Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities, Extracted Honey, and Bulk Oils	0560-AA15
46	Poundage Quota and Marketing Regulations for the 1983 Through 1985 Crops of Peanuts (Amendment 1)	0560-AA29
47	1985 Price Support Levels for All Kinds of Tobacco	0560-AA39
48	Fees for Voluntary Examinations	0560-AA45
49	1985 Sugar Beet and Sugarcane Loan Rates	0560-AA49
50	1985-86 Milk Price Support Program (effective 10/1/85)	0560-AA51
51	National Acreage Allotment, National Marketing Quota, and Referendum Process for 1986-Crop Peanuts	0560-AA81
52	General Regulations Governing Price Support for the 1985 and Subsequent Crops--Eligibility of Cooperatives for Farm-Stored Loans	0560-AA83

USDA

Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
53	Revision of 7 CFR 319.56, Importation of Fruits and Vegetables	0579-AA12
54	Gypsy Moth - Outdoor Household Articles	0579-AA15
55	Organisms and Products Altered or Produced Through Biotechnology	0579-AA16

Farmers Home Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
56	Suspension and Debarment Regulations	0575-AA02
57	Revision of FmHA Instruction 1944-A, "Section 502 Rural Housing Loan Policies, Procedures and Authorizations," to Implement the Requirements of the Rural Housing Amendments of 1983	0575-AA05
58	Strengthening the FmHA Business and Industrial Guaranteed Loan Program	0575-AA17
59	Revision of Construction Standards for FmHA Financed Housing	0575-AA21
60	Building Requirements and Design Features Emphasizing Cost Containment	0575-AA24

Farmers Home Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
61	Mobile/Manufactured Home Rental Projects	0575-AA08
62	Restricting Insured and Guaranteed Farm Ownership and Operating Loans When Surplus Items Exist	0575-AA12
63	Disaster Assistance - General (Part 1945, Subpart A) Emergency Loan Policies, Procedures and Authorizations (Part 1945, Subpart D)	0575-AA14
64	Housing Preservation Grants	0575-AA18
65	Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients	0575-AA20
66	FmHA Guarantees of Commercial Lender's Farm Ownership (FO) and Operating Loans (OL) with Accompanying Lender Principal Write Down and/or Interest Rate Reduction	0575-AA22
67	Changes to the FmHA Farmer Program Loan Making, Supervision and Servicing Regulations to Implement the Applicable Provisions of the "Food Security Act of 1985"	0575-AA23

Farmers Home Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
68	Special Debt Set-Aside of a Portion of the Indebtedness of Farmer Program Borrowers	0575-AA10

Federal Grain Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
69	Kinds of Official Services	0580-AA02
70	Recordkeeping and Access to Facilities	0580-AA05

USDA

Food and Nutrition Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
71	Waiver Simplification: Food Stamp Program	0584-AA02
72	Issuance Loss Liability: Food Stamp Program	0584-AA05
73	Food Distribution Program on Indian Reservations	0584-AA09
74	Rewrite of Regulations on Determining Eligibility for Free and Reduced Price Benefits	0584-AA32
75	Administrative Review Process and Quality Control Arbitration Procedures: Food Stamp Program	0584-AA46
76	Conformance with Aid to Families with Dependent Children (AFDC) Rules: Food Stamp Program	0584-AA52
77	Proposal for a National Inventory System	0584-AA60
78	Annual SAE Plan/Funds: Child Nutrition Programs	0584-AA61
79	Simplified Application and Standardized Benefits: Food Stamp Program	0584-AA62
80	Administration/Management: Food Stamp Program	0584-AA63
81	Quality Control System: Food Stamp Program	0584-AA64
82	Employment and Training Requirements: Food Stamp Program	0584-AA65
83	Retailer/Wholesaler Provisions: Food Stamp Program	0584-AA67

Food and Nutrition Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
84	Food Distribution Program	0584-AA07
85	Distribution of Surplus Food under the Temporary Emergency Food Assistance Program (TEFAP) for Fiscal Years 1986 and 1987	0584-AA15
86	Reimbursing Workfare's Administrative Costs: Food Stamp Program	0584-AA20
87	Emergency Food Assistance for Victims of Disasters	0584-AA24
88	Extension of the National Commodity Processing Program	0584-AA26
89	NSLP Verification Monitoring/and AIMS Reporting	0584-AA33
90	Management Evaluations and Corrective Action Plans: Food Stamp Program	0584-AA37
91	Forfeiture Procedures/Bonding: Food Stamp Program	0584-AA40
92	Rewrite of National School Lunch Program Regulations	0584-AA43
93	Meat Alternates Used in Child Nutrition Programs	0584-AA58
94	Non-discretionary Budget Provision: Food Stamp Program	0584-AA59
95	Non-Discretionary Provisions: Food Stamp Program	0584-AA66

Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
96	Eligibility Certification and Notice Provisions (OBRA): Food Stamp Program	0584-AA04
97	Food Stamp Program: Revision of Parts 271, 272, 273 and 274	0584-AA10
98	Audit Requirements in the Child Care Food Program	0584-AA30
99	TFP/Deduction Update: Food Stamp Program	0584-AA51
100	Income and Eligibility Verification Procedures: Food Stamp, HHS & DOL Programs	0584-AA53

Food Safety and Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
101	Records, Registration, and Reports	0583-AA00
102	Administrative Regulations	0583-AA02
103	Red Meat Slaughter Regulations	0583-AA03
104	Transportation	0583-AA19

USDA

Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
105	Definitions and Standards of Identity or Composition: Cooked Poultry Sausage	0583-AA10
106	Protein Requirements for Turkey Ham	0583-AA11
107	Barbeque Standard	0583-AA12
108	Requirements for Mechanically Separated (Kind) Poultry Product and Products in Which It Is Used	0583-AA15
109	Definitions and Standards of Identity for Miscellaneous Pork Products and Miscellaneous Beef Products	0583-AA20
110	Standard of Identity and Composition for "Lite" Sausage	0583-AA21
111	Regulations Concerning the Irradiation of Pork for Trichina Control	0583-AA23

Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
112	Labeling for Meat and Poultry Products with Cheese Substitutes, Revised Pizza Standard	0583-AA07
113	Canning of Meat and Poultry Products	0583-AA08
114	Extension of Operating Schedules for Total Quality Control Plants	0583-AA16

Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
115	Label Approval Regulations	0583-AA05

Foreign Agricultural Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
116	Revision of 7 CFR Part 6, Section 22 Import Quotas; Certain Dairy Products	0551-AA02
117	Revision of Public Law 480 Regulations, 7 CFR Part 17	0551-AA04
118	Revision of Public Law 480 Regulations, 7 CFR Sections 17.6, 17.8 and 17.9	0551-AA05
119	Quarterly Sugar Import Fee Determination	0551-AA06
120	African Food Assistance Program	0551-AA07
121	U.S. Meat Imports	0551-AA09
122	Amendment to 7 CFR Part 6, Section 22 Import Quotas; Certain Dairy Products	0551-AA11
123	Emergency Relief from Certain Perishable Products Imported from Israel	0551-AA12
124	Review of the United States Sugar Import Quota System	0551-AA13
125	Export Enhancement Program	0551-AA15
126	Import Limitation: Country of Origin Quota Adjustment	0551-AA16
127	Calculation of the Market Stabilization Price	0551-AA17
128	Regulations Governing Allocations of Sugar Import Quotas; Other Specified Countries or Areas	0551-AA18

Forest Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
129	Range Management-Grazing and Livestock Use and Management of Wild-Free-Roaming Horses and Burros	0596-AA14
130	Special Uses of National Forest System Lands	0596-AA20
131	Entrance into Petersburg Watershed	0596-AA23
132	Young Adult Conservation Corps	0596-AA26
133	Experimental Areas and Research Natural Areas	0596-AA30

USDA

Forest Service—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
134	Youth Conservation Corps	0596-AA32

Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
135	Land Status and Title Records	0596-AA24
136	Add Section to 36 CFR 251.53 - Special Uses to Include Alaska National Interest Land and Conservation Act as an Authority and Add Regulation 36 CFR 251.70 on Ingress and Egress to ETC	0596-AA31
137	Periodic Payments for National Forest Timber Sale Contracts	0596-AA33
138	Use Restrictions of National Forest Lands for the Protection of Municipal Water Supplies	0596-AA34
139	Range Management - Grazing and Livestock Use and Management of Wild-Free-Roaming Horses and Burros	0596-AA35
140	Collection of Reimbursable Costs for Processing Special-Use Applications and Administration of Special-Use Authorizations	0596-AA36
141	Control of Skewed Bidding on National Forest Timber Sales	0596-AA37
142	Modify the General Prohibition Against Use of Vehicles in Excess of 40 Inches in Width on Trails - 36 CFR 261.12(e)	0596-AA38
143	Revise the Definition of "Mechanical Transport" at 36 CFR 293.6(a)	0596-AA39
144	Fee Policy for Linear Rights-of-Way	0596-AA40

Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
145	Debarment and Suspension of Timber Sale Contractors	0596-AA09
146	Recovery of Federal Costs Associated with User Reservation Systems on Some National Forest Recreation Areas	0596-AA16

Forest Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
147	Revision of Advertisements for Sale of National Forest Timber	0596-AA18
148	Administration of Cooperative or Federal Sustained Yield Units	0596-AA19
149	Exercise of Timber, Mineral and Water Rights, of Rights-of-Way, and of Rights to Use and Occupy Lands Conveyed to the U.S.	0596-AA21
150	Management of Municipal Watersheds	0596-AA22
151	Cash Down Payments, Periodic Payments for National Forest Timber Contracts	0596-AA29

Office of Finance and Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
152	Amend USDA Uniform Federal Assistance Regulations	0505-AA01

USDA

Office of Finance and Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
153	Amend USDA Uniform Federal Assistance Regulations, 7 CFR 3015 Subpart Q, Application for Federal Assistance	0505-AA04

Office of Finance and Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
154	Amend USDA Uniform Federal Assistance Regulations, 7 CFR 3015 Subpart I, Audits	0505-AA03

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
155	Rescind Uniform Relocation Regulations	0503-AA02

Soil Conservation Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
156	Soil Surveys	0578-AA00
157	Snow Surveys and Water Supply Forecasts	0578-AA01
158	Prime and Unique Farmlands	0578-AA10

Soil Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
159	Relocation Assistance	0578-AA12

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage

Agricultural Marketing Service (AMS)

1. MOHAIR STANDARDS

Legal Authority: Agricultural Marketing Act of 1946; 60 Stat. 1087 to 1091; 7 USC 1621 et seq

CFR Citation: 7 CFR 32

Legal Deadline: None

Abstract: Combine grade standards for mohair and mohair top into one standard. (AMS 84-014)

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: No

Agency Contact: Lilli Fox, Reg. Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, 202 447-2704

RIN: 0581-AA06

2. WOOL STANDARDS

Legal Authority: 7 USC 1621 et seq; 7 USC 1622; 7 USC 1624; 29 FR 16210; 30 FR 1260, as amended; 30 FR 2160

CFR Citation: 7 CFR 31

Legal Deadline: None

Abstract: Combine grade standards for grease wool and wool top into one standard. (AMS 84-016)

USDA—AMS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Agency Contact: Lilli Fox, Reg. Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, 202 447-2704

RIN: 0581-AA12

3. FEES FOR SERVICE FOR VOLUNTARY AND MANDATORY PROGRAMS

Legal Authority: 7 USC 1621 to 1627; Agricultural Marketing Act of 1946; 21 USC 1031 to 1056; Egg Products Inspection Act; 7 USC 51 et seq Cotton Standards Act

CFR Citation: 7 CFR 26 to 209

Legal Deadline: None

Abstract: Fees for the voluntary inspection, grading and classing of agricultural commodities and certain mandatory inspection rates are reviewed periodically and changes are made to reflect cost of providing the service. (AMS 84-008)

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: No

Agency Contact: Lilli Fox, Reg. Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, 202 447-2704

RIN: 0581-AA19

DEPARTMENT OF AGRICULTURE (USDA)
Agricultural Marketing Service (AMS)

Final Rule Stage

4. REVIEW: VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS

Legal Authority: 7 USC 1621 to 1627; Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 70

Legal Deadline: None

Abstract: This regulation describes the basis, requirements, and administration of the voluntary grading service for poultry products and rabbit products and U.S. classes, standards and grades. (AMS 85-015)

Timetable:

Action	Date	FR Cite
Begin Review	01/00/85	
End Review	06/24/85	
NPRM	10/24/85	50 FR 43204
NPRM Comment Period End	02/28/86	
Action	Date	FR Cite
Final Action	03/00/86	

Small Entity: No

Agency Contact: Lilli Fox, Reg. Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, 202 447-2704

RIN: 0581-AA21

DEPARTMENT OF AGRICULTURE (USDA)
Agricultural Marketing Service (AMS)

Completed Actions

5. PLANT VARIETY PROTECTION BOARD MEETING

CFR Citation: 7 CFR 180.2

Completed:

Reason	Date	FR Cite
Delete from Agenda: Non Major item	02/27/86	

Small Entity: No

Agency Contact: Lilli Fox 202 447-2704

RIN: 0581-AA17

6. ESTABLISHMENT OF USER FEES FOR COTTON MARKET NEWS SERVICE

CFR Citation: 7 CFR 28

Completed:

Reason	Date	FR Cite
Delete from Agenda: non major item	02/27/86	

Small Entity: No

Agency Contact: Lilli Fox 202 447-2704

RIN: 0581-AA18

7. REVIEW: MANDATORY INSPECTION OF EGGS AND EGG PRODUCTS

CFR Citation: 7 CFR 59

Completed:

Reason	Date	FR Cite
End Review	11/01/85	

Small Entity: No

Agency Contact: Lilli Fox 202 447-2704

RIN: 0581-AA22

8. REVIEW: GRADING OF SHELL EGGS

CFR Citation: 7 CFR 56

Completed:

Reason	Date	FR Cite
End Review	11/01/85	

Small Entity: No

Agency Contact: Lilli Fox 202 447-2704

RIN: 0581-AA23

9. REVIEW: VOLUNTARY INSPECTION AND GRADING OF EGG PRODUCTS

CFR Citation: 7 CFR 55

Completed:

Reason	Date	FR Cite
End Review	11/01/85	

Small Entity: No

Agency Contact: Lilli Fox 202 447-2704

RIN: 0581-AA24

10. MILK MARKETING ORDERS

CFR Citation: 7 CFR 1000 to 1199

USDA—AMS **Completed Actions**

Completed:

Reason	Date	FR Cite
Delete from Agenda: Non Major item	02/27/86	

Small Entity: No

Agency Contact: Lilli Fox 202 447-2704

RIN: 0581-AA25

11. PROPOSED REGULATIONS FOR FRUITS, VEGETABLES AND RELATED COMMODITIES AS AUTHORIZED BY FEDERAL MARKETING ORDERS

CFR Citation: 7 CFR 900 to 999

Completed:

Reason	Date	FR Cite
Delete from Agenda: non major item	02/27/86	

Small Entity: No

Agency Contact: Lilli Fox 202 447-2704

RIN: 0581-AA26

[FR Doc. 86-6636 Filed 04-18-86; 8:45 am]

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DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage

Agricultural Stabilization and Conservation Service (ASCS)

12. COMMODITY CREDIT CORPORATION (CCC) CLAIMS REGULATIONS

Legal Authority: 15 USC 714(k) Commodity Credit Corporation Charter Act

CFR Citation: 7 CFR 1403

Legal Deadline: None

Abstract: Regulations will revise policy, authorities, procedures, and responsibilities for settling claims by and against CCC. (ASCS 84-034)

Timetable:

Action	Date	FR Cite
NPRM	03/14/86	
Final Action	05/02/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA38

13. REGS. RELATING TO THE REFERRAL OF DELINQUENT DEBTS TO CREDIT REPORTING AGENCIES

Legal Authority: 4 CFR 101 to 105; 15 USC 714b The Commodity Credit Corporation Charter Act

CFR Citation: 7 CFR 1403

Legal Deadline: None

Abstract: To implement debt collection legislation and regulations that require disclosure of debts to credit reporting agencies.

To provide incentive for delinquent debtors to repay debts owed to the Government. (ASCS 85-006)

Timetable:

Action	Date	FR Cite
NPRM	03/14/86	
Final Action	05/02/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA50

14. ● 1987 FEED GRAIN PROGRAM

Significance: Regulatory Program

Legal Authority: Ag Act of 1949, as amended by Sec 401-403; 1002, 1003, 1005 and 1012 of the Food Security Act of 1985; PL 99-198

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 718; 7 CFR 719; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1421.720 to 1421.734

Legal Deadline: Statutory, September 30, 1986. For announcement of acreage adjustment levels.

Abstract: The object of this action is to provide an adequate feed grain supply for domestic and foreign utilization, support farm income and feed grain prices, combat inflation, hold down Federal costs, conserve natural resources, and comply with statutory requirements. (ASCS 86-043)

Timetable:

Action	Date	FR Cite
NPRM	07/15/86	
Final Action	09/30/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA59

15. ● 1987 EXTRA LONG STAPLE (ELS) COTTON PROGRAM

Legal Authority: 7 USC 1444(h); Ag Act of 1949; Sec 103(h) as amended by the Food Security Act of 1985; PL 99-198

CFR Citation: 7 CFR 1427

Legal Deadline: Statutory, December 1, 1986

Abstract: The object of this action is to assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, support farm income and cotton prices, combat inflation, conserve natural resources, hold down Federal costs, and comply with statutory requirements. (ASCS 86-029)

Timetable:

Action	Date	FR Cite
NPRM	09/01/86	
Final Action	12/01/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA60

16. ● NATIONAL AVERAGE LOAN RATES FOR 1987-CROP QUOTA AND ADDITIONAL PEANUTS

Legal Authority: Ag Act of 1949; as amended by Sec 705 of the Food Security Act of 1985; PL 99-198

USDA—ASCS

Proposed Rule Stage

CFR Citation: Not applicable

Legal Deadline: Statutory, February 15, 1987

Abstract: This action is required by legislation, which provides a formula for computing the quota support level and guidelines for determining the additional support level. The objective is to support farm income and stabilize prices. (ASCS 86-031)

Timetable:

Action	Date	FR Cite
NPRM	12/01/86	
Final Action	02/13/87	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA61

17. ● 1987 UPLAND COTTON PROGRAM

Significance: Regulatory Program

Legal Authority: Ag Act of 1949; as amended by Sec 501 of the Food Security Act of 1985; PL 99-198

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1427

Legal Deadline: Statutory, November 1, 1986

Abstract: The object of this action is to assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, support farm income and cotton prices, combat inflation, hold down Federal costs, and comply with statutory requirements. (ASCS 86-045)

Timetable:

Action	Date	FR Cite
NPRM	08/01/86	
Final Action	10/31/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA64

18. ● 1987-CROP FLUE-CURED TOBACCO MARKETING QUOTAS

Legal Authority: 7 USC 1201 et seq; Ag Adjustment Act of 1938 as amended, Sec 301 et seq

CFR Citation: Not applicable

Legal Deadline: Statutory, December 15, 1986

Abstract: Marketing quotas are required by legislation. Their objective is to balance supply with demand at levels assuring stable supplies for domestic and export use. (ASCS 86-035)

Timetable:

Action	Date	FR Cite
NPRM	09/12/86	
Final Action	12/12/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA67

19. ● 1987-CROP BURLEY TOBACCO MARKETING QUOTAS

Legal Authority: 7 USC 1301 et seq; Ag Adjustment Act of 1938, as amended; Sec 301 et seq

CFR Citation: Not applicable

Legal Deadline: Statutory, February 1, 1987

Abstract: Marketing quotas are required by legislation. Their objective is to balance supply with demand at levels that assure stable supplies for domestic and export use. Possible quota levels range from the minimum statutory level (90% of estimated use) to a somewhat higher level. (ASCS 86-037)

Timetable:

Action	Date	FR Cite
NPRM	11/03/86	
Final Action	01/30/87	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA68

20. ● 1986 PRICE SUPPORT LEVELS FOR ALL KINDS OF TOBACCO

Legal Authority: 7 USC 1445; Sec 106 of the Ag Act of 1949, as amended

CFR Citation: 7 CFR 1464

Legal Deadline: None

Abstract: Set price support level for each type within the statutory range of 65% to 100% of the increase calculated by statutory formula. The objective is to stabilize tobacco prices. (ASCS 86-036)

Timetable:

Action	Date	FR Cite
NPRM	04/11/86	
Final Action	08/29/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA70

21. ● 1986 SOYBEAN LOAN PROGRAM

Legal Authority: 7 USC 1446; Ag Act of 1949, Sec 201; as amended by Sec 801 of the Food Security Act of 1985; PL 99-198

CFR Citation: 7 CFR 1421.365 to 1421.374

Legal Deadline: Statutory, October 1, 1986

Abstract: The object of this action is to assure sufficient supplies of soybeans for domestic and export use, support farm income, combat inflation, hold down Federal costs, and comply with statutory requirements. (ASCS 86-027)

Timetable:

Action	Date	FR Cite
NPRM	08/01/86	
Final Action	09/30/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA71

22. ● 1987 RICE PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1441; Ag Act of 1949; as amended by Sec 601 of the Food Security Act of 1985; PL 99-198

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 794 to 796; 7 CFR 1421

Legal Deadline: Statutory, January 31, 1987

Abstract: The object of this action is to provide an adequate rice supply for domestic and foreign utilization, support farm income and rice prices, combat inflation, hold down Federal costs, conserve natural resources, and comply with statutory requirements. (ASCS 86-047)

Timetable:

Action	Date	FR Cite
NPRM	09/30/86	
Final Action	12/31/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA72

23. ● 1987-CROP HONEY PRICE SUPPORT PROGRAM

Legal Authority: 7 USC 1446(b); Ag Act of 1949, Sec 201(b); as amended by Sec 1041 of the Food Security Act of 1985; PL 99-198

CFR Citation: 7 CFR 1434.26; 7 CFR 1434.27

Legal Deadline: None

Abstract: The Food Security Act of 1985 requires that 1987-crop honey be supported at 63 cents per pound. The Act also provides the Secretary discretion to conduct a marketing loan program. The objective of the marketing loan concept is to (1) minimize the number of loan forfeitures, (2) avoid excessive stocks of honey, (3) reduce the costs incurred by the Federal Government in storing honey, and (4) maintain the competitiveness of honey in domestic and export markets. (ASCS 86-028)

Timetable:

Action	Date	FR Cite
NPRM	01/27/87	
Final Action	04/01/87	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA73

24. ● PRICE SUPPORT LOAN PROGRAM FOR 1986 THROUGH 1990-CROPS SUGAR BEETS AND SUGARCANE

Significance: Regulatory Program

Legal Authority: 7 USC 1446; Ag Act of 1949; as amended by Sec 901 of the Food Security Act of 1985; PL 99-198

CFR Citation: 7 CFR 1435

Legal Deadline: Statutory, October 1, 1986. As far in advance of October 1, 1986, as is practicable for announcement of the 1986 crop price support level.

Abstract: The 1949 Act, as amended by the Food Security Act of 1985, requires the Secretary to support the price of domestically grown sugarcane and sugar beets through a nonrecourse loan program effective for the 1986 through 1990 crops. The object of this action is to develop program and operation provisions for administering a sugar price support program. (ASCS 86-048)

Timetable:

Action	Date	FR Cite
NPRM	07/03/86	
Final Action	09/15/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA74

25. ● FORMULA FOR DEFINING THE PREVAILING WORLD MARKET PRICE OF COTTON AND MECHANISM FOR PERIODICALLY ANNOUNCING THE WORLD MARKET PRICE

Legal Authority: Ag Act of 1949; as amended by Sec 501 of the Food Security Act of 1985; PL 99-198

CFR Citation: Not yet determined

Legal Deadline: Statutory, August 1, 1986. 03/23/86 for (Proposed Regs); 08/01/86 for (Final Regs).

Abstract: The Ag Act of 1949, as amended by the Food Security Act of 1985, provides that the Secretary shall prescribe by regulation (1) a formula to define the prevailing world market price for cotton, and (2) a mechanism by which the Secretary shall periodically announce the prevailing world market price. (ASCS 86-049)

Timetable:

Action	Date	FR Cite
NPRM	03/21/86	
Final Action	08/01/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA75

26. ● FORMULA FOR DEFINING THE PREVAILING WORLD MARKET PRICE OF RICE AND MECHANISM FOR PERIODICALLY ANNOUNCING THE WORLD MARKET PRICE

Legal Authority: Ag Act of 1949; as amended by Sec 601 of the Food Security Act of 1985; PL 99-198

CFR Citation: Not applicable

Legal Deadline: Statutory, April 15, 1986

Abstract: The Ag Act of 1949, as amended by the Food Security Act of 1985, provides that the Secretary shall prescribe by regulation (1) a formula to define the prevailing world market price for rice, and (2) a mechanism by which the Secretary shall periodically announce the prevailing world market price. (ASCS 86-050)

Timetable:

Action	Date	FR Cite
NPRM	03/05/86	
Final Action	04/15/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA76

27. ● 1986-CROP HONEY PRICE SUPPORT PROGRAM AND REGULATIONS GOVERNING 1982 AND SUBSEQUENT CROPS - AMENDMENT 4

Legal Authority: Sec 201(b) of the Ag Act of 1949, as amended; 7 USC 1446(b)

USDA—ASCS

Proposed Rule Stage

CFR Citation: 7 CFR 1434.26; 7 CFR 1434.27

Legal Deadline: None

Abstract: This action will announce the 1986 support rate and the marketing loan concept as provided in the amendments to Sec. 201(b) of the Agricultural Act of 1949, as amended by the Food Security Act of 1985. The objective of the marketing loan concept is to (1) minimize the number of loan forfeitures, (2) avoid excessive stocks of honey, (3) reduce the costs incurred by the Federal Government in storing honey, and (4) maintain the competitiveness of honey in domestic and export markets. (ASCS 86-006)

Timetable:

Action	Date	FR Cite
NPRM	03/07/86	
Final Action	04/01/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA78

28. ● 1987-CROP PEANUTS NATIONAL POUNDAGE QUOTA

Legal Authority: Ag Act of 1938; as amended by Sec 702 of the Food Security Act of 1985; PL 99-198

CFR Citation: Not applicable

Legal Deadline: Statutory, December 15, 1986

Abstract: This action is required by legislation, which provides a formula for computing the National quota. The quota must equal the amount devoted to domestic edible, seed, and related uses and may not be less than 1.1 million tons. The objective is to balance supply with demand at levels that assure stable supplies for domestic use and assure producers a reasonable income. (ASCS 86-033)

Timetable:

Action	Date	FR Cite
NPRM	10/01/86	
Final Action	12/15/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA79

29. ● 1987 WHEAT PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1332 to 1338; Ag Adjustment Act of 1938; as amended by Sec 301-307 of the Food Security Act of 1985; Ag Act of 1949, as amended by Sec 301-312; 1002, 1003, 1005, and 1012 of the Food Security Act of 1985; PL 99-108

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1421.485 to 1421.490

Legal Deadline: Statutory, June 1, 1986. For the announcement of acreage adjustment levels.

Abstract: The object of this action is to provide an adequate wheat supply for domestic and foreign utilization, support farm income and wheat prices, combat inflation, hold down Federal costs, conserve natural resources, and comply with statutory requirements. (ASCS 86-041)

Timetable:

Action	Date	FR Cite
NPRM	03/25/86	
Final Action	05/30/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA82

30. ● HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION PROGRAMS

Legal Authority: Ag Adjustment Act of 1949; as amended by the Food Security Act of 1985; Sections 1201-1223 and 1241-1245

CFR Citation: 7 CFR 703, (New)

Legal Deadline: Statutory, June 20, 1986

Abstract: This action is needed to set forth the terms and conditions of the Highly Erodible Land and the Wetland Conservation Programs as required by the Food Security Act of 1985. Under these programs a producer who, after 12/23/85, produces an agricultural commodity on a field defined as highly erodible or on wetland converted after 12/23/85 will be ineligible for any designated USDA program benefits. However, during the period from 12/23/85 to the later of 1/1/90 or 2 years after a producer's field is mapped by SCS for purposes of classifying such land, such producer will not be ineligible for program benefits for highly erodible land that had been cultivated to produce any of the 1981-85 crops, or set aside, diverted or otherwise not cultivated under a USDA production adjustment program. The regulations will identify wetlands based on USDA consultation with the Department of Interior and USDA development of criteria for the identification of hydric soils and hydrophytic vegetation and lists of such soil and vegetation. Certain other exemptions from the ineligibility provisions will also apply. (ASCS 86-051)

Timetable:

Action	Date	FR Cite
NPRM	05/01/86	
Final Action	06/20/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 447-4636

RIN: 0560-AA88

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Agricultural Stabilization and Conservation Service (ASCS)

31. NATIONAL AVERAGE LOAN RATES FOR 1985-CROP QUOTA AND ADDITIONAL PEANUTS AND MINIMUM COMMODITY CREDIT CORPORATION (CCC) EXPORT EDIBLE SALES PRICE FOR ADDITIONAL LOAN PEANUTS

Legal Authority: Ag Adjustment Act of 1938, as amended; CCC Charter Act of 1948, as amended; Ag Act of 1949, as amended

CFR Citation: 7 CFR 729; 7 CFR 1446

Legal Deadline: Statutory, February 15, 1986

Abstract: The object of this action is to set loan levels to support farm income and stabilize prices. The CCC export edible sales price minimizes CCC net outlays and maximizes returns to growers of additional peanuts. (ASCS 84-013)

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48344
Announcement - Statutory	02/14/85	
Final Action	03/31/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA31

32. 1985 PRICE SUPPORT LEVEL FOR HONEY

Legal Authority: 7 USC 1446; Ag Act of 1949, Sec 201, as amended

CFR Citation: 7 CFR 1434

Legal Deadline: None

Abstract: The Agricultural Act of 1949, as amended, requires that the price of honey be supported at not less than 60 percent nor more than 90 percent of parity. (ASCS 84-017)

Timetable:

Action	Date	FR Cite
NPRM	02/22/85	50 FR 7359
Announcement	03/29/85	
Final Action	03/31/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA32

33. 1986 WHEAT PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1445b-2 and e; Ag Act of 1949; as amended by Sec 308-312, 1002, 1003, 1005; and 1012 of the Food Security Act of 1985; PL 99-198

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1421.485 to 1421.490

Legal Deadline: Statutory. As soon as practicable after enactment of the Food Security Act of 1985 (12/23/85)

Abstract: The object of this action is to provide an adequate wheat supply for domestic and foreign utilization, support farm income and wheat prices, combat inflation, hold down Federal costs, conserve natural resources, and comply with statutory requirements. (ASCS 86-040)

Timetable:

Action	Date	FR Cite
Final Action	04/15/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA58

34. ● 1986 UPLAND COTTON PROGRAM

Significance: Regulatory Program

Legal Authority: Ag Act of 1949; as amended by Sec 501 of the Food Security Act of 1985; PL 99-198

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1427

Legal Deadline: Statutory. As soon as practicable after enactment of the Food Security Act of 1985 (12/23/85).

Abstract: The object of this action is to assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, support farm income and cotton prices, combat inflation, hold down Federal costs, and comply with statutory requirements. (ASCS 86-044)

Timetable:

Action	Date	FR Cite
Final Action	05/15/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA62

35. ● NATIONAL AVERAGE LOAN RATES FOR 1986-CROP QUOTA AND ADDITIONAL PEANUTS AND CCC SALES POLICY FOR 1986-1991 CROPS OF PEANUTS

Legal Authority: Ag Act of 1949; as amended by Sec 705 of the Food Security Act of 1985; PL 99-198

CFR Citation: Not applicable

Legal Deadline: Statutory, February 15, 1986

Abstract: This action is required by legislation, which provides a formula for computing the quota support level and guidelines for determining the additional support level. Sales policy is needed to dispose of peanuts owned or controlled by CCC. The objective is to support farm income and stabilize prices. (ASCS 86-032)

Timetable:

Action	Date	FR Cite
Announcement	02/14/86	
Final Action	04/14/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA63

36. ● 1987 WOOL AND MOHAIR PROGRAM

Legal Authority: 7 USC 1782 et seq; National Wool Act of 1954; as amended by Sec 201 of the Food Security Act of 1985; PL 99-198

CFR Citation: 7 CFR 1468; 7 CFR 1472

Legal Deadline: None

Abstract: To encourage the continued domestic production of wool at prices fair to both producers and consumers in

a manner which 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 support level for wool is set by statutory formula. (ASCS 86-038)

Timetable:

Action	Date	FR Cite
Final Action	12/31/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA65

37. ● 1986 WOOL AND MOHAIR PROGRAM

Legal Authority: 7 USC 1781 et seq; National Wool Act of 1954; as amended by Sec 201 of the Food Security Act of 1985; PL 99-198

CFR Citation: 7 CFR 1468; 7 CFR 1472

Legal Deadline: None

Abstract: To encourage the continued domestic production of wool at prices fair to both producers and consumers in a manner which 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 support level for wool is set by statutory formula. (ASCS 86-039)

Timetable:

Action	Date	FR Cite
Final Action	04/01/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA66

38. ● 1986 RICE PROGRAM

Significance: Regulatory Program

Legal Authority: Ag Act of 1949; as amended by Sec 601 of the Food Security Act of 1985; PL 99-198

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 794 to 796; 7 CFR 1421

Legal Deadline: Statutory. As soon as practicable after enactment of the Food Security Act of 1985 (12/23/85).

Abstract: The object of this action is to provide an adequate rice supply for domestic and foreign utilization, support farm income and rice prices, combat inflation, hold down Federal costs, conserve natural resources, and comply with statutory requirements. (ASCS 86-046)

Timetable:

Action	Date	FR Cite
Final Action	04/29/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA69

39. ● CONSERVATION RESERVE PROGRAMS UNDER THE FOOD SECURITY ACT OF 1985

Significance: Regulatory Program

Legal Authority: PL 99-199; The Food Security Act of 1985

CFR Citation: 7 CFR 704

Legal Deadline: Statutory, June 21, 1986

Abstract: This action will reduce soil erosion, improve water quality, and improve wildlife habitat on approximately 40 to 45 million acres through a voluntary Conservation Reserve Program. The program would require that producers convert highly erodible cropland from crop production to less erosive, permanent vegetation for a minimum of ten years. Participants would receive an annual rental payment based on accepted bids, as well as cost sharing for the establishment of permanent vegetation. Determinations will be made on program size, land eligibility, grazing, bidding requirements, payment-in-kind or cash, and the definitions of "field," "highly erodible land," and "cropland." This program is expected to reduce the production of commodities, and thereby reduce the cost of the commodity programs. This will have the effect of partially offsetting the cost of the Conservation Reserve Program. (ASCS 86-005)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/13/86	51 FR 8780
Final Action	05/01/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA77

40. ● 1986-CROP PEANUTS NATIONAL POUNDAGE QUOTA

Legal Authority: Ag Act of 1938; as amended by Sec 702 of the Food Security Act of 1985; PL 99-198

CFR Citation: Not applicable

Legal Deadline: Statutory, December 15, 1985

Abstract: This action is required by legislation, which provides a formula for computing the National quota. The quota must equal the amount devoted to domestic edible, seed, and related uses and may not be less than 1.1 million tons. The objective is to balance supply with demand at levels that assure stable supplies for domestic use and assure producers a reasonable income. (ASCS 86-034)

Timetable:

Action	Date	FR Cite
Announcement	01/09/86	
Final Action	04/14/86	
NPRM	00/00/00	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA80

41. ● 1986 FEED GRAIN PROGRAM

Significance: Regulatory Program

Legal Authority: Ag Act of 1949; as amended by Sec 401-403, 1002, 1003; and 1012 of the Food Security Act of 1985; PL 99-198

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 718; 7 CFR 719; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1421.720 to 1421.734

USDA—ASCS **Final Rule Stage**

Legal Deadline: Statutory. As soon as practicable after enactment of the Food Security Act of 1985 (12/23/85).

Abstract: The object of this action is to provide an adequate feed grain supply for domestic and foreign utilization, support farm income and feed grain prices, combat inflation, hold down Federal costs, conserve natural resources, and comply with statutory requirements. (ASCS 86-042)

Timetable:

Action	Date	FR Cite
Final Action	04/15/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA84

42. ● 1986-CROP MARKETING QUOTAS FOR BURLEY TOBACCO

Legal Authority: 7 USC 1314Ag Adjustment Act of 1938, as amended

CFR Citation: Not applicable

Legal Deadline: Statutory, March 1, 1986

Abstract: Marketing quotas are required by legislation. Their objective is to balance supply with demand at levels that assure stable supplies for domestic and export use. (ASCS 85-026)

Timetable:

Action	Date	FR Cite
NPRM	12/17/85	50 FR 51438
Announcement	02/28/86	
Final Action	04/15/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA85

43. ● 1986-CROP FLUE-CURED TOBACCO MARKETING QUOTAS AND PRICE SUPPORT LEVEL

Legal Authority: 7 USC 1312(a) et seq

CFR Citation: Not applicable

Legal Deadline: Statutory, December 15, 1985

Abstract: This action would balance supply with demand at levels assuring stable supplies for domestic and export use. The expected cost is $80 million net receipt (crop year basis). (ASCS 85-021)

Timetable:

Action	Date	FR Cite
NPRM	10/17/85	50 FR 42067
Announcement - Quota	12/31/85	
Announcement - Price Support	02/28/86	
Final Action	03/31/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA86

44. ● 1986 EXTRA LONG STAPLE (ELS) COTTON PROGRAM

Legal Authority: 7 USC 1444(h); Ag Act of 1949, Sec 103(h); as amended by Sec 507 of the Food Security Act of 1985; PL 99-198

CFR Citation: 7 CFR 1427

Legal Deadline: None

Abstract: The object of this action is to assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, support farm income and cotton prices, combat inflation, conserve natural resources, hold down Federal costs, and comply with statutory requirements. (ASCS 86-030)

Timetable:

Action	Date	FR Cite
Final Action	05/15/86	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA87

DEPARTMENT OF AGRICULTURE (USDA) — Completed Actions

Agricultural Stabilization and Conservation Service (ASCS)

45. STANDARDS FOR THE APPROVAL OF DRY AND COLD STORAGE WAREHOUSES FOR PROCESSED AGRICULTURAL COMMODITIES, EXTRACTED HONEY, AND BULK OILS

CFR Citation: 7 CFR 1423

Completed:

Reason	Date	FR Cite
Final Action	10/21/85	50 FR 42511

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA15

46. POUNDAGE QUOTA AND MARKETING REGULATIONS FOR THE 1983 THROUGH 1985 CROPS OF PEANUTS (AMENDMENT 1)

CFR Citation: 7 CFR 729

Completed:

Reason	Date	FR Cite
Final Action	08/05/85	50 FR 31585

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA29

47. 1985 PRICE SUPPORT LEVELS FOR ALL KINDS OF TOBACCO

CFR Citation: 7 CFR 1464

Completed:

Reason	Date	FR Cite
Final Action Flue-Cured	04/17/85	50 FR 15202

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA39

48. FEES FOR VOLUNTARY EXAMINATIONS

CFR Citation: 7 CFR 102

USDA—ASCS

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	08/23/85	50 FR 34075

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA45

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49. 1985 SUGAR BEET AND SUGARCANE LOAN RATES

Significance: Regulatory Program

CFR Citation: 7 CFR 1435.110 et seq

Completed:

Reason	Date	FR Cite
Final Action	10/22/85	50 FR 42740

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA49

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50. 1985-86 MILK PRICE SUPPORT PROGRAM (EFFECTIVE 10/1/85)

CFR Citation: 7 CFR 1430

Completed:

Reason	Date	FR Cite
Withdrawn	04/01/86	

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA51

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51. ●NATIONAL ACREAGE ALLOTMENT, NATIONAL MARKETING QUOTA, AND REFERENDUM PROCESS FOR 1986-CROP PEANUTS

Significance: Agency Priority

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Withdrawn	04/01/86	

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA81

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52. ●GENERAL REGULATIONS GOVERNING PRICE SUPPORT FOR THE 1985 AND SUBSEQUENT CROPS--ELIGIBILITY OF COOPERATIVES FOR FARM-STORED LOANS

CFR Citation: 7 CFR 1421.3(g); 7 CFR 1421.302(b)

Completed:

Reason	Date	FR Cite
Withdrawn	04/01/86	

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA83

[FR Doc. 86-6636 Filed 04-18-86; 8:45 am]
BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Proposed Rule Stage

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53. REVISION OF 7 CFR 319.56, IMPORTATION OF FRUITS AND VEGETABLES

Significance: Regulatory Program

Legal Authority: 7 USC 150dd to 150ff; 7 USC 159; 7 USC 162

CFR Citation: 7 CFR 319.56

Legal Deadline: None

Abstract: An increased number of exotic pests have been introduced recently into the United States. Some of these pests may have arrived on importations of fruits and vegetables. Since these pests are capable of causing extensive economic damage, Plant Protection and Quarantine (PPQ) is considering the development of an improved system for determining the entry status of agricultural products, particularly fruits and vegetables. (APHIS 85-008)

Timetable:

Action	Date	FR Cite
NPRM	06/01/86	
Start of Public Hearing	07/01/86	
NPRM Comment Period End	08/01/86	
Final Action	11/01/86	

Small Entity: Undetermined

Agency Contact: Nick Bedessem, Department of Agriculture, Animal and Plant Health Inspection Service, Room 728, Federal Bldg., Hyattsville, MD 20782, 301 436-5533

RIN: 0579-AA12

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54. ● GYPSY MOTH - OUTDOOR HOUSEHOLD ARTICLES

Significance: Regulatory Program

Legal Authority: 7 USC 150dd; 7 USC 150ee; 7 USC 161; 7 USC 162

CFR Citation: 7 CFR 301.45

Legal Deadline: None

Abstract: The Department has been regulating the movement of outdoor household articles (OHA) out of those areas in the northeast which are regulated for gypsy moth. The (OHA) regulations have been in place since 1983. The current program requires that no life stages of the pest be moved out of those areas. Owners of OHA can either inspect the articles themselves and remove any life stages found or can contact a qualified certified applicator (OCA) and pay for the services necessary to rid the articles of gypsy moth. The program, despite a massive educational campaign using various media, has not lived up to expectations. At best, the Agency is experiencing only 50 percent compliance. This information is based on random spot checks of moving vans leaving the infested northeast. The Agency is considering ways to improve the compliance rate to at least 70 percent. Alternatives being considered include mandatory inspection by qualified certified applicators; mandatory written certification of inspection by the owner of the OHA; and increased public notification and awareness. (86-021)

Timetable:

Action	Date	FR Cite
NPRM	07/01/86	
Final Action	10/01/86	

Small Entity: No

USDA—APHIS **Proposed Rule Stage**

Agency Contact: Nick Bedessem, Department of Agriculture, Animal and Plant Health Inspection Service, Room 728, Federal Bldg., Hyattsville, MD 20782, **301 436-5533**

RIN: 0579-AA15

55. ● ORGANISMS AND PRODUCTS ALTERED OR PRODUCED THROUGH BIOTECHNOLOGY

Significance: Regulatory Program

Legal Authority: 7 USC 150aa to 150jj; 7 USC 151 to 164

CFR Citation: Not applicable

Legal Deadline: None

Abstract: Trade in organisms and products altered or produced through biotechnology may introduce plant diseases and pests which are new to or not previously widespread in the United States and which pose a threat to U.S. agriculture and the environment if the introduction of these genetically engineered articles is not regulated. The articles themselves, the cultures in which they are transported, or their packaging may be contaminated with plant disease-causing organisms. Some genetically engineered organisms may be or may become plant pests. The effect of introducing the organism into the environment where it could become established and widespread is unknown. It is necessary, therefore, to establish some degree of regulation over these articles. (APHIS 86-015)

Timetable:

Action	Date	FR Cite
NPRM	04/01/86	
Final Action	08/01/86	

Small Entity: Undetermined

Agency Contact: Nick Bedessem, Department of Agriculture, Animal and Plant Health Inspection Service, Room 728, Federal Bldg., Hyattsville, MD 20782, **301 436-5533**

RIN: 0579-AA16

[FR Doc. 86-8636 Filed 04-18-86; 8:45 am]
BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)

Farmers Home Administration (FmHA) **Proposed Rule Stage**

56. SUSPENSION AND DEBARMENT REGULATIONS

Legal Authority: 7 USC 1989; 42 USC 1480(j)

CFR Citation: 7 CFR 1924

Legal Deadline: None

Abstract: This regulatory activity will improve FmHA's suspension and debarment system by establishing regulations that are compatible with other federal agency regulations. (FmHA 82-004)

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, **202 382-9744**

RIN: 0575-AA02

57. ● REVISION OF FMHA INSTRUCTION 1944-A, "SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES AND AUTHORIZATIONS," TO IMPLEMENT THE REQUIREMENTS OF THE RURAL HOUSING AMENDMENTS OF 1983

Significance: Regulatory Program

Legal Authority: 42 USC 1480(j)

CFR Citation: 7 CFR 1924; 7 CFR 1944

Legal Deadline: None

Abstract: The need for Government action is mandated by changes in the Agency's authorizing statute requiring corresponding changes in the FmHA rural housing program. The objectives of the action are: (1) allow extension of terms for applicants for initial loans with incomes of not more than 60 percent of median income for up to 38 years if needed for repayment ability; (2) give priority to applicants with the greatest need for housing because of their low income and inadequate dwellings, and to those applicants who will reside in areas which are the most rural in character; (3) implement Section 502 loans to purchase mobile/manufactured homes and sites, and certain allowable expenses for transportation and set-up. Item (3) has been made a separate publication. (FmHA 84-003)

Timetable:

Action	Date	FR Cite
NPRM Item (3)	01/17/86	51 FR 2507
NPRM Items (1) & (2)	03/00/86	
Final Action Item (3)	05/00/86	
Final Action Items (1) & (2)	06/00/86	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Room 6348-S, Department of Agriculture, Farmers Home Administration, Washington, DC 20250, **202 382-9744**

RIN: 0575-AA05

58. ● STRENGTHENING THE FMHA BUSINESS AND INDUSTRIAL GUARANTEED LOAN PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1980

Legal Deadline: None

Abstract: FmHA needs to fulfill the provisions of OMB Circular A-70 as they relate to FmHA's Business and Industrial (B&I) Guaranteed Loan program. There are weaknesses in the program's requirements for overall credit terms, evaluations, and servicing. Existing provisions of FmHA regulations must be modified or deleted to address the identified problems. The Agency proposes to rewrite and/or amend FmHA Instructions 1980-A and 1980-E in order to make administrative and public procedural changes for strengthening overall credit terms, evaluations, and servicing requirements of the FmHA B&I Guaranteed Loan program. (FmHA 86-007)

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
Final Action	06/00/86	

USDA—FmHA

Proposed Rule Stage

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA17

59. REVISION OF CONSTRUCTION STANDARDS FOR FMHA FINANCED HOUSING

Significance: Regulatory Program

Legal Authority: 7 USC 1989; 42 USC 1480(j)

CFR Citation: 7 CFR 1924

Legal Deadline: None

Abstract: FmHA will adopt an official standard within each FmHA State Office jurisdiction. The State's legally adopted code will be used if (1) it is based on one of the voluntary national model building codes, or (2) it is equivalent to those codes. If a State code is not used, FmHA State Directors will determine which of the model codes is most prevalent and appropriate for the area and adopt that as FmHA's code for the area. (FmHA 86-006)

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA21

60. ● BUILDING REQUIREMENTS AND DESIGN FEATURES EMPHASIZING COST CONTAINMENT

Legal Authority: 42 USC 1480(j)

CFR Citation: 7 CFR 1944

Legal Deadline: None

Abstract: The objectives of the action would make the FmHA housing program available to a greater number of very low income persons and simultaneously reduce the overall cost of the program to the government. (FmHA 86-003)

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	10/00/86	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA24

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Final Rule Stage

61. MOBILE/MANUFACTURED HOME RENTAL PROJECTS

Legal Authority: 42 USC 1480(j)

CFR Citation: 7 CFR 1944

Legal Deadline: None

Abstract: The objectives of the action are to provide financing to eligible applicants to develop mobile/manufactured housing projects for rental purposes to eligible occupants as provided for in the Rural Housing Amendments of 1983. (FmHA 84-007)

Timetable:

Action	Date	FR Cite
NPRM	01/17/86	51 FR 2516
Final Action	06/00/86	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA08

62. ● RESTRICTING INSURED AND GUARANTEED FARM OWNERSHIP AND OPERATING LOANS WHEN SURPLUS ITEMS EXIST

Significance: Regulatory Program

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1941; 7 CFR 1943; 7 CFR 1980

Legal Deadline: None

Abstract: The Federal Government has had many different programs in an attempt to regulate the supply of agricultural commodities. The problem is to find a way to have an adequate supply of agricultural commodities without creating surpluses or shortages.

The Agency is proposing to change its regulations to allow the Administrator of FmHA to restrict loans for certain periods of time for surplus agricultural commodities that are depressing prices. This would save the applicant and the Agency the work, time, and the expense involved in processing applications for which a feasible plan of operation cannot be developed. The proposed change in regulations would help eliminate the number of applications that have to be fully processed and then rejected. (FmHA 86-008)

Timetable:

Action	Date	FR Cite
NPRM	12/02/85	
Final Action	07/00/86	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA12

63. ● DISASTER ASSISTANCE - GENERAL (PART 1945, SUBPART A) EMERGENCY LOAN POLICIES, PROCEDURES AND AUTHORIZATIONS (PART 1945, SUBPART D)

Significance: Regulatory Program

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1945

Legal Deadline: None

Abstract: The Emergency Agricultural Credit Act of 1984 amended the Emergency Loan (EM) program. The Act authorized FmHA to provide emergency credit to agricultural producers in

counties that are contiguous to counties that have been declared disaster areas.

The Consolidated Farm and Rural Development Act also requires the Agency to base its appraisal of collateral offered as security for emergency loans on (1) the value of the collateral one year and one day before the disaster designation is requested by a State Governor, an Indian tribal council, or FmHA State Director; or (2) the value one day before such request; or (3) on its present-market value, whichever is the highest value. (FmHA 86-009)

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/00/86	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA14

64. ● HOUSING PRESERVATION GRANTS

Significance: Regulatory Program

Legal Authority: 42 USC 1480(j)

CFR Citation: 7 CFR 1944

Legal Deadline: None

Abstract: The Annual Housing Survey of 1981 notes that there are over two million housing units in rural areas with some form of deterioration or inadequacy affecting the health and safety of their occupants. Since the Housing Act of 1949, housing programs have been implemented to provide replacement housing or to repair existing units. Many of these programs have been operated by Farmers Home Administration directly with eligible families in rural areas. Congress established the Housing Preservation Grant (HPG) Program to address some of these problems. (FmHA 86-005)

Timetable:

Action	Date	FR Cite
NPRM	07/26/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA18

65. MANAGEMENT AND SUPERVISION OF MULTIPLE FAMILY HOUSING BORROWERS AND GRANT RECIPIENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1480(j)

CFR Citation: 7 CFR 1930; 7 CFR 1944

Legal Deadline: None

Abstract: Interim final rule to implement the requirements of the Rural Housing Amendments of 1983 regarding definitions of income and adjusted annual income, use of HUD income limits for eligibility, establish requirements regarding rent increases, implement rules on pets in elderly projects, establish new rules on providing rental assistance, and establish occupancy levels between low and very low income tenants. (FmHA 83-017)

Timetable:

Action	Date	FR Cite
NPRM for 1930	07/16/85	50 FR 28782
NPRM for 1944	10/01/85	50 FR 39959
Interim Action for 1944	03/00/86	
Final Action	03/00/86	
Final Action for 1930	05/00/86	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA20

66. FMHA GUARANTEES OF COMMERCIAL LENDER'S FARM OWNERSHIP (FO) AND OPERATING LOANS (OL) WITH ACCOMPANYING LENDER PRINCIPAL WRITE DOWN AND/OR INTEREST RATE REDUCTION

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1980

Legal Deadline: None

Abstract: The general objective of the proposed action is to integrate Government and Private Sector resources in a continual effort to resolve financial difficulties in agriculture. The proposed action amends the debt adjustment program regulations for guaranteed OL and FO loans to clarify the dollar value equivalency of an interest rate reduction used in lieu of a required 10 percent minimum write down of the total principal and interest outstanding on loan(s) which a lender wants guaranteed; to reduce the minimum positive cash flow requirement under the DAP from 110 percent to 100 percent and to permit lenders to use a combination write down of principal of indebtedness along with an interest rate reduction which would equal the value of an upfront write down of existing indebtedness of at least 10 percent. The intended effect of this action is to provide additional financial assistance to both lenders and their farm borrowers in a time of financial difficulty. (FmHA 85-005)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/13/85	50 FR 9987
Final Action	05/00/86	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA22

67. ● CHANGES TO THE FMHA FARMER PROGRAM LOAN MAKING, SUPERVISION AND SERVICING REGULATIONS TO IMPLEMENT THE APPLICABLE PROVISIONS OF THE "FOOD SECURITY ACT OF 1985"

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1900; 7 CFR 1910; 7 CFR 1924; 7 CFR 1941; 7 CFR 1943; 7 CFR 1945; 7 CFR 1955; 7 CFR 1980

Legal Deadline: Statutory, June 23, 1986

Abstract: Most of the provisions of the Food Security Act of 1985 are mandated by the Act. The major effects will be to insure that the agency provides prompt service to applicants and borrowers, reduce the need and size of the emergency loan program, provide for additional ways that borrowers may continue farming, provide a home during the transition from farming to

USDA—FmHA **Final Rule Stage**

other employment, preserve the family farm, protect the national food supply, and provide for conservation of less productive land. (FmHA 86-001)

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/25/86	51 FR 6704
Final Action	04/00/86	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA23

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Completed Actions

68. SPECIAL DEBT SET-ASIDE OF A PORTION OF THE INDEBTEDNESS OF FARMER PROGRAM BORROWERS

Significance: Agency Priority

CFR Citation: 7 CFR 1951

Completed:

Reason	Date	FR Cite
Interim Final Rule	10/19/84	49 FR 41220

Small Entity: No

Agency Contact: Carl Opstad 202 382-9744

RIN: 0575-AA10

[FR Doc. 86-6636 Filed 04-18-86; 8:45 am]

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DEPARTMENT OF AGRICULTURE (USDA)
Federal Grain Inspection Service (FGIS)

Completed Actions

69. KINDS OF OFFICIAL SERVICES

CFR Citation: 7 CFR 800.75 to 800.78; 7 CFR 800.135 to 800.140; 7 CFR 800.160 to 800.166

Completed:

Reason	Date	FR Cite
Final Action	10/31/85	50 FR 45389

Small Entity: No

Agency Contact: L. Lebakken, Jr., Chief 202 382-1738

RIN: 0580-AA02

70. RECORDKEEPING AND ACCESS TO FACILITIES

CFR Citation: 7 CFR 800.25 to 800.26

Completed:

Reason	Date	FR Cite
Final Action	01/15/86	51 FR 1767

Small Entity: No

Agency Contact: L. Lebakken, Jr., Chief 202 382-1738

RIN: 0580-AA05

[FR Doc. 86-6636 Filed 04-18-86; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Proposed Rule Stage

71. ● WAIVER SIMPLIFICATION: FOOD STAMP PROGRAM

Legal Authority: 7 USC 2014(b)

CFR Citation: 7 CFR 273; 7 CFR 273.21

Legal Deadline: None

Abstract: This rule modifies Food Stamp regulations to increase regulatory flexibility and reduce the need for waiver requests by State agencies. The rule will make numerous changes in certification and program administration; however the majority of changes will affect Monthly Reporting and Retrospective Budgeting since this area is the source of most waiver requests. (FNS 85-001)

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA02

72. ISSUANCE LOSS LIABILITY: FOOD STAMP PROGRAM

Legal Authority: 7 USC 2016; 7 USC 2020(e)(20)

CFR Citation: 7 CFR 274; 7 CFR 276

Legal Deadline: None

Abstract: These rules govern the issuance of food stamps to Food Stamp Program participants. They also establish the system for accounting for the food stamps and establish liabilities for losses during the issuance process. (FNS 84-002)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/29/82	47 FR 49010
NPRM	04/00/86	
Final Action	12/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA05

73. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

Legal Authority: 7 USC 2013(b)

USDA—FNS **Proposed Rule Stage**

CFR Citation: 7 CFR 253

Legal Deadline: None

Abstract: The rule reorganizes existing regulatory provisions for clarity and ease of reference. This rule describes the terms and conditions under which (1) USDA-donated foods (available under 7 CFR 250) may be distributed to households on or near Indian reservations; (2) the program may be administered by capable Indian tribal organizations; and (3) funds may be obtained from USDA for the costs incurred in administering the program. The rule also provides for the concurrent operation of the Food Distribution Program and the Food Stamp Program on Indian reservations when such concurrent operation is requested by an Indian tribal organization. (FNS 84-514)

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
Final Action	08/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA09

74. REWRITE OF REGULATIONS ON DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE BENEFITS

Legal Authority: 42 USC 1758; 42 USC 1779

CFR Citation: 7 CFR 245

Legal Deadline: None

Abstract: This rule will revise regulations covering the eligibility process for school meals and milk. Part 245 has not undergone a complete rewrite in many years despite legislative change which has substantially changed the application process. The rewrite is primarily nonsubstantive in nature. The rewrite is intended to remove duplicative and obsolete provisions to clarify and reorganize all sections and to incorporate the requirements of P.L. 97-35. (FNS 84-518)

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	01/00/87	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA32

75. ADMINISTRATIVE REVIEW PROCESS AND QUALITY CONTROL ARBITRATION PROCEDURES: FOOD STAMP PROGRAM

Legal Authority: 7 USC 2023(a); 7 USC 2025(c),(d)

CFR Citation: 7 CFR 276.7

Legal Deadline: None

Abstract: FNS is considering simplification of review process. In addition, FNS is proposing to set definite timeframes for the submission of State requests for arbitration on individual quality control cases where findings are disputed. (FNS 84-013)

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
Final Action	09/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA46

76. CONFORMANCE WITH AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC) RULES: FOOD STAMP PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 2014(f); PL 99-198 (99 Stat. 1354)

CFR Citation: 7 CFR 273; 7 CFR 275

Legal Deadline: Statutory, April 1, 1987

Abstract: This rule reviews Food Stamp and Aid to Families with Dependent Children regulations for inconsistencies and proposes conformance by altering either or both program's rules. (FNS 85-002)

Timetable:

Action	Date	FR Cite
ANPRM	02/19/85	50 FR 6970
NPRM	06/00/86	
NPRM Comment Period End	08/00/86	
Final Action	01/00/87	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA52

77. ● PROPOSAL FOR A NATIONAL INVENTORY SYSTEM

Legal Authority: 7 USC 612c; 7 USC 612c Note; 15 USC 713c; 42 USC 1755; 42 USC 1758; 7 USC 1431; 22 USC 1922; 7 USC 1859; 7 USC 1431b; 7 USC 1431 Note; 7 USC 1446a-1; 42 USC 1761; 42 USC 5179; 42 USC 5180; 42 USC 1762a

CFR Citation: 7 CFR 252

Legal Deadline: None

Abstract: This proposal offers an alternative to the National Commodity Processing (NCP) Program and the proposed mandated State processing program. The proposal is intended to make processed end products available to all eligible recipient agencies and place the burdens of administration at the levels best suited and equipped to handle the various responsibilities. (FNS 86-509)

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	03/00/87	

Small Entity: No

Additional Information: 42 USC 1766; 42 USC 3030a; 42 USC 1760; 5 USC 301; 7 USC 1431e; 42 USC 1779.

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA60

78. ● ANNUAL SAE PLAN/FUNDS: CHILD NUTRITION PROGRAMS

Legal Authority: 42 USC 1779

CFR Citation: 7 CFR 235.4(d)

Legal Deadline: None

Abstract: The annual SAE plan would be integrated into the SAE funding process. Upon FNS approval of its plan a State agency would receive SAE funds equal to the lesser of the amount provided under the allocation formulas plus any amount carried over from the previous year, or the amount justified in its plan. SAE plans would be broadened to include State as well as SAE funds and be structured to address program needs. These plans could be amended at any time to justify additional SAE funds, up to the amount allocated by formula, or to reflect any other changes in funding or funding needs. FNS would assess State plan implementation as part of its ongoing management evaluation of State agencies. The rule would also: provide more effective monitoring of the State maintenance of effort (MOE) requirement as a condition of receiving SAE funds; limit to one the number of SAE reallocations that FNS could perform annually; and emphasize FNS's authority to sanction a State agency's funds for failure to implement its approved administrative plan. (FNS 85-506)

Timetable:

Action	Date	FR Cite
NPRM	03/25/86	51 FR 10214
Final Action	07/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA61

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79. ● SIMPLIFIED APPLICATION AND STANDARDIZED BENEFITS: FOOD STAMP PROGRAM

Legal Authority: PL 99-198; 7 USC 2011 to 2027; 91 Stat 958

CFR Citation: 7 CFR 282.19

Legal Deadline: None

Abstract: This rule addresses the simplified application and standardized benefit provisions contained in the Food Security Act of 1985. These provisions should result in reductions in administrative costs and, depending on the benefit standardization procedures used, significant reductions in error rates. (FNS 86-010)

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	11/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA62

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80. ● ADMINISTRATION/MANAGEMENT: FOOD STAMP PROGRAM

Legal Authority: PL 99-198, Secs. 1524, 1530, 1526, 1534, 1539; 7 USC 2011 to 2027; 91 Stat 958

CFR Citation: 7 CFR 272.4; 7 CFR 272.3; 7 CFR 273.18; 7 CFR 275.15

Legal Deadline: Statutory, April 1, 1987

Abstract: This regulation implements the following five provisions of the Food Security Act of 1985: (1) sets standards for the periodic review of food stamp offices' hours of operation; (2) requires State agencies to encourage participation in the Expanded Food and Nutrition Education Program (EFNEP); (3) requires project areas with 5,000 or more households to establish units to detect fraud; (4) allows State agencies to enter into agreements with State agencies administering Unemployment Compensation laws so that food stamp State agencies can collect outstanding claims by withholding unemployment benefits and/or other methods of collecting claims when recoupment is not an available method; (5) requires the Department to require State agencies to change the certification procedures used in project areas where it is determined that payment error rates are impairing the integrity of the program. (FNS 86-011)

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA63

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81. ● QUALITY CONTROL SYSTEM: FOOD STAMP PROGRAM

Legal Authority: PL 99-198 (99 Stat. 1354, Sec 1538)

CFR Citation: 7 CFR 275

Legal Deadline: Statutory, December 23, 1987

Abstract: This rule will make any changes to the quality control (QC) system made necessary by the requirements in the Food Security Act of 1985. (FNS 86-007)

Timetable:

Action	Date	FR Cite
NPRM	01/00/87	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA64

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82. ● EMPLOYMENT AND TRAINING REQUIREMENTS: FOOD STAMP PROGRAM

Legal Authority: PL 99-198; 7 USC 2011 to 2027; 91 Stat. 958

CFR Citation: 7 CFR 273.7; 7 CFR 273.22

Legal Deadline: Statutory, April 1, 1987

Abstract: The Food Security Act of 1985 mandates extensive changes in the work requirements of the Food Stamp Program. This rule will provide guidelines for State agencies to design and implement employment and training programs by April 1, 1987. (FNS 86-009)

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	12/15/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA65

USDA—FNS

Proposed Rule Stage

83. ● RETAILER/WHOLESALER PROVISIONS: FOOD STAMP PROGRAM

Legal Authority: PL 99-198; 7 USC 2011 to 2027; 91 Stat. 958

CFR Citation: 7 CFR 278

Legal Deadline: None

Abstract: This rule addresses the retailer/wholesaler provisions contained in the Food Security Act of 1985. These provisions are intended to reduce paperwork required of retail stores; improve compliance by retailers and wholesalers; and provide information to State agencies administering the WIC Program to improve the oversight of stores participating in that program. (FNS 86-014)

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	12/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA67

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Food and Nutrition Service (FNS)

84. FOOD DISTRIBUTION PROGRAM

Legal Authority: 7 USC 612c; 15 USC 713c; 42 USC 1755; 42 USC 1758; 7 USC 1431; 22 USC 1922; 7 USC 1859; 7 USC 1431b; 7 USC 1431 Note; 7 USC 1446a-1; 42 USC 1761; 42 USC 5179; 42 USC 5180; 42 USC 1762a; 42 USC 1766; ...

CFR Citation: 7 CFR 250

Legal Deadline: None

Abstract: The rule reorganizes existing regulatory provisions for clarity and ease of reference. This rule outlines the responsibilities of the Food and Nutrition Service and State agencies concerning the distribution of USDA-donated foods acquired under various legislative authorities. The rule prescribes the terms and conditions under which donated foods may be obtained through distributing agencies for use in schools, child care institutions, nonprofit summer camps for children, charitable institutions, nutrition programs for the elderly, and otherwise in the assistance of needy persons. In addition, a number of provisions have been included to strengthen and improve the State Processing Program. (FNS 84-513)

Timetable:

Action	Date	FR Cite
NPRM	08/19/85	50 FR 33470
Final Action	06/00/86	

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: 7 USC 612c Note; 42 USC 3030a; 42 USC 1760; 5 USC 301; 7 USC 1431e; 42 USC 1779

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA07

85. DISTRIBUTION OF SURPLUS FOOD UNDER THE TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP) FOR FISCAL YEARS 1986 AND 1987

Significance: Regulatory Program

Legal Authority: PL 98-8, Title II

CFR Citation: 7 CFR 251

Legal Deadline: Statutory, April 1, 1987. Sec. 1583 of PL 99-198 requires publication of rules by April 1, 1987.

Abstract: This rule amends the Temporary Emergency Food Assistance Program regulations to include (1) provisions for monitoring of program participation and submission of reports and (2) changes from the Food Security Act of 1985. These provisions strengthen 7 CFR 251 by adding monitoring and accountability components. (FNS 84-519)

Timetable:

Action	Date	FR Cite
NPRM	07/02/84	49 FR 27159
Final Action	04/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA15

86. REIMBURSING WORKFARE'S ADMINISTRATIVE COSTS: FOOD STAMP PROGRAM

Legal Authority: 7 USC 2029(g)(2)

CFR Citation: 7 CFR 273.22

Legal Deadline: None

Abstract: The rule describes criteria for incentive reimbursement for optional workfare projects. (FNS 85-005)

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/11/83	48 FR 1171
Final Action	03/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA20

87. EMERGENCY FOOD ASSISTANCE FOR VICTIMS OF DISASTERS

Legal Authority: 7 USC 2013(b); 7 USC 2014(h)

CFR Citation: 7 CFR 280

Legal Deadline: None

Abstract: This final rule defines special eligibility and issuance procedures during declared disasters. (FNS 84-001)

Timetable:

Action	Date	FR Cite
NPRM	01/27/81	46 FR 8923
Final Action	09/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA24

88. EXTENSION OF THE NATIONAL COMMODITY PROCESSING PROGRAM

Legal Authority: 7 USC 612c; 7 USC 612c Note; 15 USC 713c; 42 USC 1755; 42 USC 1758; 7 USC 1431; 22 USC 1922; 7 USC 1859; 7 USC 143lb; 7 USC 1431 Note; 7 USC 1446a-1; 42 USC 1761; 42 USC 5179; 42 USC 5180; 42 USC 1762a

CFR Citation: 7 CFR 252

Legal Deadline: None

Abstract: This rule extends the National Commodity Processing (NCP) Program through June 30, 1986 and incorporates the provisions of the proposed amendments published February 4, 1986. (FNS 84-504)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/23/83	48 FR 28609
NPRM Part 252	02/04/85	51 FR 4370
Extension of Interim Final Rule	09/12/85	50 FR 37163
One Year Extension of Interim Rule	06/01/86	

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: 42 USC 1766; 42 USC 3030a; 42 USC 1760; 5 USC 301; 7 USC 1431e.

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA26

89. NSLP VERIFICATION MONITORING/AND AIMS REPORTING

Legal Authority: 42 USC 1758; 42 USC 1779

CFR Citation: 7 CFR 210; 7 CFR 245

Legal Deadline: None

Abstract: This proposal will require State agencies to monitor School Food Authorities' compliance with the verification of eligibility requirements contained in 7 CFR 245. This monitoring would become part of the Assessment, Improvement and Monitoring System which is currently in place. (FNS 84-509)

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	50 FR 39707
Final Action	04/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA33

90. MANAGEMENT EVALUATIONS AND CORRECTIVE ACTION PLANS: FOOD STAMP PROGRAM

Legal Authority: 7 USC 2020(e)(13); 7 USC 2025(b)

CFR Citation: 7 CFR 275

Legal Deadline: None

Abstract: This rule focuses program reviews on priority target areas and improves use of corrective action planning. (FNS 84-018)

Timetable:

Action	Date	FR Cite
NPRM	08/29/85	50 FR 35091
Final Action	09/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA37

91. FORFEITURE PROCEDURES/BONDING: FOOD STAMP PROGRAM

Legal Authority: 7 USC 2024(g)

CFR Citation: 7 CFR 278

Legal Deadline: None

Abstract: This rule allows FNS to retain goods or money acquired during investigations of potential store violations. The rule will also permit disqualified stores seeking reauthorization to post letters of credit in lieu of collateral bonds. (FNS 84-017)

Timetable:

Action	Date	FR Cite
NPRM	08/14/85	50 FR 32712
Final Action	09/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA40

92. REWRITE OF NATIONAL SCHOOL LUNCH PROGRAM REGULATIONS

Legal Authority: 42 USC 1751 et seq

CFR Citation: 7 CFR 210

Legal Deadline: None

Abstract: This rule will propose to revise the regulations covering the National School Lunch Program and the Commodity School Program. Since January 20, 1970, Part 210 has been amended with over 50 final rules and a number of interim rules. This proposal is nonsubstantive in nature. Emphasis is placed on resolving ambiguities and inconsistencies; eliminating unnecessary, duplicative and obsolete provisions; and clarifying both language and style so that Part 210 is more easily understood. (FNS 84-511)

Timetable:

Action	Date	FR Cite
NPRM	02/12/85	50 FR 5950
Interim Final Rule	06/00/86	
Final Action	04/00/87	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA43

93. MEAT ALTERNATES USED IN CHILD NUTRITION PROGRAMS

Legal Authority: 42 USC 1758; 42 USC 1761; 42 USC 1766; 42 USC 1779

CFR Citation: 7 CFR 210; 7 CFR 225, Subpart D; 7 CFR 226, Subpart E

Legal Deadline: None

Abstract: Amend meal pattern requirements to expand the list of allowable meat alternates to include

high protein nuts and seeds and their butters. (FNS 85-501)

Timetable:

Action	Date	FR Cite
NPRM	12/06/85	50 FR 49933
Final Action	06/01/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA58

94. ● NON-DISCRETIONARY BUDGET PROVISION: FOOD STAMP PROGRAM

Significance: Agency Priority

Legal Authority: PL 99-198; (99 Stat. 1354) Secs. 1505, 1511(2), (3)(A) & (B), 1514(1)

CFR Citation: 7 CFR 273

Legal Deadline: Statutory, May 1, 1986

Abstract: This final rule will implement certain non-discretionary major budgetary provisions of the Food Security Act of 1985. This action: 1) increases the maximum resource limit to $2,000 for nonelderly/nondisabled households; 2) expands the $3,000 maximum resource limit for elderly/disabled households; 3) increases the earned income deduction from 18 percent to 20 percent; 4) separates the combined shelter/dependent care maximum deduction limit for nonelderly/nondisabled households; 5) increases the maximum limit for the dependent care deduction to $160 per nonelderly/nondisabled household; and 6) prohibits the collection of State and local sales taxes on food stamp purchases. The sale tax provision has the potential of significantly affecting those States currently taxing items purchased with food stamps. (FNS 86-001)

Timetable:

Action	Date	FR Cite
Final Action	04/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA59

95. ● NON-DISCRETIONARY PROVISIONS: FOOD STAMP PROGRAM

Legal Authority: PL 99-198 (99 Stat. 1354); Sec 1504, 1511(4), 1512, 1513, 1516(4), 1525, 1529, 1533, 1543

CFR Citation: 7 CFR 273; 7 CFR 278; 7 CFR 285

Legal Deadline: None

Abstract: This final rule will implement certain non-discretionary provisions from the Food Security Act of 1985. These provisions are: (1) expanding the definition of disabled; (2) liability of every adult household member for over issuance of coupons; (3) limiting mandatory MRRB to households with earnings or recent work history; (4) changes in the standard utility allowances policy; (5) requirement that one adult household member certify, under penalty of perjury, the accuracy of information on the application; (6) requirement that State agencies ensure that eligible homeless people can participate; (7) requirement that self-employment income be averaged taking into account anticipated earnings; (8) extension of eligibility to anyone placed in a institution of higher education through a program under JTPA; and (9) Puerto Rico cash-out provisions. (FNS-86-002)

Timetable:

Action	Date	FR Cite
Final Action	04/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA66

DEPARTMENT OF AGRICULTURE (USDA)

Food and Nutrition Service (FNS)

Completed Actions

96. ELIGIBILITY CERTIFICATION AND NOTICE PROVISIONS (OBRA): FOOD STAMP PROGRAM

CFR Citation: 7 CFR 273

Completed:

Reason	Date	FR Cite
Final Action	03/28/86	51 FR 10764

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA04

97. FOOD STAMP PROGRAM: REVISION OF PARTS 271, 272, 273 AND 274

CFR Citation: 7 CFR 271; 7 CFR 272; 7 CFR 273; 7 CFR 274

Completed:

Reason	Date	FR Cite
Withdrawn	04/00/86	

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA10

98. AUDIT REQUIREMENTS IN THE CHILD CARE FOOD PROGRAM

CFR Citation: 7 CFR 226.8

Completed:

Reason	Date	FR Cite
Final Action	02/04/86	51 FR 4293

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA30

99. TFP/DEDUCTION UPDATE: FOOD STAMP PROGRAM

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	09/09/85	50 FR 36641

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA51

USDA—FNS

Completed Actions

100. INCOME AND ELIGIBILITY VERIFICATION PROCEDURES: FOOD STAMP, HHS & DOL PROGRAMS

Significance: Regulatory Program

CFR Citation: 7 CFR 271.2; 7 CFR 272.2; 7 CFR 272.8; 7 CFR 273.2; 7 CFR 273.6; 7 CFR 275.12; 7 CFR 272.1

Completed:

Reason	Date	FR Cite
Final Action	02/28/86	51 FR 7178

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA53

[FR Doc. 86-8836 Filed 04-18-86; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Prerule Stage

101. RECORDS, REGISTRATION, AND REPORTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq; 5 USC 552 et seq; 5 USC 601 et seq; 44 USC 3501 et seq; EO 12291

CFR Citation: 9 CFR 320; 9 CFR 381, Subpart Q

Legal Deadline: None

Abstract: The Agency will review Parts 320 and 381 Subpart Q, of Title 9 of the Code of Federal Regulations relating to records and reports required to be maintained by official meat and poultry establishments. The purpose of the review will be to determine whether present reporting and recordkeeping requirements can be reduced or effected in a more efficient, less burdensome manner. (FSIS 82-003)

Timetable:

Action	Date	FR Cite
Begin Review	08/08/83	
End Review	09/30/86	

Small Entity: No

Agency Contact: G. E. McEvoy, Director, Planning Office, Department of Agriculture, Food Safety and Inspection Service, Room 105, Annex Bldg., Washington, DC 20250, 202 447-3317

RIN: 0583-AA00

102. ADMINISTRATIVE REGULATIONS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq; 44 USC 3501 et seq; 5 USC 601 et seq; 7 CFR Part 1; EO 12291

CFR Citation: 9 CFR 304; 9 CFR 305; 9 CFR 306; 9 CFR 307; 9 CFR 329; 9 CFR 331; 9 CFR 335; 9 CFR 381

Legal Deadline: None

Abstract: The Agency will review administrative requirements for applying for, granting, refusing, inaugurating, and withdrawing inspection; detaining, seizing, and condemning meat and poultry products; assigning program employees; designating States and territories and providing reimbursable services; scheduling of operations, and for overtime and holiday services.

Would also determine adequacy of current regulations as they relate to petitioning the Agency for regulatory change and informing interested persons of Agency procedures for appeal in the event of adverse determinations. (FSIS 83-009)

Timetable:

Action	Date	FR Cite
Begin Review	01/00/83	
End Review	09/30/87	

Small Entity: No

Agency Contact: G. E McEvoy, Director, Planning Office, Department of Agriculture, Food Safety and Inspection Service, Room 105, Annex Bldg., Washington, DC 20250, 202 447-3317

RIN: 0583-AA02

103. RED MEAT SLAUGHTER REGULATIONS

Legal Authority: 21 USC 601 et seq; 5 USC 601 et seq; EO 12291

CFR Citation: 9 CFR 307; 9 CFR 309; 9 CFR 310; 9 CFR 311; 9 CFR 312; 9 CFR 313; 9 CFR 314; 9 CFR 316

Legal Deadline: None

Abstract: The Agency will review the slaughter provisions of the regulations promulgated under the Federal Meat Inspection Act (FMIA), 9 CFR 307, 309 through 314, and 316, to identify regulatory provisions that may be deleted or modified as a result of either technological advances or changes in meat inspection procedures while allowing the Agency to maintain the same standards for product wholesomeness and public health protection. (FSIS 83-004)

Timetable:

Action	Date	FR Cite
Begin Review	01/00/83	
End Review	06/30/87	

Small Entity: No

Agency Contact: G. E. McEvoy, Director, Planning Office, Department of Agriculture, Food Safety and Inspection Service, Room 105, Annex Bldg., Washington, DC 20250, 202 447-3317

RIN: 0583-AA03

104. TRANSPORTATION

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq; 5 USC 601 et seq; EO 12291

CFR Citation: 9 CFR 325; 9 CFR 381, Subpart S

Legal Deadline: None

Abstract: The Agency will review Parts 325 and 381 Subpart S, of Title 9 of the Code of Federal Regulations relating to requirements on the movement of product between inspected facilities to determine if they reflect current Agency practice and whether they impose unnecessary burdens on industry. (FSIS 85-003)

Timetable:

Action	Date	FR Cite
Begin Review	01/15/85	
End Review	12/31/86	

Small Entity: No

Agency Contact: G. E. McEvoy, Director, Planning Office, Department of Agriculture, Food Safety and Inspection Service, Room 105, Annex Bldg., Washington, DC 20250, 202 447-3317

RIN: 0583-AA19

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Proposed Rule Stage

105. DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: COOKED POULTRY SAUSAGE

Significance: Regulatory Program

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: Would establish a definition and standard of identity for certain cooked poultry sausages. (FSIS 83-010)

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Irwin Dubinsky, Acting Director, Policy Office, Department of Agriculture, Food Safety and Inspection Service, Room 3812-S, Washington, DC 20250, 202 447-6735

RIN: 0583-AA10

106. PROTEIN REQUIREMENTS FOR TURKEY HAM

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: Would establish more effective compliance measures and procedures to accommodate new technologies. (FSIS 83-018)

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Irwin Dubinsky, Acting Director, Policy Office, Department of Agriculture, Food Safety and Inspection Service, Room 3812-S, Washington, DC 20250, 202 447-6735

RIN: 0583-AA11

107. BARBEQUE STANDARD

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 319; 9 CFR 381

Legal Deadline: None

Abstract: Would provide for alternative processing methods to be used for barbequed meat and poultry products. (FSIS 83-039)

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Irwin Dubinsky, Acting Director, Policy Office, Department of Agriculture, Food Safety and Inspection Service, Room 3812-S, Washington, DC 20250, 202 447-6735

RIN: 0583-AA12

108. REQUIREMENTS FOR MECHANICALLY SEPARATED (KIND) POULTRY PRODUCT AND PRODUCTS IN WHICH IT IS USED

Significance: Regulatory Program

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: Would revise and supplement the requirements regarding the manufacture, characteristics, use, and labeling of poultry product made by mechanical deboning and the labeling of finished products in which it is used as an ingredient. (FSIS 84-001)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Irwin Dubinsky, Acting Director, Policy Office, Department of Agriculture, Food Safety and Inspection Service, Room 3812-S, Washington, DC 20250, 202 447-6735

RIN: 0583-AA15

109. ● DEFINITIONS AND STANDARDS OF IDENTITY FOR MISCELLANEOUS PORK PRODUCTS AND MISCELLANEOUS BEEF PRODUCTS

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 319

Legal Deadline: None

Abstract: USDA received a petition from the National Pork Producers Council requesting that a standard for ground pork be adopted. The petitioner expressed concern that variations in the quality of ground pork products might cause negative consumer response to ground pork. USDA also received a petition from the Western States Meat Association requesting that the standards for ground beef, chopped beef, and hamburger be clarified by designating the anatomical origin of the meat that may be used in these products. USDA proposed to amend the regulations to include compositional requirements that are consistent with regulations for similar products and incorporate existing policies. (FSIS 86-001)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Margaret O'K. Glavin, Acting Director, Department of Agriculture, Food Safety and Inspection Service, Standards and Labeling Division, MPITS, Washington, DC 20250, 202 447-6042

RIN: 0583-AA20

110. ● STANDARD OF IDENTITY AND COMPOSITION FOR "LITE" SAUSAGE

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 319

Legal Deadline: None

Abstract: USDA has been petitioned by the American Meat Institute (AMI) "to promulgate a standard of identity and composition for 'lite' sausage." The current cooked sausage standard includes various processed meat food products, such as frankfurters, hot dogs, weiners, viennas, bolognas, and knockwurst. The AMI petition requests a new standard for lower-fat "lite" sausage that would require not more than 22.5 percent fat and not less than 11.5 percent protein, as compared with 30 percent fat and 10 percent added water maximums in the existing cooked-sausage standard. (FSIS 86-002)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

USDA—FSIS

Proposed Rule Stage

Agency Contact: Margaret O'K. Glavin, Acting Director, Department of Agriculture, Food Safety and Inspection Service, Standard and Labeling Division, MPITS, Washington, DC 20250, 202 447-6042

RIN: 0583-AA21

111. ● REGULATIONS CONCERNING THE IRRADIATION OF PORK FOR TRICHINA CONTROL

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: USDA published a regulation approving the use of low-dose irradiation in federally inspected plants to control trichina in pork carcass and fresh cuts of pork on January 15, 1986. The regulation was published as a final rule and approved the use of irradiation in pork for the control of trichina. Further regulatory issues concerning the use of irradiation in pork such as labeling requirements and the amendment of current regulations to name irradiation as an approved method of "controlling" trichina were not addressed in the original rulemaking. (FSIS 86-003)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Margaret O'K. Glavin, Acting Director, Department of Agriculture, Food Safety and Inspection Service, Standards and Labeling Division, MPITS, Washington, DC 20250, 202 447-6042

RIN: 0583-AA23

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Final Rule Stage

112. LABELING FOR MEAT AND POULTRY PRODUCTS WITH CHEESE SUBSTITUTES, REVISED PIZZA STANDARD

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 319; 9 CFR 381

Legal Deadline: None

Abstract: Would amend the meat and poultry regulations to provide for more informative labeling of cheese substitutes, a minimum cheese content for pizza products, and the use of only cooked meat on pizza. (FSIS 83-007)

Timetable:

Action	Date	FR Cite
NPRM	08/05/83	48 FR 35654
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: Irwin Dubinsky, Acting Director, Policy Office, Department of Agriculture, Food Safety and Inspection Service, Room 3812-S, Washington, DC 20250, 202 447-6735

RIN: 0583-AA07

113. CANNING OF MEAT AND POULTRY PRODUCTS

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 327; 9 CFR 381

Legal Deadline: None

Abstract: Proposes to amend meat and poultry regulations to accommodate technological advances in thermal processing of meat and poultry products contained in hermetically sealed containers. (FSIS 81-013)

Timetable:

Action	Date	FR Cite
NPRM	04/12/84	49 FR 14636
Final Action	06/00/86	

Small Entity: No

Agency Contact: Irwin Dubinsky, Acting Director, Policy Office, Department of Agriculture, Food Safety and Inspection Service, Room 3812-S, Washington, DC 20250, 202 447-6735

RIN: 0583-AA08

114. EXTENSION OF OPERATING SCHEDULES FOR TOTAL QUALITY CONTROL PLANTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: Would allow plants operating under total quality control systems to process and ship product past the normal 8-hour schedule. (FSIS 83-020)

Timetable:

Action	Date	FR Cite
NPRM	08/19/85	50 FR 33348
Final Action	06/00/86	

Small Entity: No

Agency Contact: Irwin Dubinsky, Acting Director, Policy Office, Department of Agriculture, Food Safety and Inspection Service, Room 3812-S, Washington, DC 20250, 202 447-6735

RIN: 0583-AA16

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Completed Actions

115. LABEL APPROVAL REGULATIONS

CFR Citation: 9 CFR 317; 9 CFR 381, Subpart N

Completed:

Reason	Date	FR Cite
End Review	09/25/85	50 FR 38824

Small Entity: No

Agency Contact: G. E. McEvoy 202 447-3317

RIN: 0583-AA05

[FR Doc. 86-6636 Filed 04-18-86; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS)

Completed Actions

116. REVISION OF 7 CFR PART 6, SECTION 22 IMPORT QUOTAS; CERTAIN DAIRY PRODUCTS

CFR Citation: 7 CFR 6.20 et seq

Completed:

Reason	Date	FR Cite
Delete from the Agenda: Non Major	02/27/86	

Small Entity: No

Agency Contact: Bob Johnson 202 475-3712

RIN: 0551-AA02

117. REVISION OF PUBLIC LAW 480 REGULATIONS, 7 CFR PART 17

CFR Citation: 7 CFR 17

Completed:

Reason	Date	FR Cite
Delete from Agenda: Non Major	02/27/86	

Small Entity: No

Agency Contact: Bob Johnson 202 475-3712

RIN: 0551-AA04

118. REVISION OF PUBLIC LAW 480 REGULATIONS, 7 CFR SECTIONS 17.6, 17.8 AND 17.9

CFR Citation: 7 CFR 17.6; 7 CFR 17.8; 7 CFR 17.9

Completed:

Reason	Date	FR Cite
Delete from the Agenda: Non Major	02/27/86	

Small Entity: No

Agency Contact: Bob Johnson 202 475-3712

RIN: 0551-AA05

119. QUARTERLY SUGAR IMPORT FEE DETERMINATION

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Delete from the Agenda: Non Major Action	02/27/86	

Small Entity: No

Agency Contact: Bob Johnson 202 475-3712

RIN: 0551-AA06

120. AFRICAN FOOD ASSISTANCE PROGRAM

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Notice	06/28/84	49 FR 26615

Small Entity: No

Agency Contact: Bob Johnson 202 475-3712

RIN: 0551-AA07

121. U.S. MEAT IMPORTS

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Delete from Agenda: Non Major	02/27/86	

Small Entity: No

Agency Contact: Bob Johnson 202 475-3712

RIN: 0551-AA09

122. AMENDMENT TO 7 CFR PART 6, SECTION 22 IMPORT QUOTAS; CERTAIN DAIRY PRODUCTS

CFR Citation: 7 CFR 6.20 et seq

Completed:

Reason	Date	FR Cite
Final Action	08/26/85	50 FR 30261

Small Entity: No

Agency Contact: Bob Johnson 202 475-3712

RIN: 0551-AA11

123. EMERGENCY RELIEF FROM CERTAIN PERISHABLE PRODUCTS IMPORTED FROM ISRAEL

CFR Citation: 7 CFR 1540

Completed:

Reason	Date	FR Cite
Final Action	10/29/85	50 FR 43691

Small Entity: No

Agency Contact: Bob Johnson 202 475-3712

RIN: 0551-AA12

124. REVIEW OF THE UNITED STATES SUGAR IMPORT QUOTA SYSTEM

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Delete from Agenda: Non Major	02/27/86	

Small Entity: No

Agency Contact: Bob Johnson 202 475-3712

RIN: 0551-AA13

125. EXPORT ENHANCEMENT PROGRAM

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Withdrawn	04/01/86	

Small Entity: No

USDA—FAS

Completed Actions

Agency Contact: Bob Johnson 202 475-3712

RIN: 0551-AA15

126. IMPORT LIMITATION: COUNTRY OF ORIGIN QUOTA ADJUSTMENT

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Delete from Agenda: non-major item	02/27/86	

Small Entity: No

Agency Contact: Bob Johnson 202 475-3712

RIN: 0551-AA16

127. ●CALCULATION OF THE MARKET STABILIZATION PRICE

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Delete from Agenda: Non Major	02/27/86	

Small Entity: No

Agency Contact: Bob Johnson 202 475-3712

RIN: 0551-AA17

128. ●REGULATIONS GOVERNING ALLOCATIONS OF SUGAR IMPORT QUOTAS; OTHER SPECIFIED COUNTRIES OR AREAS

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	12/06/85	50 FR 49919

Small Entity: No

Agency Contact: Bob Johnson 202 475-3712

RIN: 0551-AA18

[FR Doc. 86-8636 Filed 04-18-86; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)

Prerule Stage

Forest Service (FS)

129. RANGE MANAGEMENT-GRAZING AND LIVESTOCK USE AND MANAGEMENT OF WILD-FREE-ROAMING HORSES AND BURROS

Legal Authority: 43 USC 1901; 16 USC 1331 to 1340; 16 USC 551; 7 USC 1011

CFR Citation: 36 CFR 222, Subpart A; 36 CFR 222, Subpart B

Legal Deadline: None

Abstract: Review of Subparts A and B pursuant to EO 12291. Subpart A sets forth policy and procedure governing management of the range environment, issuance of permits for grazing and livestock use, range improvements, and establishment and functions of grazing advisory boards.

Subpart B defines categories of wild, free-roaming horses and burros, sets protection standards and provides for relocation of excess animals and general administrative procedures. (FS 84-005)

Timetable:

Action	Date	FR Cite
Begin Review	10/00/85	50 FR 43981
End Review	07/01/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, 703 235-1488

RIN: 0596-AA14

130. SPECIAL USES OF NATIONAL FOREST SYSTEM LANDS

Legal Authority: 16 USC 551; 16 USC 495; 16 USC 431 et seq; 7 USC 1011(d); 43 USC 1761 to 1771; 16 USC 497; 30 USC 185; 16 USC 580d; 43 USC 931c, 931d; 16 USC 1131 to 1136; 16 USC 532 to 538; 16 USC 4601 to 4606a(c); 16 USC 791a et seq; 16 USC 470aa

CFR Citation: 36 CFR 251.50 to 251.64

Legal Deadline: None

Abstract: Review of existing rule which explains procedures for applying for and obtaining approval for special uses of National Forest System lands and the terms, conditions, and instruments of special use authorizations. (FS 84-014)

Timetable:

Action	Date	FR Cite
Begin Review	10/22/84	49 FR 41519
End Review	05/00/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, 703 235-1488

RIN: 0596-AA20

131. ENTRANCE INTO PETERSBURG WATERSHED

Legal Authority: 16 USC 551; 16 USC 472; 43 USC 1761 to 1771

CFR Citation: 36 CFR 251.35

Legal Deadline: None

Abstract: Rule restricts entry into watershed without approval of authorized officials of Petersburg, Alaska. Rule will be reviewed pursuant to EO 12291. (FS 84-017)

Timetable:

Action	Date	FR Cite
Begin Review	04/01/86	
End Review	08/01/86	
Final Action	04/01/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, 703 235-1488

RIN: 0596-AA23

USDA—FS **Prerule Stage**

132. YOUNG ADULT CONSERVATION CORPS

Legal Authority: 29 USC 801

CFR Citation: 36 CFR 215

Legal Deadline: None

Abstract: Describes the Young Adult Conservation Corps (YACC) program requirements and procedures for States to follow in obtaining grants to establish and administer YACC programs on non-Federal public lands. Rule to be removed since program ended in FY 1982. (FS 85-010)

Timetable:

Action	Date	FR Cite
Begin Review	02/10/86	
End Review	04/01/86	
Final Action	06/01/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, 703 235-1488

RIN: 0596-AA26

133. EXPERIMENTAL AREAS AND RESEARCH NATURAL AREAS

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 251.23

Legal Deadline: None

Abstract: Directs establishment of experimental forests and ranges and, when appropriate, research natural areas to provide base for forestry research. Sets forth management restrictions in research natural areas. (FS 85-008)

Timetable:

Action	Date	FR Cite
Begin Review	04/00/86	
End Review	12/00/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, 703 235-1488

RIN: 0596-AA30

134. YOUTH CONSERVATION CORPS

Legal Authority: 16 USC 1704

CFR Citation: 36 CFR 214

Legal Deadline: None

Abstract: Directs the Youth Conservation Corps (YCC) program requirements and procedures for States to follow in obtaining grants to establish and administer YCC programs. Rules to be removed since grant program is not funded or anticipated to be funded in the future. (FS 85-009)

Timetable:

Action	Date	FR Cite
Begin Review	02/10/86	
End Review	04/01/86	
Final Action	06/01/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, 703 235-1488

RIN: 0596-AA32

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage

Forest Service (FS)

135. LAND STATUS AND TITLE RECORDS

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603

CFR Citation: 36 CFR 200.12, (New)

Legal Deadline: None

Abstract: Objective is to establish that the Land Status Record is the official record of title for National Forest System lands and to set forth the authorities, policies, and procedures for recording, custody, maintenance, and use of title documents and title status reports. (FS 85-012)

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, 703 235-1488

RIN: 0596-AA24

136. ADD SECTION TO 36 CFR 251.53 - SPECIAL USES TO INCLUDE ALASKA NATIONAL INTEREST LAND AND CONSERVATION ACT AS AN AUTHORITY AND ADD REGULATION 36 CFR 251.70 ON INGRESS AND EGRESS TO ETC

Legal Authority: 16 USC 3210(a)

CFR Citation: 36 CFR 251.53

Legal Deadline: None

Abstract: The proposed regulation will tie the granting of special-use authorizations for ingress and egress under the Alaska National Interest Lands and Conservation Act (ANILCA) to the existing authorities for granting authorizations to use or occupy National Forest lands and remove the discretionary aspects of those laws and regulations when applied to parties qualifying for access under ANILCA. (FS 85-001)

Timetable:

Action	Date	FR Cite
NPRM	06/30/86	
Final Action	12/01/86	

Small Entity: No

Additional Information: TITLE CONT: Private Lands Within the National Forests.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, 703 235-1488

RIN: 0596-AA31

137. PERIODIC PAYMENTS FOR NATIONAL FOREST TIMBER SALE CONTRACTS

Legal Authority: 16 USC 472a; 16 USC 618

CFR Citation: 36 CFR 223.51, (New)

Legal Deadline: None

Abstract: The Federal Timber Sale Contract Payment Modification Act requires the Forest Service to require purchasers to make periodic payments on timber sales. As established by the act, the objective of periodic payments is to discourage speculative bidding on National Forest timber sales. A soon-to-be published rule (See RIN 0596-AA29) will require cash down payments and one periodic payment requirement. However, to fully comply with the act, additional rules are required. This rule will be based on an evaluation of the effects of requiring annual payments, on consideration of procedures that would permit the pooling of payments, and on consideration of market-related contract adjustments.

There are no alternatives to issuing this rule; it is required by the Federal Timber Sale Contract Payment Modification Act. (FS 85-014)

Timetable:

Action	Date	FR Cite
NPRM	04/15/86	
Final Action	08/15/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA33

138. ● USE RESTRICTIONS OF NATIONAL FOREST LANDS FOR THE PROTECTION OF MUNICIPAL WATER SUPPLIES

Legal Authority: 16 USC 475; 16 USC 551

CFR Citation: 36 CFR 251.9

Legal Deadline: None

Abstract: This action amends the regulation providing protection of municipal watersheds to conform to recent legislation, principally the National Forest Management Act (NFMA). (FS 86-003)

Timetable:

Action	Date	FR Cite
NPRM	07/01/86	
Final Action	04/01/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA34

139. ● RANGE MANAGEMENT - GRAZING AND LIVESTOCK USE AND MANAGEMENT OF WILD-FREE-ROAMING HORSES AND BURROS

Legal Authority: 43 USC 1901; 16 USC 1331 to 1340; 16 USC 551; 7 USC 1011

CFR Citation: 36 CFR 222, Subpart A; 36 CFR 222, Subpart B

Legal Deadline: None

Abstract: Minor amendments to 36 CFR 222, Subparts A and B are under consideration to (1) delete the portion pertaining to Grazing Advisory Boards since the authority for these Boards under FLMA expired 12/31/85, (2) refine the procedures for placing wild horses and burros in private maintenance and care, (3) clarify the notification allowed before cancelling a permit when lands grazed are to be devoted to another public purpose including disposal, and (4) delete the reference to the Granger-Thye Act concerning range improvements. (FS 86-004)

Timetable:

Action	Date	FR Cite
NPRM	09/01/86	
Final Action	12/01/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA35

140. ● COLLECTION OF REIMBURSABLE COSTS FOR PROCESSING SPECIAL-USE APPLICATIONS AND ADMINISTRATION OF SPECIAL-USE AUTHORIZATIONS

Significance: Regulatory Program

Legal Authority: 43 USC 1764; 31 USC 483a; 30 USC 181 (Mineral Leasing Act)

CFR Citation: 36 CFR 251.58

Legal Deadline: None

Abstract: The objective of the rulemaking is to establish the policy, procedures, and guidelines for recovering costs incurred by the Forest Service in the administration of special uses on National Forest System Lands. (FS 86-005)

Timetable:

Action	Date	FR Cite
NPRM	08/01/86	
Final Action	06/01/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA36

141. ● CONTROL OF SKEWED BIDDING ON NATIONAL FOREST TIMBER SALES

Legal Authority: 16 USC 472a

CFR Citation: 36 CFR 223.89

Legal Deadline: None

Abstract: Timber may not be sold at less than appraised value. Skewed bidding enables bidders to tailor their bids to their competitive strengths. While skewed bidding can be advantageous to purchasers, it can also reduce Government receipts and increase Forest Service timber sale administration costs. These results were documented by the General Accounting Office (GAO/RCED-83-37). This proposal is made in partial response to the recommendations in that review. (FS 86-006)

Timetable:

Action	Date	FR Cite
NPRM	04/01/86	
Final Action	10/01/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA37

USDA—FS

Proposed Rule Stage

142. ● MODIFY THE GENERAL PROHIBITION AGAINST USE OF VEHICLES IN EXCESS OF 40 INCHES IN WIDTH ON TRAILS - 36 CFR 261.12(E)

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 261.12(e)

Legal Deadline: None

Abstract: The objective of this action is to permit forest officers more discretion for controlling off-road vehicle use. Three factors have created the need to modify this regulation: (1) the general prohibition at 36 CFR 261.12(e) controls trail use by width of vehicle. Originally developed to control four wheel-drive vehicles on trails, this method uses a fairly arbitrary device (width) to control use; (2) off-road vehicle plans (36 CFR 295) use vehicle types to prescribe the vehicles that are permitted to use forest trails; (3) some recent models of trail vehicles (all terrain vehicles and snowmobiles) exceed the forty inch rule by one to five inches. The combination of the two methods of control with the larger model sizes has created confusion among users about ORV plan direction and created law enforcement difficulties. The proposed action would clarify the regulations and still maintain the tools necessary to control off-road vehicle use. (FS-86-007)

Timetable:

Action	Date	FR Cite
NPRM	04/01/86	
Final Action	09/01/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, 703 235-1488

RIN: 0596-AA38

143. ● REVISE THE DEFINITION OF "MECHANICAL TRANSPORT" AT 36 CFR 293.6(A)

Legal Authority: 16 USC 113 to 136; 16 USC 528 to 531; 16 USC 577 to 577c; 16 USC 1133

CFR Citation: 36 CFR 293.6(a)

Legal Deadline: None

Abstract: The objective of this action is to clarify the definition of mechanical transport in 36 CFR 293.6(a). Except where specifically provided for, the Wilderness Act (16 USC 1133) prohibits both motorized equipment and mechanical transport. Mechanical transport includes devices such as bicycles, hang gliders, wheeled carts, and other items designed to carry people or supplies and powered by either "non living" or "living" power sources. (FS 86-009)

Timetable:

Action	Date	FR Cite
NPRM	04/01/86	
Final Action	09/30/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, 703 235-1488

RIN: 0596-AA39

144. ● FEE POLICY FOR LINEAR RIGHTS-OF-WAY

Significance: Regulatory Program

Legal Authority: 30 USC 181 et seq; PL 94-579

CFR Citation: 36 CFR 251.51

Legal Deadline: None

Abstract: The objective of this action is to bring the present Forest Service fee determinations for Linear Rights-of-Way up to date and in line with the Mineral Leasing Act (30 USC 181 et seq) and the Federal Land Policy and Management Act (PL 94-579). The action is to be coordinated with the Bureau of Land Management to achieve consistent procedures between the two agencies. (FS 86-011)

Timetable:

Action	Date	FR Cite
ANPRM	04/20/84	
NPRM	07/01/86	
Final Action	10/01/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, 703 235-1488

RIN: 0596-AA40

DEPARTMENT OF AGRICULTURE (USDA)

Forest Service (FS)

Final Rule Stage

145. DEBARMENT AND SUSPENSION OF TIMBER SALE CONTRACTORS

Legal Authority: 16 USC 551; 16 USC 472a

CFR Citation: 36 CFR 223, Subpart C

Legal Deadline: None

Abstract: The objective is to set forth conditions and procedures under which purchasers of National Forest System timber may be suspended or debarred from further contracting. (FS 83-004)

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/27/83	48 FR 23818
Extension of Interim Rule	07/11/84	49 FR 28241
NPRM Part III	01/23/86	51 FR 3158
Final Action	06/15/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, 703 235-1488

RIN: 0596-AA09

146. RECOVERY OF FEDERAL COSTS ASSOCIATED WITH USER RESERVATION SYSTEMS ON SOME NATIONAL FOREST RECREATION AREAS

Legal Authority: 16 USC 551; 16 USC 472

CFR Citation: 36 CFR 291

USDA—FS

Final Rule Stage

Legal Deadline: None

Abstract: The objective is to recover the costs of administering a reservation system for visits to and use of highly popular National Forest System recreation areas. (FS 84-001)

Timetable:

Action	Date	FR Cite
NPRM	11/15/84	49 FR 45177
Final Action	03/01/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA16

DEPARTMENT OF AGRICULTURE (USDA)
Forest Service (FS)

Completed Actions

147. REVISION OF ADVERTISEMENTS FOR SALE OF NATIONAL FOREST TIMBER

CFR Citation: 36 CFR 223.83; 36 CFR 223.84; 36 CFR 223.89; 36 CFR 223.100

Completed:

Reason	Date	FR Cite
Final Action	08/14/85	50 FR 32694

Small Entity: No

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596-AA18

148. ADMINISTRATION OF COOPERATIVE OR FEDERAL SUSTAINED YIELD UNITS

CFR Citation: 36 CFR 223.117

Completed:

Reason	Date	FR Cite
Withdrawn	02/00/86	

Small Entity: No

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596-AA19

149. EXERCISE OF TIMBER, MINERAL AND WATER RIGHTS, OF RIGHTS-OF-WAY, AND OF RIGHTS TO USE AND OCCUPY LANDS CONVEYED TO THE U.S.

CFR Citation: 36 CFR 251.14 to 251.19

Completed:

Reason	Date	FR Cite
Final Action	10/28/85	50 FR 43570

Small Entity: No

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596-AA21

150. MANAGEMENT OF MUNICIPAL WATERSHEDS

CFR Citation: 36 CFR 251.9

Completed:

Reason	Date	FR Cite
End Review	02/01/86	

Small Entity: No

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596-AA22

151. CASH DOWN PAYMENTS, PERIODIC PAYMENTS FOR NATIONAL FOREST TIMBER CONTRACTS

CFR Citation: 36 CFR 223

Completed:

Reason	Date	FR Cite
Final Action	10/11/85	50 FR 41498

Small Entity: No

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596-AA29

[FR Doc. 86-8636 Filed 04-18-86; 8:45 am]
BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Office of Finance and Management (OFM)

Proposed Rule Stage

152. AMEND USDA UNIFORM FEDERAL ASSISTANCE REGULATIONS

Legal Authority: 5 USC 301

CFR Citation: 7 CFR 3015

Legal Deadline: None

Abstract: This proposal will bring USDA regulations into compliance with revisions to the Office of Management and Budget Circular A-102, "Uniform requirements for grants to States and local governments." (OFM 84-001)

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	02/00/87	

Small Entity: No

Agency Contact: Lyn Zimmerman, Branch Chief, Federal Assistance, Department of Agriculture, Office of Finance and Management, Room 2117 Auditors Building, Washington, DC 20250, **202 382-1553**

RIN: 0505-AA01

DEPARTMENT OF AGRICULTURE (USDA)
Office of Finance and Management (OFM)

Final Rule Stage

153. AMEND USDA UNIFORM FEDERAL ASSISTANCE REGULATIONS, 7 CFR 3015 SUBPART Q, APPLICATION FOR FEDERAL ASSISTANCE

Legal Authority: 5 USC 301; PL 95-113, Sec 1472

CFR Citation: 7 CFR 3015

Legal Deadline: None

Abstract: This regulation will provide USDA agencies with uniform standards for a competitive award process for grants and cooperative agreements in research, extension, and teaching programs. This regulation codifies current USDA policy as set forth in Secretary's Memorandum 5000-2 which was issued August 13, 1984. (OFM 84-004)

Timetable:

Action	Date	FR Cite
NPRM	04/18/85	50 FR 15433
Final Action	04/30/86	

Small Entity: No

Agency Contact: Lyn Zimmerman, Branch Chief, Federal Assistance, Department of Agriculture, Office of Finance and Management, Room 2117 Auditors Building, Washington, DC 20250, **202 382-1553**

RIN: 0505-AA04

DEPARTMENT OF AGRICULTURE (USDA)
Office of Finance and Management (OFM)

Completed Actions

154. AMEND USDA UNIFORM FEDERAL ASSISTANCE REGULATIONS, 7 CFR 3015 SUBPART I, AUDITS

CFR Citation: 7 CFR 3015, Subpart I

Completed:

Reason	Date	FR Cite
Final Action	01/07/86	51 FR 1485

Small Entity: No

Agency Contact: Lyn Zimmerman 202 382-1553

RIN: 0505-AA03

[FR Doc. 86-6636 Filed 04-18-86; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Office of the Secretary (AgSEC)

Completed Actions

155. RESCIND UNIFORM RELOCATION REGULATIONS

CFR Citation: 7 CFR 21

Completed:

Reason	Date	FR Cite
Final Action	02/27/86	51 FR 7000

Small Entity: No

Agency Contact: Charles A. Bucy 202 447-2582

RIN: 0503-AA02

[FR Doc. 86-6636 Filed 04-18-86; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Soil Conservation Service (SCS)

Prerule Stage

156. SOIL SURVEYS

Legal Authority: Part of Agriculture Appropriation Act of 1986; PL 74-46 The Soil Conservation and Domestic Allotment Act; PL 89-560 Soil Surveys for Resource Planning and Development; 42 USC 3271; 42 USC 3274

CFR Citation: 7 CFR 611

Legal Deadline: None

Abstract: Prescribes the policy on soil survey operations including cooperative relationships with state agencies, standards, guidelines and plans on survey operations, distribution of soil survey information, and cartographic operations services furnished. (SCS 83-006)

Timetable:

Action	Date	FR Cite
End Review	12/31/86	
Final Action	12/31/87	

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, **202 447-4811**

RIN: 0578-AA00

157. SNOW SURVEYS AND WATER SUPPLY FORECASTS

Legal Authority: 26 Stat. 653; Sec. 8 Reorg. No. IV of 1940

CFR Citation: 7 CFR 612.1 to 612.7

Legal Deadline: None

Abstract: Sets forth policy and procedures for the administration of a cooperative snow survey and water supply forecast program, including the steps involved in carrying out the program. Sets out data collected and forecasts made, and eligible users of the data. (SCS 83-005)

Timetable:

Action	Date	FR Cite
End Review	02/00/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, **202 447-4811**

RIN: 0578-AA01

158. PRIME AND UNIQUE FARMLANDS

Legal Authority: 16 USC 590(a) to 590(f); 42 USC 4321 et seq; PL 95-87

USDA—SCS

Prerule Stage

CFR Citation: 7 CFR 657.1 to 657.5

Legal Deadline: None

Abstract: Prescribes SCS policy on the development and maintenance of an inventory of prime and unique farmland of the Nation including the criteria and characteristics used in the identification of such lands. (SCS 83-007)

Timetable:

Action	Date	FR Cite
End Review	02/00/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578-AA10

DEPARTMENT OF AGRICULTURE (USDA)
Soil Conservation Service (SCS)

Final Rule Stage

159. RELOCATION ASSISTANCE

Legal Authority: 42 USC 4601 et seq; PL 91-646

CFR Citation: 7 CFR 652

Legal Deadline: None

Abstract: Prescribes the policies and procedures for the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 USC 4601 et seq.) pertaining to the treatment of persons displaced from their homes, businesses, or farms because of federal financially assisted projects. (SCS 85-001)

Timetable:

Action	Date	FR Cite
End Review	01/31/86	
Final Action	05/31/86	

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578-AA12

[FR Doc. 86-6636 Filed 04-18-86; 8:45 am]
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Federal Register

Monday
April 21, 1986

Part IV

Department of Commerce

Semiannual Regulatory Agenda

DOC

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. II, III, IV, VIII, IX, Subtitle D, Ch. XXIII

19 CFR Ch. III

37 CFR Ch. I, IV

48 CFR Ch. 13

50 CFR Chs. I, II, IV, VI

Semiannual Agenda of Regulations

AGENCY: Department of Commerce.

ACTION: April 1986 regulatory agenda.

SUMMARY: In compliance with Executive Order (EO) 12291, entitled "Federal Regulation," and the Regulatory Flexibility Act (Pub. L. 96-354), the Department of Commerce (DOC) in April and October of each year publishes in the **Federal Register** an agenda of the regulations that the Department expects to propose or to issue over the next 12 months that are covered by section 1 of EO 12291. In addition, the agenda lists existing regulations currently under review for possible revision or repeal. Finally, the agenda lists rulemakings and reviews of existing regulations completed since publication of the last agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

DOC's April 1986 regulatory agenda includes regulatory activities that are expected to be conducted during the period April 1, 1986 through March 31, 1987.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about a specific regulatory action listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Michael A. Levitt, Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202) 377-3151.

SUPPLEMENTARY INFORMATION: On February 17, 1981, President Reagan signed Executive Order 12291. The EO requires all executive agencies to publish semiannually an agenda of those regulations that are under consideration pursuant to this Order. Office of Management and Budget (OMB) Bulletin No. 86-4, issued December 23, 1985 establishes guidelines and procedures for the preparation and publication of the April 1986 "Unified Agenda of Federal Regulations" for all Federal departments and agencies. EO 12291 and the OMB Bulletin require that each agenda report the following information on non-exempt regulatory activities being conducted or planned to be conducted by the agency during the twelve-month period succeeding publication: The title of the regulation; the name, title, address and phone number of an agency person who is knowledgeable about the regulation; whether the regulation has or is expected to have a significant economic impact on a substantial number of small entities; the section(s) of the "Code of Federal Regulations" (CFR) which will affect or be affected by the action; the section of the "United States Code" (USC), Public Law (PL), or Executive Order (EO) 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 and future stages of the action.

The Regulatory Flexibility Act requires agencies to prepare a regulatory flexibility analysis (RFA) where there is a positive finding that a rule will have a significant impact on a substantial number of small entities. EO 12291 requires agencies to prepare a regulatory impact analysis (RIA) for any regulation considered to be a "major rule" as defined in the EO.

Explanation of Information Contained in the Agenda

Within the Department, the Office of the Secretary and various operating units may issue regulations. Operating units such as the National Oceanic and Atmospheric Administration (NOAA), the Economic Development Administration (EDA), the International Trade Administration (ITA), National Bureau of Standards (NBS) and the Patent and Trademark Office (PTO) issue the greatest share of the Department's regulations, while other operating units such as the United States Travel and Tourism Administration and the Minority Business Development Agency currently have no regulations in the agenda.

A large number of the regulations presented 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 USC 1801 et seq.) (Act) requires that a preliminary fishery management plan (PMP) be prepared for all fisheries within the Exclusive Economic Zone (EEZ) fished in by foreign fishing nations. The EEZ refers to those waters from the outer edge of the United States territorial sea to a distance of 200 miles. Fishery Management Plans (FMPs) are to be prepared if those fisheries require conservation and management measures. Although PMPs apply only to foreign fishing, the FMPs regulate both foreign and domestic fishing. When promulgated, the FMPs supersede the PMPs. 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.

Another large number of regulatory actions reported in the agenda are proposed or final Federal Information Processing Standards (FIPS), issued by the National Bureau of Standards under PL 89-306. FIPS consist of standards and guidelines to improve Federal Government use and management of computers and information technology. The standards, while often of great use to industry and the public, apply only to the Federal Government. In developing the standards and guidelines, and in providing technical guidance and coordination to Federal agencies, NBS works closely with private industry standard-setting organizations.

The DOC April 1986 regulatory agenda follows.

DATED: March 13, 1986.

Douglas A. Riggs,

General Counsel.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
160	Public Information, Freedom of Information (Fees)	0690-AA04

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
161	Contract Clauses and Solicitation Provisions for the Commerce Automated Solicitation System	0690-AA08
162	Use of Penalty Mail to Assist in the Location and Recovery of Missing Children	0690-AA10
163	Contract Clauses and Solicitation Provisions for Ship Construction, Ship Alteration, and Ship Repair Contracts	0690-AA12

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
164	Enforcement of Nondiscrimination on the Basis of Handicap in Department of Commerce Programs	0690-AA06
165	Department of Commerce Implementation of the Competition in Contracting Act of 1984 CAR Amendment 85-2	0690-AA09

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
166	Department of Commerce Implementation of the Competition in Contracting Act of 1984 and the Small Business and Federal Procurement Competition Enhancement Act of 1984 CAR ETC	0690-AA07
167	Uniform Relocation Assistance and Real Property Acquisition	0690-AA11

Bureau of Economic Analysis—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
168	Surveys of International Trade in Services Between U.S. and Foreign Persons	0691-AA05

DOC

Bureau of Economic Analysis—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
169	Surveys of International Trade in Services Between U.S. and Foreign Persons	0691-AA03
170	Final Rule to Increase Exemption Level for Quarterly Report Form BE-577	0691-AA06

Economic Development Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
171	Designation of Areas; Designation of PWIP Areas	0610-AA21

Economic Development Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
172	General Requirements for Financial Assistance - Design, Construction of Buildings to Accommodate the Physically Handicapped	0610-AA05
173	Economic Development Administration: Property Management Standards	0610-AA07
174	Property Management Standards - Mortgages	0610-AA12
175	Business Development Program - Financial Assistance for Industrial and Commercial Purposes	0610-AA14
176	General Requirements for Financial Assistance -- Flood Insurance Program; and Environmental Requirements	0610-AA16
177	General Requirements for Financial Assistance: Employment of Expediters or Administrative Employees; Compensation of Persons Engaged by or on Behalf of Applicants	0610-AA18
178	Designation of Areas; Overall Economic Development Program; Public Works and Development Facilities Program	0610-AA19
179	General Requirements for Financial Assistance	0610-AA20
180	General Requirements for Financial Assistance; Unfair Competition	0610-AA22
181	General Requirements for Financial Assistance; Employment of Expediters or Administrative Employees; Compensation of Persons Engaged By or on Behalf of Applicants	0610-AA23
182	Public Works and Development Facilities Program; Industrial Parks and Sites; and General Requirements for Financial Assistance; Authorized Uses of Real Property Acquired or Improved With ETC	0610-AA24

Economic Development Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
183	Energy Conservation: Miscellaneous Amendments to Financial Assistance Programs Regarding Energy Conservation	0610-AA03
184	Designation of Public Works Impact Program Areas; Supplementary Grant Rates	0610-AA10
185	Public Works and Development Facilities Program - Specific Types of Projects	0610-AA13
186	Property Management Standards - Mortgages	0610-AA15
187	Designation of Areas; Notification of Officials	0610-AA17

General Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
188	Administrative Offsets for Debts Owed the Department of Commerce	0605-AA00

DOC

General Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
189	Nonprocurement Suspension and Debarment	0605-AA02

General Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
190	Audit Requirements for State and Local Governments	0605-AA01

International Trade Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
191	General Regulations Governing Foreign Trade Zones in the United States, with Rules of Procedures	0625-AA04
192	Adjustment Assistance for Firms and Industries	0625-AA05
193	Antidumping Duties; Countervailing Duties	0625-AA08

International Trade Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
194	Effect of Imported Articles on the National Security	0625-AA15
195	Revisions to Short Supply Regulations	0625-AA21
196	Exports of Crude Oil Derived from Alaska's Cook Inlet	0625-AA22

International Trade Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
197	Petroleum Partly Refined for Further Refining	0625-AA18

National Bureau of Standards—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
198	FIPS for Session Protocol Standard	0693-AA12
199	FIPS for Message Transfer Protocol	0693-AA17
200	Procedures for the Development of Voluntary Product Standards	0693-AA20
201	FIPS for Database Language SQL	0693-AA32
202	FIPS for Database Language NDL	0693-AA34
203	FIPS for Basic Programming Language	0693-AA35
204	FIPS for MUMPS Programming Language	0693-AA36
205	Revision to FIPS 100, Interface Between Data Terminal Equipment (DTE) and Data Circuit-Terminating Equipment (DCE) for Operation with Packet-Switched Data Communications Networks	0693-AA39
206	FIPS for Internetwork Protocol	0693-AA40
207	FIPS for Small Computer System Interface	0693-AA41

DOC

National Bureau of Standards—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
208	FIPS for Intelligent Peripheral Interface	0693-AA42
209	FIPS for Codes for the Identification of Aquifer Names and Geologic Units	0693-AA44
210	FIPS for Computer Graphics Metafile	0693-AA45
211	FIPS for COBOL Network Database Interface	0693-AA46
212	Revision to FIPS 29-1, Interpretation Procedures for Federal Information Processing Standard Programming Languages	0693-AA47
213	FIPS for C Programming Language	0693-AA48

National Bureau of Standards—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
214	Revision to FIPS 21-1, COBOL	0693-AA04
215	FIPS for Transport Protocol	0693-AA06
216	Revision to FIPS 70, Representation of Geographic Point Locations for Information Interchange	0693-AA13
217	FIPS for Graphical Kernel System (GKS)	0693-AA29
218	FIPS for Videotex/Teletext Presentation Level Protocol Syntax (North American PLPS)	0693-AA30
219	FIPS for Optical Character Recognition (OCR) Dot Matrix Character Sets for OCR-MA	0693-AA33
220	FIPS for Specification for a Data Descriptive File for Information Interchange (DDF)	0693-AA37
221	FIPS for Information Resource Dictionary System (IRDS)	0693-AA38
222	Revision to FIPS 104, American National Standard Codes for the Representation of Names of Countries, Dependencies, and Areas of Special Sovereignty for Information Interchange	0693-AA43

National Bureau of Standards—Completed Actions

Sequence Number	Title	Regulation Identifier Number
223	FIPS PUB 116, 130 mm (5.25 in) Flexible Disk Cartridge Track Format Using Two-Frequency Recording at 3979 bprad on One Side-1.9 tpmm (48 tpi) for Information Interchange	0693-AA21
224	FIPS PUB 118, Flexible Disk Cartridge Labelling and File Structure for Information Interchange	0693-AA22
225	FIPS PUB 117, 130 mm (5.25 in) Flexible Disk Cartridge Track Format Using Modified Frequency Modulation Recording at 7958 bprad on Two Sides-1.9 tpmm (48 tpi) for Information Interchange	0693-AA23
226	FIPS PUB 115, 200 mm (8 in) Flexible Disk Cartridge Track Format Using Modified Frequency Modulation Recording at 13262 bprad on Two Sides - 1.9 tpmm (48 tpi) for Information Interchange	0693-AA24
227	FIPS PUB 114, 200 mm (8 in) Flexible Disk Cartridge Track Format Using Two-Frequency Recording at 6631 bprad on One Side - 1.9 tpmm (48 tpi) for Information Interchange	0693-AA25
228	FIPS PUB 68-1, Minimal BASIC	0693-AA26
229	FIPS PUB 119, Ada	0693-AA27
230	FIPS for Network Database Language (NDL)	0693-AA28
231	FIPS PUB 69-1, FORTRAN	0693-AA31

National Oceanic and Atmospheric Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
232	Study of Fishery Management	0648-AB65
233	Foreign Permit Conditions and Restrictions	0648-AB67

DOC

National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
234	U.S. General Standards for Grades of Fish Fillets	0648-AA45
235	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
236	U.S. General Standards for Grades of Shrimp	0648-AA47
237	Marking Requirements for the Importation, Exportation, & Interstate Transportation of Fish or Wildlife	0648-AA53
238	Striped Bass Fishery Management Plan	0648-AB25
239	Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region	0648-AB27
240	Fishery Management Plan for Bluefish	0648-AB29
241	Development of a Fishery Management Plan for Summer Flounder	0648-AB30
242	Amendment #1 To American Lobster Fishery Management Plan	0648-AB32
243	Atlantic Billfish and Sharks Fishery - Foreign Fishing Regulations	0648-AB33
244	South Atlantic Shrimp Fishery: Implementing Regulations	0648-AB35
245	Amendment 10 to the Tanner Crab Fishery Management Plan (FMP)	0648-AB38
246	Amendment to the Gulf of Alaska Groundfish Fishery Management Plan	0648-AB40
247	Amendment for Alaska Groundfish and High Seas Salmon Fishery Management Plans - Close FCZ Intrusion into State Waters	0648-AB41
248	Regulations Governing the Taking and Importing of Marine Mammals; Importation of Yellowfin Tuna	0648-AB46
249	Endangered Fish or Wildlife; Permits for the Incidental Taking of Endangered Marine Species	0648-AB47
250	Amendment 11 to the Tanner Crab Fishery Management Plan (FMP)	0648-AB53
251	Fishery Management Plan for Pacific Billfish Fisheries of the Western Pacific Region	0648-AB61
252	Foreign Fishing Poundage and Permit Fees, 1987	0648-AB69
253	Fishery Resources of Puerto Rico and the Virgin Islands	0648-AB71
254	Swordfish Fishery Management Plan	0648-AB72
255	Amendment 1 to the Plan Managing the Commercial and Recreational Ocean Salmon Fisheries off the Coasts of Washington, Oregon and California	0648-AB73
256	Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic - Amendment 1	0648-AB74
257	Amendment 1 to the Reef Fish Fishery of the Gulf of Mexico Fishery Management Plan	0648-AB75
258	Amendment 15 to the Gulf of Alaska Groundfish Fishery Management Plan	0648-AB76
259	Amendment No. 2 for the Fishery Management Plan for the Washington, Oregon, and California Groundfish Fishery	0648-AB77
260	Proposed Regulations for the National Marine Sanctuary Program	0648-AA31
261	Proposed Regulations for the Key Largo National Marine Sanctuary	0648-AA33
262	Draft Regulations for the Proposed Flower Garden Banks National Marine Sanctuary	0648-AB49
263	Draft Regulations for the Proposed Cordell Bank National Marine Sanctuary	0648-AB50
264	Proposed Regulations for the Looe Key National Marine Sanctuary	0648-AB64
265	Proposed Regulations for the National Estuarine Reserve Research Program	0648-AB68
266	Deep Seabed Mining Regulations for Commercial Recovery	0648-AA36

National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
267	Civil Procedures	0648-AA26
268	Designated Critical Habitat; Hawaiian Monk Seal	0648-AA27
269	Fishery Conservation and Management: Confidentiality of Statistics	0648-AA38
270	Preemption of State Authority under Section 306(b) of the Magnuson Fishery Conservation & Management Act	0648-AA41
271	Interagency Cooperation - Endangered Species Act of 1973, as Amended	0648-AA43
272	Tanner Crab Fishery Management Plan (FMP) - Regulatory Amendment to Change Pot Storage Areas	0648-AA71
273	U.S. Standards for Grades of Fresh or Frozen North American Freshwater Catfish and Products Made Therefrom	0648-AA73
274	Taking of Marine Mammals Incidental to Space Shuttle Launches	0648-AA84
275	Regional Fishery Management Councils	0648-AB09
276	Western Pacific Spiny Lobster Fisheries - Amendment 3	0648-AB21
277	Foreign Fishing - Scientific Research	0648-AB23
278	Secretarial Amendment Extending the Atlantic Mackerel, Squid, and Butterfish Fisheries Management Plan	0648-AB37
279	Reporting Requirements Governing Salmon Taken off Alaska and Delivered or Landed Outside Alaska	0648-AB44
280	Groundfish of the Gulf of Alaska and High Seas Salmon Fishery off Alaska; Technical Amendment	0648-AB51
281	Atlantic Tuna Fisheries - Yellowfin Tuna and Bigeye Tuna	0648-AB70
282	Federal Consistency with Approved Coastal Zone Management Programs	0648-AA34
283	Proposed Regulations for the Proposed Fagatele Bay National Marine Sanctuary	0648-AA74
284	Licensing of Ocean Thermal Energy Conversion Facilities and Plantships	0648-AA69

DOC

National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
285	General and Recreational Foreign Fishing	0648-AA40
286	U.S. Standards for Grades of Fish Steaks	0648-AA44
287	Amendment 1 to the Atlantic Sea Scallop Fishery Management Plan	0648-AA97
288	Final Rule Implementing the Northeast Multispecies Fishery Management Plan	0648-AB05
289	Regulations Governing the Taking and Importing of Marine Mammals; Definition of Commercial Fishing Operation	0648-AB07
290	Swordfish Fishery Management Plan: Proposed Regulations	0648-AB13
291	Amendment 1 to the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic Fishery Management Plan	0648-AB15
292	Notice of the National Marine Fisheries Service's Proposed Policies for the Management of Interjurisdictional Fisheries and Fishery Resources	0648-AB24
293	Shallow-Water Reef Fish of Puerto Rico and the U.S. Virgin Islands	0648-AB26
294	Financial Assistance for Research and Development Projects to Strengthen and Develop the U.S. Fishing Industry - Notice of Funds Availability	0648-AB28
295	Fishery Management Plan for Sand Eel	0648-AB31
296	Amendment to the Atlantic Surf Clam and Ocean Quahog Fishery Management Plan	0648-AB36
297	Amendment to the Gulf of Alaska Groundfish Fishery Management Plan - Redefine Sablefish Management Boundaries	0648-AB39
298	Threatened Fish and Wildlife; Guadalupe Fur Seal	0648-AB48
299	Amendment 9 to the Bering Sea/Aleutian Islands Groundfish Fishery Management Plan	0648-AB52
300	Amendment to American Lobster Fishery Management Plan - V-Notch on Female Lobsters	0648-AB54
301	Foreign Fishing Poundage and Permit Fees, 1986	0648-AB62
302	Initial Implementation of King Crab Fishery Management Plan	0648-AB63
303	Amendment 14 to the Fishery Management Plan for Groundfish of the Gulf of Alaska	0648-AB66

National Telecommunications and Information Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
304	Public Telecommunications Facilities Program; Interim Revision of Regulations	0660-AA01

Office of Productivity, Technology and Innovation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
305	Rights to Inventions Made by Nonprofit Organizations and Small Business Firms	0692-AA01

Patent and Trademark Office—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
306	Term of Deposit of Microorganism	0651-AA13

Patent and Trademark Office—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
307	Requests for Identifiable Records	0651-AA04
308	Variety Naming Requirements for Plant Patent Applications	0651-AA12
309	Revision of Trademark Fees	0651-AA19

DOC

Patent and Trademark Office—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
310	Arbitration of Patent Interference Cases	0651-AA20
311	Rules for Extension of Patent Term	0651-AA22
312	Trademark Applications	0651-AA23
313	Miscellaneous Amendments of Patent Rules	0651-AA25

Patent and Trademark Office—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
314	Miscellaneous Amendments of Trademark Rules	0651-AA16
315	Trademark Applications	0651-AA17
316	Trademark Automated Search System Fees	0651-AA18

DEPARTMENT OF COMMERCE (DOC)
Office of the Secretary (OS)

Prerule Stage

160. PUBLIC INFORMATION, FREEDOM OF INFORMATION (FEES)

Legal Authority: 5 USC 552

CFR Citation: 15 CFR 4

Legal Deadline: None

Abstract: These regulations set the fee structure for search and reproduction charges in response to Freedom of Information Act (FOIA) requests. The Department will study the existing fee structure, and then if warranted, propose revisions to the regulations.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/86	
End Review	08/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA would be required or prepared if it is decided to propose revisions to these regulations.

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Geraldine P. LeBoo, Management Analyst, Department of Commerce, Office of the Secretary, Information Management Division, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-3271

RIN: 0690-AA04

DEPARTMENT OF COMMERCE (DOC)
Office of the Secretary (OS)

Proposed Rule Stage

161. CONTRACT CLAUSES AND SOLICITATION PROVISIONS FOR THE COMMERCE AUTOMATED SOLICITATION SYSTEM

Legal Authority: 41 USC 251 et seq; PL 98-369; PL 98-577

CFR Citation: 48 CFR 1 to 53

Legal Deadline: None

Abstract: The Department of Commerce is currently reviewing standardized contract clauses and solicitation provisions for inclusion in a planned Department wide automated solicitation system. A proposed amendment to the Commerce Acquisition Regulation (CAR) would illustrate and incorporate these standardized clauses and provisions. This should ultimately be less burdensome to Department contractors and potential contractors, since the clauses and provisions would be used uniformly throughout the Department.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Robert A. Welch, Director, Department of Commerce, Office of the Secretary, Office of Procurement Management, 14th Street & Constitution Avenue, NW, Washington, DC 20230, 202 377-2773

RIN: 0690-AA08

162. ● USE OF PENALTY MAIL TO ASSIST IN THE LOCATION AND RECOVERY OF MISSING CHILDREN

Legal Authority: PL 99-87 99 Stat. 290, August 9, 1985; EO 12549 February 21, 1986

CFR Citation: 00 CFR undetermined

DOC—OS

Proposed Rule Stage

Legal Deadline: Statutory, February 5, 1985

Abstract: Section (a) (2) of Public Law 99-87 authorizes and requires each executive department and independent establishment of the Government of the United States to prescribe regulations under which penalty mail may be used to assist in the location and recovery of missing children. These regulations are required to be in conformance with guidelines issued by the Department of Justice's Office of Juvenile Justice and Delinquency Prevention located at 50 FR 46622, November 8, 1985.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Mary DiGiulian, Office of Administrative Service Management, Department of Commerce, Office of the Secretary, Washington, DC 20230, 202 377-0884

RIN: 0690-AA10

163. ● CONTRACT CLAUSES AND SOLICITATION PROVISIONS FOR SHIP CONSTRUCTION, SHIP ALTERATION, AND SHIP REPAIR CONTRACTS

Legal Authority: 41 USC 251 et seq

CFR Citation: 48 CFR 1 to 53

Legal Deadline: None

Abstract: The Department of Commerce is currently reviewing Department-wide standardized contract clauses and solicitation provisions for ship construction, ship alteration, and ship repair contracts. This amendment to the Commerce Acquisition Regulation (CAR 86-1) would illustrate and incorporate these standardized clauses and provisions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Robert A. Welch, Director, Office of Procurement Management, Department of Commerce, Office of the Secretary, 14th St. & Constitution Ave., NW, Washington, DC 20230, 202 377-4217

RIN: 0690-AA12

DEPARTMENT OF COMMERCE (DOC)

Office of the Secretary (OS)

Final Rule Stage

164. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF COMMERCE PROGRAMS

Legal Authority: 29 USC 794; EO 12250

CFR Citation: 15 CFR 8c

Legal Deadline: None

Abstract: Regulations will be proposed providing for the enforcement of Section 504 of the Rehabilitation Act of 1973, as amended. These regulations will ensure programmatic and physical accessibility for handicapped individuals in Department of Commerce activities.

Timetable:

Action	Date	FR Cite
NPRM	11/24/84	49 FR 45861
NPRM Comment Period End	03/21/85	49 FR 45861
Final Action	07/01/86	

Small Entity: No

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Richard Stearns, Chief, EEO Division, Department of Commerce, Office of the Secretary, Office of Civil Rights, 14th and Constitution Avenue, NW, Washington, DC 20230, 202 377-5691

RIN: 0690-AA06

165. DEPARTMENT OF COMMERCE IMPLEMENTATION OF THE COMPETITION IN CONTRACTING ACT OF 1984 CAR AMENDMENT 85-2

Legal Authority: 41 USC 251 et seq; PL 98-369

CFR Citation: 48 CFR 1 to 53

Legal Deadline: None

Abstract: The Federal Acquisition Regulation (FAR) has been amended to incorporate the requirements of Public Law 98-369. Agencies are required to provide necessary implementing regulations which are peculiar to the executive agency. This is accomplished by Commerce through amendments to the existing Commerce Acquisition Regulation (CAR) (48 CFR 13). The provisions of the Public Law are effective April 1, 1985. Public Law 98-577 also requires amendments to the FAR and the CAR. Effective dates of Public Law 98-577 sections vary, but implementing regulations will be prepared by Mar. 1986. Commerce will amend the existing CAR once the amendments to the FAR are available to the public. Specific parts of the FAR requiring agency supplements cannot be readily determined at this time. Periodic updates are anticipated to implement regulatory and new statutory requirements. This CAR Amendment 85-2 implements the protest provisions of PL 98-369 within Commerce. This Amendment also involves Department policy unrelated to PL 98-369; e.g., women-owned small business acquisition program, pre-award surveys for ship repair contracts, recovery of administrative costs, use of Alternate I of (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/24/85	50 FR 38677
Final Action	03/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: the FAR disputes clause and formal source selection.

DOC—OS

Final Rule Stage

Agency Contact: Robert A. Welch, Director, Department of Commerce, Office of the Secretary, Office of Procurement Management, 14th Street & Constitution Avenue, NW, Washington, DC 20230, 202 377-2773

RIN: 0690–AA09

DEPARTMENT OF COMMERCE (DOC)
Office of the Secretary (OS)

Completed Actions

166. DEPARTMENT OF COMMERCE IMPLEMENTATION OF THE COMPETITION IN CONTRACTING ACT OF 1984 AND THE SMALL BUSINESS AND FEDERAL PROCUREMENT COMPETITION ENHANCEMENT ACT OF 1984 CAR ETC

Legal Authority: 41 USC 251 et seq; PL 98-369; PL 98-577

CFR Citation: 48 CFR 1 to 53

Legal Deadline: None

Abstract: The Federal Acquisition Regulation (FAR) has been amended to incorporate the requirements of Public Law 98-369. Agencies are required to provide necessary implementing regulations which are peculiar to the executive agency. This is accomplished by Commerce through amendments to the existing Commerce Acquisition Regulation (CAR) (48 CFR 13). The provisions of the Public Law are effective April 1, 1985. Public Law 98-577 also requires amendments to the FAR and the CAR. Effective dates of Public Law 98-577 sections vary, but implementing regulations will be prepared by Mar. 1986. Commerce will amend the existing CAR once the amendments to the FAR are available to the public. Specific parts of the FAR requiring agency supplements cannot be readily determined at this time. Periodic updates are anticipated to implement regulatory and new statutory requirements. This CAR Amendment 85-1 implements Public Law 98-369 within Commerce, except for the protest provisions of that Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/08/85	50 FR 19361
Final Action	01/13/86	51 FR 01377
Final Action Effective	01/13/86	51 FR 01377

Small Entity: Undetermined

Additional Information: TITLE CONT: Amendment 85-1.

Agency Contact: Robert A. Welch, Director, Department of Commerce, Office of the Secretary, Office of Procurement Management, 14th Street & Constitution Avenue, NW, Washington, DC 20230, 202 377-2773

RIN: 0690–AA07

167. ● UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION

Legal Authority: 42 USC 4601

CFR Citation: 15 CFR 11; 15 CFR 916; 13 CFR 310

Legal Deadline: None

Abstract: This regulation establishes a common rule for the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 which requires that owners of real property to be acquired for Federal of federally-assisted programs and persons displaced from their dwellings, business, or farms as a result of such acquisition be provided fair, consistent, and equitable treatment. In May 1982, the Office of Management and Budget, in response to the concerns of State and local governments, formed a Uniform Act Interagency Regulatory Review Working Group to develop the common rule. On February 27, 1985, a Presidential Memorandum was published in the February Register naming the Department of Transportation as the agency with lead responsibility for the Uniform Act and directing agencies to develop and adapt a common proposed rule for publication in the May 28, 1985, Federal Register with the final rule being published in the February 27, 1986 Federal Register.

Timetable:

Action	Date	FR Cite
NPRM	05/28/85	50 FR 21711
Final Action	02/27/86	51 FR 7000

Small Entity: No

Agency Contact: Mary DiGiulian, Director, Office of Administrative Services Management, Department of Commerce, Office of the Secretary, 14th & Constitution Ave., NW, Rm 6319, Washington, DC 20230, 202 377-0884

RIN: 0690–AA11

[FR Doc. 86-6295 Filed 04-18-86; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Proposed Rule Stage

168. ● SURVEYS OF INTERNATIONAL TRADE IN SERVICES BETWEEN U.S. AND FOREIGN PERSONS

Significance: Regulatory Program

Legal Authority: 22 USC 3101 to 3108 International Investment Survey Act of 1976; PL 98-573, Sec 306 Trade and Tariff Act of 1984

CFR Citation: 15 CFR 801, (See AdditioNot applicable I Information)

Legal Deadline: None

Abstract: Action will fill gaps in data on international services transactions so U.S. Government can better assess size and impact of these transactions, more effectively formulate international economic policies and conduct negotiations to reduce the barriers to

services trades, improve recording of services transactions in the U.S. balance of payments accounts, and assist U.S. services businesses in identifying and evaluating market opportunities. Annual cost to BEA of conducting surveys will be about $500,000; initial cost to respondents will be about 132,000 manhours, of $4.0 million, at a maximum. Benefits in terms of reduction in barriers to services trade, increased sales of services, and improved balance of payments statistics will far exceed costs.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	
NPRM Comment Period End	10/00/86	
Final Action	01/00/87	
Final Action Effective	01/00/87	

Small Entity: No

Additional Information: A notice of proposed rulemaking to bring existing BEA surveys of U.S. services transactions under 22 USC 3101 to 3108, as amended, and to conduct a BE-20 Benchmark Survey of U.S. Services Transactions With Unaffiliated Foreign Persons was submitted to OMB in August 1985, along with an information collection request for the benchmark survey. On 10/21/85, OMB disapproved the information request for the benchmark survey, largely because of respondent burden. Subsequently, final rules were prepared covering the other existing Bureau of Economic Analysis surveys on U.S. services transactions. Those rules, to be included as 15 CFR 801, are intended to replace existing rules 15 CFR 802 and 15 CFR 803. BEA is now conducting a public outreach program to revise the BE-20 benchmark survey to meet OMB requirements. The above information refers to action expected this year on the rules to amend the new 15 CFR 801 to cover the revised BE-20 benchmark survey.

Public Compliance Cost: Initial Cost: $3,960,000; Yearly Recurring Cost: $2,000,000; Base Year for Dollar Estimates: 1986

Affected Sectors: All

Government Levels Affected: Federal

Agency Contact: George R. Kruer, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 608, Tower Building, Washington, DC 20230, 202 523-0657

RIN: 0691-AA05

DEPARTMENT OF COMMERCE (DOC)

Bureau of Economic Analysis (BEA)

Final Rule Stage

169. SURVEYS OF INTERNATIONAL TRADE IN SERVICES BETWEEN U.S. AND FOREIGN PERSONS

Significance: Regulatory Program

Legal Authority: 22 USC 3101 to 3108 International Investment Survey Act of 1976; PL 98-573, Sec 306 Trade and Tariff Act of 1984

CFR Citation: 15 CFR 801, (See AdditioNot applicable I Information); 15 CFR 803, (Revision)

Legal Deadline: None

Abstract: Action will fill gaps in data on international services transactions so U.S. Government can better assess size and impact of these transactions, more effectively formulate international economic policies and conduct negotiations to reduce the barriers to services trade, improve recording of services transactions in the U.S. balance of payments accounts, and assist U.S. services businesses in identifying and evaluating market opportunities. Annual cost to BEA of conducting surveys will be about $500,000; initial cost to respondents will be about 132,000 manhours, or $4.0 million, at a maximum. Benefits in terms of reduction in barriers to services trade, increased sales of services, and improved balance of payments statistics will far exceed costs.

Timetable:

Action	Date	FR Cite
NPRM	09/18/85	50 FR 37867
Final Action	03/00/86	

Small Entity: No

Additional Information: A notice of proposed rulemaking to bring existing BEA surveys of U.S. services transactions under 22 USC 3101 to 3108, as amended, and to conduct a BE-20 Benchmark Survey of U.S. Services Transactions With Unaffiliated Foreign Persons was submitted to OMB in August 1985, along with an information collection request for the benchmark survey. On 10/21/85, OMB disapproved the information request for the benchmark survey, largely because of respondent burden. Subsequently, final rules were prepared covering the other existing Bureau of Economic Analysis surveys on U.S. services transactions. Those rules, to be included as 15 CFR 801, are intended to replace existing rules 15 CFR 802 and 15 CFR 803. BEA is now conducting a public outreach program to revise the BE-20 benchmark survey to meet OMB requirements.

Public Compliance Cost: Initial Cost: $3,960,000; Yearly Recurring Cost: $2,000,000; Base Year for Dollar Estimates: 1986

Affected Sectors: All

Government Levels Affected: Federal

Agency Contact: George R. Kruer, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 608, Tower Building, Washington, DC 20230, 202 523-0657

RIN: 0691-AA03

170. ● FINAL RULE TO INCREASE EXEMPTION LEVEL FOR QUARTERLY REPORT FORM BE-577

Legal Authority: 22 USC 3101 to 3108 Intl' Invest. and Trade in Serv. Survey Act

CFR Citation: 15 CFR 806

Legal Deadline: None

Abstract: This action will raise the exemption level from $10,000,000 to $15,000,000 for quarterly report form BE-577, Direct Transactions of U.S. Reporter with Foreign Affiliate. The purpose of the change is to effect a reduction in the number of reports filed by U.S. companies concerning transactions with their foreign affiliates and thus significantly reduce the reporting burden.

DOC—BEA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Action	03/00/86	

Small Entity: No

Agency Contact: George R. Kruer, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 608, Tower Building, Washington, DC 20230, 202 523-0657

RIN: 0691-AA06

[FR Doc. 86-8295 Filed 04-18-86; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Proposed Rule Stage

171. ● DESIGNATION OF AREAS; DESIGNATION OF PWIP AREAS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 302

Legal Deadline: None

Abstract: 13 CFR Part 302 at Section 302.7 entitled "Designation of Public Works Impact Program Areas" will be amended at paragraph (a)(4) to delete reference to submission of an Overall Economic Development Program (OEDP) since under EDA's authorizing legislation, Public Works Impact Program (PWIP) projects need not meet OEDP requirements; and to add that although there are no boundary constraints for PWIPs under the Act, program considerations dictate that for an area to be given PWIP designation, it must be capable of analysis in light of available data establishing eligibility for designation.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
Interim Final Rule	03/00/86	
Final Action	06/00/86	
Final Action Effective	06/00/86	

Small Entity: No

Additional Information: Neither a RIA, nor a RFA is required or will be prepared.

Government Levels Affected: Local, State

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Ave, NW, Room 7329, Washington, DC 20230, 202 377-2710

RIN: 0610-AA21

DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Final Rule Stage

172. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE - DESIGN, CONSTRUCTION OF BUILDINGS TO ACCOMMODATE THE PHYSICALLY HANDICAPPED

Legal Authority: 42 USC 4151 to 4156; 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.14

Legal Deadline: None

Abstract: Existing regulations will be amended if necessary to reflect the most recent (1980) standards of the American National Standards Institute (ANSI) for handicap accessibility as well as the "Minimum Guidelines and Requirements for Accessible Design" published by the Architectural and Transportation Barriers Compliance Board (47 FR 33862, August 14, 1982) and the proposed "Uniform Federal Accessibility Standards" published by GSA (comments due by August 22, 1983).

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Analysis: See Additional Information

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7009 Washington, DC 20230, 202 377-5441

RIN: 0610-AA05

173. ECONOMIC DEVELOPMENT ADMINISTRATION: PROPERTY MANAGEMENT STANDARDS

Legal Authority: 40 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Legal Deadline: None

Abstract: EDA's regulations regarding the use and disposition of real property acquired or improved with Federal funds may be revised to clarify EDA policy regarding the authorized use and disposition of grant property (real property) and in particular requirements regarding the lease and/or sale of such property. If revised, the change may clarify present requirements for

determining the appropriate amount of compensation due the Federal Government upon the sale of real property acquired or improved with grant funds.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7009 Washington, DC 20230, 202 377-5441

RIN: 0610-AA07

174. PROPERTY MANAGEMENT STANDARDS - MORTGAGES

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314.5

Legal Deadline: None

Abstract: These amendments allow the Assistant Secretary to waive the prohibition against placing mortgages on property which has been financed by an EDA public works grant, if an additional condition is met. This additional condition for waiver is that all proceeds from a loan which is secured by a mortgage or lien on property which has been financed by an EDA public works grant shall be available only to the grantee and such proceeds shall be used on the project which secures such loans, or for working capital purposes relating to that project.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/30/84	49 FR 22463
Final Action	03/00/86	
Final Action Effective	03/00/86	

Small Entity: No

Additional Information: Neither an RIA, nor an RFA is required or will be prepared.

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7009, Washington, DC 20230, 202 377-5441

RIN: 0610-AA12

175. BUSINESS DEVELOPMENT PROGRAM - FINANCIAL ASSISTANCE FOR INDUSTRIAL AND COMMERCIAL PURPOSES

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 306

Legal Deadline: None

Abstract: This rule amends EDA's project financing regulation by increasing EDA's ordinary maximum participation for business loan projects from $10,000 to $20,000 per job created or saved. Findings from EDA and GAO studies indicate that the current average government cost per job saved or created far exceeds the $10,000 limit. An increased limit of $20,000 per job created or saved is consistent with these findings.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/20/85	50 FR 97
Final Action	04/00/86	
Final Action Effective	04/00/86	

Small Entity: No

Additional Information: Neither a RIA nor a RFA is required or will be prepared.

Affected Sectors: Multiple

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Rm. H7001, Washington, DC 20230, 202 377-5441

RIN: 0610-AA14

176. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE -- FLOOD INSURANCE PROGRAM; AND ENVIRONMENTAL REQUIREMENTS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.15; 13 CFR 309.18

Legal Deadline: None

Abstract: This rule would amend EDA's regulation at 13 CFR 309.15 on Flood Hazard to reflect a shift in the administration of the Flood Insurance Program from the Department of Housing and Urban Development (HUD) to the Federal Emergency Management Agency (FEMA). It also would update environmental regulations at 13 CFR 309.18.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/86	
Final Action	06/00/86	
Final Action Effective	06/00/86	

Small Entity: No

Additional Information: Neither a RIA, nor a RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Avenue, NW, Room 7324, Washington, DC 20230, 202 377-2710

RIN: 0610-AA16

177. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE: EMPLOYMENT OF EXPEDITERS OR ADMINISTRATIVE EMPLOYEES; COMPENSATION OF PERSONS ENGAGED BY OR ON BEHALF OF APPLICANTS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None

Abstract: This rule amends EDA's general requirements regulation -- employment of expediters or administrative employees -- concerning

EDA positions involving discretion, to conform to the reorganization of EDA pursuant to Department of Commerce Organization Order 45-1. Old positions which are no longer in existence are deleted. New comparable positions are listed in the amended regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/20/85	50 FR 97
Final Action	06/00/86	
Final Action Effective	06/00/86	

Small Entity: No

Additional Information: Neither a RIA nor RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Travis P. Dungan, Deputy Assistant Secretary for Finance, Department of Commerce, Economic Development Administration, Herbert C. Hoover Building, 14th & Constitution Ave., NW, Room 7824, Washington, DC 20230, 202 377-5067

RIN: 0610-AA18

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178. DESIGNATION OF AREAS OVERALL ECONOMIC DEVELOPMENT PROGRAM PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 302; 13 CFR 304; 13 CFR 305

Legal Deadline: None

Abstract: This rule amends EDA's rules by updating provisions concerning Public Works Impact Areas and Special Impact Areas, specifically as to Designation Requirements; Overall Economic Development Program Requirements; and Supplementary Grant Rates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/86	
Final Action	06/00/86	
Final Action Effective	06/00/86	

Small Entity: Not Applicable

Additional Information: Neither a RIA nor a RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Avenue, NW, Room 7324, Washington, DC 20230, 202 377-2710

RIN: 0610-AA19

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179. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None

Abstract: The rule concerns nonrelocation requirements. The amendment narrows the nonrelocation requirements to business development projects. The amendment also limits the definition of "financial assistance" to loans and guarantees and deletes reference to grants, technical assistance and training.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/13/85	50 FR 96749
Final Action	03/00/86	
Final Action Effective	03/00/86	

Small Entity: Not Applicable

Additional Information: Neither a RIA nor a RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel for Operations and Adm., Department of Commerce, Economic Development Administration, Herbert C. Hoover Building, 14th and Constitution Ave., NW, Room 7009, Washington, DC 20230, 202 377-5441

RIN: 0610-AA20

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180. ● GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE; UNFAIR COMPETITION

Legal Authority: 42 USC 3211; Dept. of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None

Abstract: 13 CFR 309 at Section 309.2 entitled "Unfair Competition" will be amended to change conditions under which EDA will conduct a study (verification and evaluation) called a "702 Study" of the capacity and demand for particular goods, materials, commodities, services or facilities. The amendment will narrow the unfair competition requirements for a "702 Study" by raising the threshold amount of projects from $10,000 to $ 25,000. Also, the unfair competition exceptions will be expanded to apply to all EDA financial assistance programs. Certain projects will be exempt from "702 Study" requirements and the definition of retention of capacity and employment will be changed by deleting the word "existing".

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/86	
Final Action	06/00/86	
Final Action Effective	06/00/86	

Small Entity: Not Applicable

Additional Information: Neither a RIA, nor a RFA is required or will be prepared.

Government Levels Affected: Local, State

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Ave., NW, Room 7329, Washington, DC 20230, 202 377-2710

RIN: 0610-AA22

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181. ● GENERAL REQUIREMENTS

FOR FINANCIAL ASSISTANCE; EMPLOYMENT OF EXPEDITERS OR ADMINISTRATIVE EMPLOYEES; COMPENSATION OF PERSONS ENGAGED BY OR ON BEHALF OF APPLICANTS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None

Abstract: 13 CFR 309 at Section 309.7 entitled "Employment of expediters or administrative employees; compensation of persons engaged by or on behalf of applicants" will be amended to conform, at subparagraph c to P.L. 99-180, December 13, 1985, to state that fees for services of attorneys and consultants in preparing applications for EDA financial assistance cannot be financed under P.L. 99-180; however, attorneys' and consultants' fees used to meet grant requirements, such as for example, conducting a title search or preparing plans and specifications, could be eligible project costs and paid for out of funds appropriated or otherwise made available under P.L. 99-180.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/86	
Final Action	06/00/86	
Final Action Effective	06/00/86	

Small Entity: No

Additional Information: Neither a RIA, nor a RFA is required or will be prepared.

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel for Operations and, Administration, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Ave., NW, Room 7009, Washington, DC 20230, 202 377-5441

RIN: 0610-AA23

182. ● PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM; INDUSTRIAL PARKS AND SITES; AND GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE; AUTHORIZED USES OF REAL PROPERTY ACQUIRED OR IMPROVED WITH ETC

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 305; 13 CFR 314

Legal Deadline: None

Abstract: 13 CFR 305 at Section 305.43 entitled "Industrial parks and sites" and 13 CFR 314 at Section 314.3 entitled "Authorized Uses of real property acquired or improved with Federal funds" will be amended to delete references to nonrelocation requirements for other than business development projects under Section 202 of the Public Works and Economic Development Act of 1965, as amended (42 USC 3121 et. seq.) consistent with an opinion by the Department's General Counsel. In addition, 13 CFR Part 314 at Section 3 is amended to contain sex neutral language ("he/she") when referring to the Assistant Secretary.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/86	
Final Action	06/00/86	
Final Action Effective	06/00/86	

Small Entity: No

Additional Information: Neither a RIA, nor a RFA is required or will be prepared.

TITLE CONT: Federal Funds.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel for Operations and, Administration, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Ave., NW, Room 7009, Washington, DC 20230, 202 377-5441

RIN: 0610-AA24

DEPARTMENT OF COMMERCE (DOC)

Economic Development Administration (EDA)

Completed Actions

183. ENERGY CONSERVATION: MISCELLANEOUS AMENDMENTS TO FINANCIAL ASSISTANCE PROGRAMS REGARDING ENERGY CONSERVATION

Legal Authority: EO 12185

CFR Citation: 13 CFR 305.59; 13 CFR 306.12(g)(14); 13 CFR 306.12(j); 13 CFR 307.22(b); 13 CFR 307.28(c)(6); 13 CFR 307.55(a)(15); 13 CFR 307.55(b)(5); 13 CFR 307.56(h); 13 CFR 307.57(a)(6); 13 CFR 308.6(a)(8)

Legal Deadline: None

Abstract: Regulations were issued to bring the existing regulations within the bounds of the requirements of EO 12185 which directed Federal agencies to revise their regulations to encourage recipients of Federal financial assistance to conserve energy. The new regulations are designed to encourage EDA assistance recipients to undertake energy conservation measures on a voluntary basis. There are no viable alternatives to the regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/10/82	47 FR 19982
Beg. Comment Period on Interim Rule	05/10/82	47 FR 19982
End Comment Period on Interim Rule	07/10/82	47 FR 19982
Final Action	01/14/86	51 FR 1492
Final Action Effective	01/14/86	51 FR 1492

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Analysis: See Additional Information

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, Washington, DC 20230, 202 377-5441

RIN: 0610-AA03

184. DESIGNATION OF PUBLIC WORKS IMPACT PROGRAM AREAS; SUPPLEMENTARY GRANT RATES

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 302.7; 13 CFR 305.5

Legal Deadline: None

Abstract: These amendments were in effect for a limited time under the Emergency Jobs Act which has ended and for which funds are no longer available. The rules, with two technical exceptions (changing description of Assistant Secretary to "he/she" and implementing the change in delegation to the Assistant Secretary for project approval), are to revert back to the original.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/23/83	48 FR 23154
Final Action	03/28/85	50 FR 12235
Final Action Effective	03/28/85	50 FR 12235

Small Entity: No

Additional Information: Neither an RIA or RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, 14th and Constitution Avenue, NW, Room 7009, Washington, DC 20230, 202 377-5441

RIN: 0610-AA10

185. PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM - SPECIFIC TYPES OF PROJECTS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 305

Legal Deadline: None

Abstract: This rule amends EDA's tourism and recreation regulation to conform to an EDA policy position exempting the Public Works Impact Program (PWIP) projects from the tourism and recreation requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/07/85	50 FR 725
Final Action	01/15/86	51 FR 1782
Final Action Effective	01/15/86	51 FR 1782

Small Entity: No

Additional Information: Neither a RIA nor a RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel Operation and Admin, Department of Commerce, Economic Development Administration, 14th & Constitution Ave., NW, Rm. H7001, Washington, DC 20230, 202 377-5441

RIN: 0610-AA13

186. PROPERTY MANAGEMENT STANDARDS - MORTGAGES

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Legal Deadline: None

Abstract: This rule amends EDA's Property Management regulations concerning mortgages. It provides that funds obtained from loans secured by mortgages on property which has been financed by an EDA grant shall be provided only to the grantee, with the exception of public utilities subject to existing bonds containing after-acquired property clauses, for use on the project which is being mortgaged or for working capital purposes relating to that project.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/15/85	50 FR 6338
Final Action	01/15/86	51 FR 1783
Final Action Effective	01/15/86	51 FR 1783

Small Entity: No

Additional Information: Neither a RIA, nor a RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Rm. H7001, Washington, DC 20230, 202 377-5441

RIN: 0610-AA15

187. DESIGNATION OF AREAS; NOTIFICATION OF OFFICIALS

Legal Authority: 42 USC 3211; DOC Organization Order, 10-4, as amended

CFR Citation: 13 CFR 302

Legal Deadline: None

Abstract: EDA is amending 13 CFR 302 on Area Designation at Subpart D -- Notice as to when the Assistant Secretary is to notify local, State and national officials as to termination or modification of designation status.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	50 FR 128
Final Action	01/15/86	51 FR 1782
Final Action Effective	01/15/86	51 FR 1782

Small Entity: Not Applicable

Additional Information: Neither a RIA nor a RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Building, 14th & Constitution Avenue, NW, Room 7324, Washington, DC 20230, 202 377-2710

RIN: 0610-AA17

[FR Doc. 86-6295 Filed 04-18-86; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

General Administration (ADMIN)

188. ADMINISTRATIVE OFFSETS FOR DEBTS OWED THE DEPARTMENT OF COMMERCE

Legal Authority: PL 97-365, Sec 10

CFR Citation: 15 CFR 2A, (New)

Legal Deadline: None

Abstract: The proposed regulation will cover Department procedures for withholding money due individuals and businesses indebted to the Federal Government. Administrative offsets will be used by the Department when debtors have failed to make timely and adequate payments to satisfy such debts. Prior to collecting claims through administrative offset, debtors will be provided under the regulations with a notification of the amount and nature of the claim and the Department's intention to collect the claim through administrative offset, and explanation of the debtor's rights, an opportunity for the debtor to inspect and copy the agency's records relating to the claim, an opportunity for review of the claim by the agency if contested by the debtor, and an opportunity to enter into a written agreement with the agency for repayment of the amount due. These procedures will ensure the effective use of administrative offsets when appropriate, thereby increasing collections of amounts due the Federal Government. The result will be better cash management and a slight reduction in the need of the Federal Government to borrow funds in the capital market.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
NPRM Comment Period End	04/00/86	
Final Action	06/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Agency Contact: Roger J. Mallet, Chief, Financial Management Branch, Department of Commerce, General Administration, Office of Finance and Federal Assistance, Room 6823, 14th & Constitution Ave. NW, Washington, DC 20230, 202 377-2324

RIN: 0605-AA00

DEPARTMENT OF COMMERCE (DOC)

Final Rule Stage

General Administration (ADMIN)

189. ● NONPROCUREMENT SUSPENSION AND DEBARMENT

Legal Authority: Executive Order (Yet to be issued)

CFR Citation: 15 CFR Part undetermined

Legal Deadline: None

Abstract: To eliminate duplicative and inconsistent debarment and suspension actions across the government. Private actions or actions by other levels of government would lack broad enough jurisdiction. This regulation will benefit the U.S. by eliminating duplicative and costly actions. Benefits have not been quantified at this time.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/86	

Small Entity: Undetermined

Agency Contact: Robert McNamara, Grants/Cooperative Agreement Specialist, Department of Commerce, General Administration, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-5817

RIN: 0605-AA02

DEPARTMENT OF COMMERCE (DOC)

Completed Actions

General Administration (ADMIN)

190. AUDIT REQUIREMENTS FOR STATE AND LOCAL GOVERNMENTS

Legal Authority: PL 98-502 Single Audit Act of 1984

CFR Citation: 15 CFR 8a

Legal Deadline: None

Abstract: The Department of Commerce published to implement the requirements for auditing state and local governments as required by the Single Audit Act of 1984, P.L. 98-502. This regulation is meant to improve audits of Federal aid programs to state and local governments. The rule establishes audit requirements for state and local governments that receive Federal aid, and defines the Department's responsibilities for implementing and monitoring these requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/26/85	50 FR 30418
Final Action	02/28/86	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: John J. Phelan, Chief, Federal Assistance Policy Branch, Department of Commerce, General Administration, Room 6020, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-5817

RIN: 0605-AA01

[FR Doc. 86-6295 Filed 04-18-86; 8:45 am]
BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Proposed Rule Stage

191. GENERAL REGULATIONS GOVERNING FOREIGN TRADE ZONES IN THE UNITED STATES, WITH RULES OF PROCEDURES

Legal Authority: 19 USC 81a et seq Foreign-Trade Zones Act of 1934

CFR Citation: 15 CFR 400

Legal Deadline: None

Abstract: Revision of the regulation is needed to administer the Foreign-Trade Zones Act of 1934, as amended, to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States. At the time the ANPRM was published the emphasis was on changing the rules to provide improved guidance to the public on procedures and criteria followed in making decisions concerning special-purpose subzones and operations detrimental to the public interest. Since that time, it has been decided to propose revisions to the entire 15 CFR 400 in order to update the language and conform it to current CFR format.

Timetable:

Action	Date	FR Cite
ANPRM	10/14/80	45 FR 67681
ANPRM Comment Period End	12/15/80	
NPRM	04/00/86	
Final Action	08/30/86	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Stephen J. Powell, Assistant General Counsel for Import Administration, Department of Commerce, International Trade Administration, Room B-099, Pennsylvania Ave. and 14th St., NW, Washington, DC 20230, 202 377-1411

RIN: 0625-AA04

192. ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES

Legal Authority: 19 USC 2341 et seq

CFR Citation: 15 CFR 320

Legal Deadline: None

Abstract: This regulation will implement the responsibilities transferred from EDA to ITA concerning the provision of adjustment assistance to firms and industries adversely affected by imports. The proposed rule will reflect amendments to the authorizing legislation and make procedural changes required because of the transfer of the program to ITA. Proposed rules were published in the Federal Register (November 1984). Final rules have not been published because pending authorizing legislation may alter program significantly.

Timetable:

Action	Date	FR Cite
NPRM	11/13/84	49 FR 44903
NPRM Comment Period End	12/13/84	49 FR 44903

Next Action Undetermined

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared. This rule is exempt from the requirements of the Regulatory Flexibility Act, since the Department is not required by Section 553 of Title 5 of the United States Code or any other law to publish general notice of proposed rulemaking for regulations implementing the adjustment assistance program (See Section 553(a)(2) concerning loans and grants).

Affected Sectors: Multiple

Analysis: See Additional Information

Agency Contact: August Fromuth, Acting Deputy Assistant Secretary, Department of Commerce, International Trade Administration, Office of Trade Adjustment Assistance, Washington, DC 20230, 202 377-0150

RIN: 0625-AA05

193. ANTIDUMPING DUTIES; COUNTERVAILING DUTIES

Significance: Regulatory Program

Legal Authority: 19 USC 1303; 19 USC 1671 et seq

CFR Citation: 19 CFR 353; 19 CFR 355

Legal Deadline: None

Abstract: Current antidumping and countervailing duty regulations will be revised to reflect recent statutory changes and current administrative practices and to improve the clarity of the regulations. The revisions will improve administrative efficiency in enforcement of the antidumping and countervailing duty laws. The revisions will replace the entire text of 19 CFR Parts 353 and 355.

Supplemental Timetable:

AD Regulations

NPRM 05/01/86
NPRM Comment Period End 06/01/86
Final Action 09/30/86

CVD Regulations

NPRM 06/10/85 (50 FR 29225)
NPRM Comment Period End 09/09/85 (50 FR 32088)
Final Action 05/30/86

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Stephen J. Powell, Assistant General Counsel for Import Administration, Department of Commerce, International Trade Administration, Room B-099, Pennsylvania Ave. & 14th St., NW, Washington, DC 20230, 202 377-1411

RIN: 0625-AA08

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Final Rule Stage

194. EFFECT OF IMPORTED ARTICLES ON THE NATIONAL SECURITY

Legal Authority: 19 USC 1862 Trade Expansion Act of 1962, as amended; 5 USC App. Reorganization Plan No. 3 of 1979; EO 12188

CFR Citation: 15 CFR 359

Legal Deadline: None

Abstract: Section 359.10(a) of the existing regulation requires that a report of an investigation be organized into several sections containing classified and unclassified information. Paragraph (c) of that section requires that the report (excluding confidential material) be published in the Federal Register. Paragraph (a) will be amended

to delete the report organization requirement and paragraph (b) will be amended to permit publication of either the full report or a summary thereof. It is impractical, time consuming, and not cost effective to organize the report, and publish the full report, as now required by the regulation. Section 359.10(c) will also be amended to provide that a copy of the report will be available to the public from the Publications Distribution Office of the Department rather than at ITA's Freedom of Information Records Inspection Facility.

Timetable:

Action	Date	FR Cite
Final Action	12/00/86	

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Agency Contact: Edward Levy, 232 Program Manager, Department of Commerce, International Trade Administration, Strategic Analysis Division, Washington, DC 20230, 202 377-2322

RIN: 0625-AA15

195. REVISIONS TO SHORT SUPPLY REGULATIONS

Legal Authority: 50 USC app 2401 et seq; PL 99-64; 42 USC app 2401 et seq; 10 USC 7420 et seq; 43 USC 1354; 30 USC 185; EO 11912; EO 12214; EO 12002

CFR Citation: 15 CFR 371; 15 CFR 377; 15 CFR 399

Legal Deadline: None

Abstract: On July 12, 1985, the Export Administration Amendments Act of 1985 (PL 99-64) extended and amended the Export Administration Act of 1979 (50 USC app 2401, et seq.)(EAA). Certain changes were made to the Short Supply provisions of Section 7 of the EAA. Accordingly, revision of the Short Supply provisions (15 CFR 377) and related licensing requirements (15 CFR 371 and 399) of the Export Administration Regulations (15 CFR 368-399) is necessary. An interim final rule was issued which included (1) elimination 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	12/00/86	

Small Entity: Yes

Agency Contact: Rodney A. Joseph, Short Supply Program Manager, Department of Commerce, International Trade Administration, Office of Industrial Resource Administration, Room 3876, Washington, DC 20236, 202 377-3984

RIN: 0625-AA21

196. ● EXPORTS OF CRUDE OIL DERIVED FROM ALASKA'S COOK INLET

Significance: Regulatory Program

Legal Authority: 50 USC app 2401, et seq. PL 96-72, as amended; EO 12525 July 12, 1985 (50 FR 28757, July 16, 1985); 42 USC 6212 PL 97-163, as amended, Sec 103; 30 USC 185 PL 93-153, Sec 28; 43 USC 1354 PL 95-372, Sec 28; EO 11912 April 3, 1976 (41 FR 15825, as amended); 10 USC 7420 and 7430(e) PL 94-258, Sec 101 and 201(11)(e); 50 FR 25189 June 18, 1985

CFR Citation: 15 CFR 377

Legal Deadline: None

Abstract: On November 6, 1985, the Secretary of Commerce determined that permitting the export of crude oil derived from Alaska's Cook Inlet is in the national interest and consistent with the purposes of the Energy Policy and Conservation Act. Accordingly, the Department of Commerce proposes to revise Part 377 of the Export Administration Regulations to permit exports of crude oil derived from Alaska's Cook Inlet. There are no costs associated with this action.

Timetable:

Action	Date	FR Cite
NPRM	12/26/85	50 FR 52798
NPRM Comment Period End	02/24/86	50 FR 52798
Final Action	04/00/86	

Small Entity: No

Agency Contact: Rodney A. Joseph, Short Supply Program Manager, Department of Commerce, International Trade Administration, Office of Industrial Resource Administration, Room 3876, Washington, DC 20230, 202 377-3984

RIN: 0625-AA22

DEPARTMENT OF COMMERCE (DOC)

International Trade Administration (ITA)

Completed Actions

197. PETROLEUM PARTLY REFINED FOR FURTHER REFINING

Legal Authority: 50 USC 1702 PL 95-223, as amended, Sec 203; 50 USC 1704 PL 95-223, as amended, Sec 206; EO 12470 March 30, 1984 (49 FR 13099, April 3, 1984); 42 USC 6212 PL 94-163, as amended, Sec 103; EO 11912 April 13, 1976 (49 FR 15825, as amended); 10 USC 7430 as amended by PL 98-258, Sec 201(10)

CFR Citation: 15 CFR 377

Legal Deadline: None

Abstract: With few exceptions, the Congress prohibits the export of crude oil. However, the Department wants to ensure that it does not unnecessarily restrict sales of refined petroleum products by imposing regulatory barriers that were not intended by statutes. Accordingly, the Department will attempt to clarify the definition of refined petroleum products to provide greater certainty to exporters as to what may be exported. There are no costs associated with this action.

Timetable:

Action	Date	FR Cite
ANPRM	01/15/85	50 FR 2064
ANPRM Comment Period End	02/14/85	50 FR 2064
Withdrawn	10/09/85	50 FR 41131

DOC—ITA

Completed Actions

Small Entity: Not Applicable

Additional Information: The proposal was withdrawn at the time that a revision to the Short Supply regulations (15 CFR 377) was published as an interim final rule by October 1985.

Agency Contact: John A. Richards, Director, Department of Commerce, International Trade Administration, Office of Industrial Resource Administration, Room 3876, Washington, DC 20230, 202 377-4506

RIN: 0625-AA18

[FR Doc. 86-6295 Filed 04-18-86; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
National Bureau of Standards (NBS)

Proposed Rule Stage

198. FIPS FOR SESSION PROTOCOL STANDARD

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This standard will provide for reliable connections between users on a computer network. It is one of a family of computer network protocol standards which will make possible computer-to-computer communication of Federal ADP systems. It will enable Federal Government agencies to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
NPRM Comment Period End	09/00/86	
Final Action	00/00/00	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, Maryland 20899, 301 921-2731

RIN: 0693-AA12

199. FIPS FOR MESSAGE TRANSFER PROTOCOL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This standard will provide for reliable exchange of messages through Federal Government computer networks. It is one of a family of computer network protocol standards which will make possible computer-to-computer communication of Federal ADP systems. It will enable Federal agencies to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, Maryland 20899, 301 921-2731

RIN: 0693-AA17

200. PROCEDURES FOR THE DEVELOPMENT OF VOLUNTARY PRODUCT STANDARDS

Legal Authority: 15 USC 272

CFR Citation: 15 CFR 10

Legal Deadline: None

Abstract: The Department of Commerce proposes to revise its existing procedures for the development of Voluntary Product Standards. The Department proposes to modify the provisions for the withdrawal of standards and to establish a new appeals mechanism and provisions for developing interpretations of standards.

Timetable:

Action	Date	FR Cite
NPRM	03/12/86	50 FR 50177
Final Action	06/30/86	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: 208 Beverages; 242 Sawmills and Planing Mills; 243 Millwork, Veneer, Plywood, and Structural Wood Members; 322 Glass and Glassware, Pressed or Blown

Agency Contact: Donald R. Mackay, Associate Manager, Standards Management Prog, Department of Commerce, National Bureau of Standards, Office of Product Standards Policy, Admin A625, Gaithersburg, Maryland 20899, 301 921-3287

RIN: 0693-AA20

201. FIPS FOR DATABASE LANGUAGE SQL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently ANSI BSR X3.135) that defines the structure and operations of a relational data model and specifies data definition and data manipulation language interfaces to database systems supporting the relational model. Use of this standard will enable database definition and application modules to be interchanged between different systems, and will enable staff training and skills to be more fully utilized.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA32

202. FIPS FOR DATABASE LANGUAGE NDL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (current ANSI BSR X3.133-198x) that defines the structure and operations of a network data model and specifies data definition and data manipulation language interfaces to database systems supporting the network model. Use of this standard will enable database definition and application modules to be interchanged between different systems, and will enable staff training and skills to be more fully utilized.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA34

203. FIPS FOR BASIC PROGRAMMING LANGUAGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently draft proposed standard) which defines the syntax of the BASIC programming language and the semantics for its interpretation. The standard will be used by implementors as the reference authority in developing compilers, interpreters or forms of high level language processors and by other computer professionals who need to know the precise syntactic and semantic rules of the standard. Use of this standard will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff training and skills.

Timetable:

Action	Date	FR Cite
NPRM	01/13/86	51 FR 1418
NPRM Comment Period End	04/14/86	51 FR 1418
Final Action	10/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA35

204. FIPS FOR MUMPS PROGRAMMING LANGUAGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (ANSI/MDC X11.1-1984) which defines the syntax of language and the semantics for its interpretation. The standard will be used by implementors as the reference authority in developing compilers, interpreters or forms of high level language processors and by other computer professionals who need to know the precise syntactic and semantic rules of the standard. Use of this standard will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff training and skills.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA36

205. REVISION TO FIPS 100, INTERFACE BETWEEN DATA TERMINAL EQUIPMENT (DTE) AND DATA CIRCUIT-TERMINATING EQUIPMENT (DCE) FOR OPERATION WITH PACKET-SWITCHED DATA COMMUNICATIONS NETWORKS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This revision will make the standard consistent with minor changes that were made to Recommendation X.25 by the Consultative Committee for International Telegraph and Telephone in 1984. This is an international standard for data processing equipment, services and telecommunications equipment using public packet switched data communications networks.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA39

206. FIPS FOR INTERNETWORK PROTOCOL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This standard will provide the specifications for network interconnection via procedures for the connectionless transmission of data and control information from one network entity to another. It is based on the work of the International Organization for Standardization and is one of a family of computer network protocol standards which will make possible computer-to-computer communications of Federal ADP systems. It will enable organizations to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA40

207. FIPS FOR SMALL COMPUTER SYSTEM INTERFACE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently dpANS X3.131) which defines the physical, electrical, and mechanical specifications for an 8-bit parallel bus, suitable for connecting physically small computers to each other and to mass storage peripherals. This standard is widely used in industry, and will enable Federal users to reduce costs and improve reutilization of mass storage components for small systems.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
NPRM Comment Period End	09/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA41

208. FIPS FOR INTELLIGENT PERIPHERAL INTERFACE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This standard will adopt American National Standards (currently dpANS X3.129, dpANS X3.130, dpANS X3.132, and X3T9/85-37) which provide for the interconnection of high performance computer systems and mass storage components for large and medium scale computers. This standard will be an alternative to FIPS 60, I/O Channel Interface, and will enable Federal agencies to reduce the cost of computer system components through improved competition.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
NPRM Comment Period End	09/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA42

209. FIPS FOR CODES FOR THE IDENTIFICATION OF AQUIFER NAMES AND GEOLOGIC UNITS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 15 CFR 6

Legal Deadline: None

Abstract: This standard will adopt for Federal government use codes for aquifer names and geologic units developed by the Department of the Interior under its Memorandum of Understanding with NBS to develop and maintain earth science data element and representation standards. The standard will facilitate the interchange of information among Federal departments and agencies.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA44

210. ● FIPS FOR COMPUTER GRAPHICS METAFILE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently draft proposed standard) that specifies a file format suitable for the description, storage, and communication of graphical information in a device independent manner. Use of this standard will facilitate the transfer of graphical information between different graphical software systems, different graphical devices, and different computer installations, and will reduce time in recomputing and regenerating graphical information.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA45

211. ● FIPS FOR COBOL NETWORK DATABASE INTERFACE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently preliminary draft standard) that defines COBOL syntax providing access to a subschema of a schema and providing a data manipulation language. The standard will provide a means by which the user of database systems may access a database that has been described by a schema. Use of this standard and other related standards will facilitate software modules to be interchanged between different systems, and will enable staff training and skills to be more fully utilized.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA46

212. ● REVISION TO FIPS 29-1, INTERPRETATION PROCEDURES FOR FEDERAL INFORMATION PROCESSING STANDARD PROGRAMMING LANGUAGES

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This revision to the interpretation procedures for Federal Information Processing Standard programming languages will provide for more flexibility and more timely response to requests for interpretations by adding to the methods that are available for developing interpretations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA47

213. ● FIPS FOR C PROGRAMMING LANGUAGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently draft proposed standard) which defines the syntax of the C programming language and the semantics for its interpretation. The standard will be used by implementors as the reference authority in developing compilers, interpreters or forms of high level language processors and by other computer professionals who need to know the precise syntactic and semantic rules of the standard. Use of this standard will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff training and skills.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA48

DEPARTMENT OF COMMERCE (DOC)
National Bureau of Standards (NBS)

Final Rule Stage

214. REVISION TO FIPS 21-1, COBOL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This standard will adopt the revised American National Standard Programming Language COBOL for Federal Government use. The standard will promote the portability of COBOL programs for use on a variety of data processing systems and will enable Federal agencies and departments to exercise more effective control over the production, management, and use of Federal Government information resources.

Timetable:

Action	Date	FR Cite
NPRM	11/20/84	49 FR 45772
NPRM Comment Period End	03/20/85	49 FR 45772
Final Action	04/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, Maryland 20899, 301 921-2731

RIN: 0693-AA04

215. FIPS FOR TRANSPORT PROTOCOL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This standard provides for reliable, transparent transfer of data

between two heterogeneous or homogeneous computer systems. The standard is based on an international consensus and is compatible with the International Organization for Standardization (ISO) document ISO/TC97/SC 16 N 1169, class 2 and class 4. This is one of a family of computer network protocol standards which will make possible computer-to-computer communication of Federal ADP systems. It will enable Federal agencies to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
ANPRM	03/03/81	46 FR 14913
ANPRM Comment Period End	05/03/81	46 FR 14913
NPRM	05/20/83	48 FR 22770
NPRM Comment Period End	08/18/83	48 FR 22770
Final Action	06/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693-AA06

216. REVISION TO FIPS 70, REPRESENTATION OF GEOGRAPHIC POINT LOCATIONS FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 15 CFR 6

Legal Deadline: None

Abstract: This revision will extend the current FIPS which establishes uniform formats for geographic point location data that is collected, processed and analyzed by Federal Government agencies. The extensions will provide for more complete and accurate representation of data.

Timetable:

Action	Date	FR Cite
NPRM	09/15/83	48 FR 41478
NPRM Comment Period End	12/14/83	48 FR 41478
Final Action	06/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693-AA13

217. FIPS FOR GRAPHICAL KERNEL SYSTEM (GKS)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This standard will adopt for Federal government use an American National Standard for GKS. Use of this standard will enable Federal agencies to exchange graphics programs between different installations. The standard will enable agencies to encourage more effective utilization and management of graphics application programmers by ensuring that skills acquired in one job are transportable to other jobs, thereby reducing the costs of training.

Timetable:

Action	Date	FR Cite
NPRM	03/29/85	50 FR 12602
NPRM Comment Period End	06/27/85	50 FR 12602
Final Action	06/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA29

218. FIPS FOR VIDEOTEX/TELETEXT PRESENTATION LEVEL PROTOCOL SYNTAX (NORTH AMERICAN PLPS)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This standard will adopt for Federal agency use American National Standard X3.110-1983, Videotex/Teletext Presentation Level Protocol Syntax (North American PLPS). This standard will enable Federal agencies to acquire data processing and communications and related equipment that interchange coded information in accordance with the voluntary industry standard.

Timetable:

Action	Date	FR Cite
NPRM	04/10/85	50 FR 14128
NPRM Comment Period End	07/09/85	50 FR 14128
Final Action	04/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA30

219. FIPS FOR OPTICAL CHARACTER RECOGNITION (OCR) DOT MATRIX CHARACTER SETS FOR OCR-MA

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently ANSI BSR X3.111) which provides the description, scope, and application rules for a character set that is generated by dot matrix printers and that closely matches the OCR-A character set. Use of this standard will reduce the cost of data input into ADP systems which use OCR equipment.

DOC—NBS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	11/08/85	50 FR 46474
NPRM Comment Period End	02/06/86	50 FR 46474
Final Action	10/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA33

220. FIPS FOR SPECIFICATION FOR A DATA DESCRIPTIVE FILE FOR INFORMATION INTERCHANGE (DDF)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This standard will adopt an International Standard ISO 8211, which provides a standard interchange format for data structures, data files, data definitions, and databases. Use of this standard will enable Federal agencies to transport data easily between computer systems of different manufacturers and to restructure the data without loss of content or meaning.

Timetable:

Action	Date	FR Cite
NPRM	08/16/85	50 FR 33090
NPRM Comment Period End	11/14/85	50 FR 33090
Final Action	10/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA37

221. FIPS FOR INFORMATION RESOURCE DICTIONARY SYSTEM (IRDS)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (now draft proposed) which will promote portability of information resources. The Information Resource Dictionary System is a software system for recording, storing, and processing descriptions of an organization's significant data. Use of the standard will improve identification of data that can be shared within an organization, reduce unnecessary development of computer programs, and increase portability of staff skills and training.

Timetable:

Action	Date	FR Cite
NPRM	08/13/85	50 FR 32610
NPRM Comment Period End	11/12/85	50 FR 32610
Final Action	10/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA38

222. REVISION TO FIPS 104, AMERICAN NATIONAL STANDARD CODES FOR THE REPRESENTATION OF NAMES OF COUNTRIES, DEPENDENCIES, AND AREAS OF SPECIAL SOVEREIGNTY FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 15 CFR 6

Legal Deadline: None

Abstract: This revision to an existing FIPS updates the codes for representation of countries, dependencies, and areas of special sovereignty and proposes these American National Standard codes as a Federal Program Standard for use in international trade applications. The current FIPS 104 is a guideline.

Timetable:

Action	Date	FR Cite
NPRM	08/13/85	50 FR 32609
NPRM Comment Period End	11/12/85	50 FR 32609
Final Action	04/00/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA43

DEPARTMENT OF COMMERCE (DOC)
National Bureau of Standards (NBS)

Completed Actions

223. FIPS PUB 116, 130 MM (5.25 IN) FLEXIBLE DISK CARTRIDGE TRACK FORMAT USING TWO-FREQUENCY RECORDING AT 3979 BPRAD ON ONE SIDE-1.9 TPMM (48 TPI) FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: These specifications will adopt for Federal government use an international standard (ISO 6596/2) for the recorded characteristics of flexible disk cartridges. Use of these specifications will enable Federal agencies to interchange information using commercially available disk technology and to purchase off-the-shelf equipment. The specifications will be issued as a standard for use by agencies at their discretion.

Timetable:

Action	Date	FR Cite
NPRM	09/08/82	47 FR 39554
NPRM Comment Period End	12/07/82	47 FR 39554
Final Action	09/30/85	50 FR 39745

Action	Date	FR Cite
Final Action Effective	04/01/86	50 FR 42745

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, Maryland 20899, 301 921-2731

RIN: 0693-AA21

224. FIPS PUB 118, FLEXIBLE DISK CARTRIDGE LABELLING AND FILE STRUCTURE FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: These specifications will adopt for Federal government use an international standard (ISO 7665) for labelling and file structure of flexible disks. Use of these specifications will enable Federal agencies to interchange information using commercially available disk technology and to purchase off-the-shelf equipment. The specifications will be issued as a standard for use by agencies at their discretion.

Timetable:

Action	Date	FR Cite
NPRM	09/08/82	47 FR 39554
NPRM Comment Period End	12/07/82	47 FR 39554
Final Action	09/30/85	50 FR 39745
Final Action Effective	04/01/86	50 FR 42745

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, Maryland 20899, 301 921-2731

RIN: 0693-AA22

225. FIPS PUB 117, 130 MM (5.25 IN) FLEXIBLE DISK CARTRIDGE TRACK FORMAT USING MODIFIED FREQUENCY MODULATION RECORDING AT 7958 BPRAD ON TWO SIDES-1.9 TPMM (48 TPI) FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: These specifications will adopt for Federal government use an international standard (ISO 7487/2) for the recorded characteristics of flexible disk cartridges. Use of these specifications will enable Federal agencies to interchange information using commercially available disk technology and to purchase off-the-shelf equipment. The specifications will be issued as a standard for use by agencies at their discretion.

Timetable:

Action	Date	FR Cite
NPRM	09/08/82	47 FR 39554
NPRM Comment Period End	12/07/82	47 FR 39554
Final Action	09/30/85	50 FR 39745
Final Action Effective	04/01/86	50 FR 42745

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, Maryland 20899, 301 921-2731

RIN: 0693-AA23

226. FIPS PUB 115, 200 MM (8 IN) FLEXIBLE DISK CARTRIDGE TRACK FORMAT USING MODIFIED FREQUENCY MODULATION RECORDING AT 13262 BPRAD ON TWO SIDES - 1.9 TPMM (48 TPI) FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: These specifications will adopt for Federal government use an international standard (ISO 7065/2) for the recorded characteristics of flexible disk cartridges. Use of these specifications will enable Federal agencies to interchange information using commercially available disk technology and to purchase off-the-shelf equipment. The specifications will be issued as a standard for use by agencies at their discretion.

Timetable:

Action	Date	FR Cite
NPRM	09/08/82	47 FR 39554
NPRM Comment Period End	12/07/82	47 FR 39554
Final Action	09/30/85	50 FR 39745
Final Action Effective	04/01/86	50 FR 42745

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, Maryland 20899, 301 921-2731

RIN: 0693-AA24

227. FIPS PUB 114, 200 MM (8 IN) FLEXIBLE DISK CARTRIDGE TRACK FORMAT USING TWO-FREQUENCY RECORDING AT 6631 BPRAD ON ONE SIDE - 1.9 TPMM (48 TPI) FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: These specifications will adopt for Federal government use an international standard (ISO 5654/2) for the recorded characteristics of flexible disk cartridges. Use of these specifications will enable Federal agencies to interchange information using commercially available disk technology and to purchase off-the-shelf equipment. The specifications will be issued as a standard for use by agencies at their discretion.

Timetable:

Action	Date	FR Cite
NPRM	09/08/82	47 FR 39554
NPRM Comment Period End	12/07/82	47 FR 39554
Final Action	09/30/85	50 FR 39745
Final Action Effective	04/01/86	50 FR 42745

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693-AA25

228. FIPS PUB 68-1, MINIMAL BASIC

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This revision of the current standard (FIPS 68) will change the Applicability and Objectives sections to clarify issues related to the use of programming languages. The revision will make the goals of the FIPS more definitive, recognize advances in programming technology, provide more specific guidance concerning the applicability of FIPS languages, and provide consistent policy for all FIPS languages. The language specifications (American National Standard Programming Language Minimal BASIC, X3.60-1978) are not changed.

Timetable:

Action	Date	FR Cite
NPRM	11/20/84	49 FR 45774
NPRM Comment Period End	03/20/85	49 FR 45774
Final Action	12/24/85	50 FR 52546
Final Action Effective	12/24/85	50 FR 52546

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA26

229. FIPS PUB 119, ADA

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This standard will adopt for Federal agency use American National Standard ANSI/MIL-STD-1815A-1983, Reference Manual for the Ada Programming Language, which is a voluntary industry standard developed by the Department of Defense. This standard will enable programs written in Ada to be used in a variety of data processing systems and will enable agencies to encourage more effective utilization and management of programmers by ensuring that programming skills acquired in one job are transportable to other jobs, thereby reducing the cost of training.

Timetable:

Action	Date	FR Cite
NPRM	03/25/85	50 FR 11748
NPRM Comment Period End	06/24/85	50 FR 11748
Final Action	11/08/85	50 FR 46472
Final Action Effective	05/01/86	50 FR 46472

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA27

230. FIPS FOR NETWORK DATABASE LANGUAGE (NDL)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This standard will adopt for Federal agency use an American National Standard currently undergoing formal public review. Use of the specifications will enable Federal agencies to acquire database management systems and other database software that will operate on many different computer systems. Further, training and skills of staff will be transferable to different systems.

Timetable:

Action	Date	FR Cite
This item duplicates RIN #0693-AA34 and should be deleted from the Regulatory Agenda.	02/27/86	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA28

231. FIPS PUB 69-1, FORTRAN

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This revision of the current standard (FIPS 69) will change the Applicability and Objectives sections to clarify issues related to the use of programming languages. The revision will make the goals of the FIPS more definitive, recognize advances in programming technology, provide more specific guidance concerning the applicability of FIPS languages, and provide consistent policy for all FIPS languages. The language specifications (American National Standard Programming Language FORTRAN, X3.9-1978) are not changed.

Timetable:

Action	Date	FR Cite
NPRM	11/20/84	49 FR 45774
NPRM Comment Period End	03/20/85	49 FR 45774
Final Action	12/24/85	50 FR 52546
Final Action Effective	12/24/85	50 FR 52546

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

DOC—NBS **Completed Actions**

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA31

[FR Doc. 86-8295 Filed 04-18-86; 8:45 am]
BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
National Oceanic and Atmospheric Administration (NOAA)

Prerule Stage

NATIONAL MARINE FISHERIES SERVICE

232. STUDY OF FISHERY MANAGEMENT

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: A panel of experts selected by the NOAA Administrator will conduct the Fishery Management Study. The Study will evaluate methods and associated institutional arrangements required to carry out fishery management in the United States, recommend changes to the system when needed and seek ways to reduce federal regulatory burdens and costs of fisheries management. It will focus on fundamentals such as the results we expect from management, whether the proper institution arrangements are in place, the appropriate State and Federal roles, and on ways to reduce costs and regulatory burdens while maintaining effective research and enforcement efforts. The study report should be completed by June 1986 so that its recommendations can be reflected in NOAA's position for the 1987 Magnuson Act reauthorization. Due to time and budget constraints, the planned contractual effort was replaced by the panel concept. The panel will meet for the first time in February 1986.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: John T. Everett, Chief, Policy and Planning Staff, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-7430**

RIN: 0648-AB65

233. ● FOREIGN PERMIT CONDITIONS AND RESTRICTIONS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 611

Legal Deadline: None

Abstract: The action will address the question of what conditions and restrictions are appropriate for the issuance of foreign fishing permits. An advanced notice of proposed rulemaking will solicit comments from the public and the fishery management councils regarding the conditions and restrictions on permits. Comments will be reviewed and the need for further action will be determined at that time.

Timetable:

Action	Date	FR Cite
ANPRM	06/12/86	
ANPRM Comment Period End	08/06/86	
Publication of Policy Statement or NPRM	10/16/86	
NPRM Comment Period End	11/16/86	
Final Action	01/01/87	

Small Entity: No

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-7432**

RIN: 0648-AB67

DEPARTMENT OF COMMERCE (DOC)
National Oceanic and Atmospheric Administration (NOAA)

Proposed Rule Stage

NATIONAL MARINE FISHERIES SERVICE

234. U.S. GENERAL STANDARDS FOR GRADES OF FISH FILLETS

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 263A; 50 CFR 263B; 50 CFR 263C; 50 CFR 263D; 50 CFR 263E

Legal Deadline: None

Abstract: This revision would amend 50 CFR Subpart 263A and delete 50 CFR Subparts 263A, B, C & D. The revision will simplify the voluntary standards for the inspection/grading of fish fillets by industry and Government inspection personnel by incorporating general criteria for the standards. The timetable for this action is very tentative. Further research will be needed before publication of the rule.

DOC—NOAA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Rita A. Creitz, Standards Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utilization Research, NMFS, Washington, DC 20235, 202 634-7458

RIN: 0648-AA45

235. PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF & CERTAIN OTHER PROCESSED FOOD PRODUCTS: U.S. STANDARDS FOR GRADES OF FROZEN FISH BLOCKS & PRODUCTS MADE THEREFROM ETC

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 264A; 50 CFR 264B; 50 CFR 264C; 50 CFR 264D; 50 CFR 264E; 50 CFR 264F; 50 CFR 264G

Legal Deadline: None

Abstract: The revised rule will expand the coverage of established voluntary standards for grades of fishery products to include new products made from fish blocks. The standards will take into account new technology and equipment. These standards will be used in a voluntary program of fishery products inspection and certification by the NMFS. Industry has shown a high level of interest and support for the revisions. The timetable for this action is very tentative. Further research will be needed before the rule is published.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Rita A. Creitz, Standards Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utilization Research, NMFS, Washington, DC 20235, 202 634-7458

RIN: 0648-AA46

236. U.S. GENERAL STANDARDS FOR GRADES OF SHRIMP

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 265A

Legal Deadline: None

Abstract: The final rule will establish general quality grading standards for all non-breaded forms of fresh or frozen shrimp. These grading standards will provide for the systematic differentiation of the quality of shrimp into four categories -- U.S. Grades A, B, C and Substandard. The proposed standards will be applied to all commercial species of fresh or frozen shrimp in raw or cooked states in all non-breaded market forms. The adoption of grading standards is expected to facilitate trade in shrimp of all commercial species, as consumers will be able to select shrimp on the basis of identified quality. Industry has shown great interest in and support for the standards. Timetable for next action is very tentative. Public comments received indicate a need for further research before the rule is published.

Timetable:

Action	Date	FR Cite
NPRM	05/20/82	47 FR 21840
Interim Final Rule	05/20/82	47 FR 21840
NPRM Comment Period End	08/18/82	47 FR 21840

Next Action Undetermined

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Rita A. Creitz, Standards Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utilization Research, NMFS, Washington, DC 20235, 202 634-7458

RIN: 0648-AA47

237. MARKING REQUIREMENTS FOR THE IMPORTATION, EXPORTATION, & INTERSTATE TRANSPORTATION OF FISH OR WILDLIFE

Significance: Regulatory Program

Legal Authority: 16 USC 3371 to 3375 Lacey Act Amendments of 1981

CFR Citation: 50 CFR 14.81 to 14.83

Legal Deadline: None

Abstract: These regulations will enable NOAA to monitor interstate and foreign commerce in fish and fishery products, for the purpose of detecting violations of Federal, state and foreign laws. The regulations will conform to current industry practices.

Timetable:

Action	Date	FR Cite
NPRM	04/30/86	
Final Action	06/01/86	

Small Entity: No

Additional Information: The regulations will be issued jointly with the Department of the Interior. Neither an RIA nor an RFA is required.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Steven C. Springer, Special Agent In Charge, Department of Commerce, National Oceanic and Atmospheric Administration, Enforcement Div., NMFS, Washington, DC 20235, 202 634-7265

RIN: 0648-AA53

DOC—NOAA

Proposed Rule Stage

238. STRIPED BASS FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: Not yet determined

Legal Deadline: Statutory. 110 days after the fishery management plan is submitted by the fishery management council.

Abstract: The drastic 10-year decline of commercial and recreational landings of striped bass indicates the need for protective management measures for territorial waters and the fishery conservation zone (FCZ). The territorial waters will be managed by the Interstate Striped Bass Plan of the Atlantic States Marine Fisheries Commission. The Interstate Striped Bass Plan will be adopted by Secretarial amendment for implementation in the FCZ so that management measures in the territorial and FCZ waters will be fully compatible.

Timetable:

Action	Date	FR Cite
NPRM	07/29/86	
NPRM Comment Period End	08/29/86	
Final Action	10/03/86	
Final Action Effective	11/03/87	

Small Entity: Yes

Additional Information: A RIA is not required. A regulatory impact review and a regulatory flexibility analysis will be available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis; Regulatory Impact Review 07/29/86

Agency Contact: Richard H. Schaefer, Actg. Director, Northeast Region, Department of Commerce, National, Oceanic and Atmospheric Administration, National Marine Fisheries Service FNER, 14 Elm St., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB25

239. FISHERY MANAGEMENT PLAN FOR THE BOTTOMFISH AND SEAMOUNT GROUNDFISH FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 684

Legal Deadline: Statutory. 110 days after the fishery management plan is submitted by the fishery management council.

Abstract: The FMP will establish framework measures for the bottomfish/groundfish resources within the FCZ off American Samoa, Guam and Hawaii. This FMP would achieve optimum yield preventing stock reductions that would cause instability in the production and market supply of fresh bottomfish, proposes to collect the data necessary to monitor the fishery and would promote an expanded domestic harvest of underutilized bottomfish/groundfish resources in an orderly manner.

Timetable:

Action	Date	FR Cite
NPRM	03/25/86	
NPRM Comment Period End	05/09/86	
Final Action	06/13/86	
Final Action Effective	07/13/86	

Small Entity: Undetermined

Additional Information: A RIA is not required and will not be prepared. A regulatory impact review was prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 03/25/86

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FSWR, 300 S. Ferry St., Terminal Island, CA 90731, 213 548-2575

RIN: 0648-AB27

240. FISHERY MANAGEMENT PLAN FOR BLUEFISH

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The FMP will control the level of fishing in order to prevent the decline of this valuable recreational and commercial species. The FMP, which was disapproved on 9/7/84, will be revised.

Timetable:

Action	Date	FR Cite
NPRM	11/01/86	
NPRM Comment Period End	12/15/86	
Final Action	01/19/87	
Final Action Effective	02/18/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Richard H. Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FNER, 14 Elm St., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB29

241. DEVELOPMENT OF A FISHERY MANAGEMENT PLAN FOR SUMMER FLOUNDER

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Summer flounder is seasonably vulnerable to very large and varied commercial and recreational fisheries. Landings have declined in recent years and there is concern that overfishing may occur. The summer flounder crosses Council and Regional boundaries necessitating close coordination between the constituent agencies. The long-term benefits of higher production and revenue to the fishermen and processors are expected to outweigh any short-term limitations on catches in order to rebuild the stocks. Rebuilding the stocks to the maximum level, the efficiency of the fleet will improve as catches per unit of effort will correspondingly rise.

Timetable:

Action	Date	FR Cite
NPRM	12/01/86	
NPRM Comment Period End	01/16/87	
Final Action	02/21/87	
Final Action Effective	03/20/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard H. Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm St. FNER, Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB30

242. AMENDMENT #1 TO AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 649

Legal Deadline: None

Abstract: Amendment #1 to the American Lobster Fishery Management Plan has been proposed to incorporate gear marking requirements. Mandatory reporting of fixed gear is not part of the amendment. The proposed gear marking of offshore lobster trawls would allow fishermen that are harvesting species other than lobster with moving gear such as an otter trawl to avoid entanglement with lobster traps which are fixed gear. Amendment 1 also proposes an exemption to the lobster trap vent requirement for those fishermen with a directed fishery for black sea bass in the area south of Barnegat Light shoreward of the 30 fathom contour. Finally, this amendment provides authority for the Reg. Director to allow exemptions with the concurrence of the New England Fishery Management Council to any specific provisions for the lobster FMP for the purpose of research beneficial to the lobster resource and fishery.

Timetable:

Action	Date	FR Cite
NPRM	03/04/86	
NPRM Comment Period End	04/18/86	
Final Action	05/23/86	
Final Action Effective	06/22/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard H. Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FNER, 14 Elm St., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB32

243. ATLANTIC BILLFISH AND SHARKS FISHERY - FOREIGN FISHING REGULATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 611, (Revision)

Legal Deadline: None

Abstract: Amends foreign fishing regulations at 50 CFR 611.61 to provide means to adjust seasonal closures affecting foreign longline fishermen to reduce conflicts with domestic fishermen and foreign incidental catches of billfishes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
NPRM Comment Period End	07/00/86	
Final Action	11/00/86	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Carmen J. Blondin, Deputy Assistant Admin. for Fishery Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 3300 Whitehaven St., NW, Washington, DC 20235, 202 634-7514

RIN: 0648-AB33

244. SOUTH ATLANTIC SHRIMP FISHERY: IMPLEMENTING REGULATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 643, (Reserved)

Legal Deadline: Statutory. 110 days after regulation is submitted by the fishery management council.

Abstract: Problems are overcapitalization of shrimp fishing vessels, conservation of shrimp spawning stocks, and inconsistency of State management. Alternatives are continuing with management by each State (no action), limited entry to transfer surplus capital from the fishery, cooperative Federal/State restrictions on fishing on spawning stocks, consistency of State fishing regulations (seasons, areas), improved data collection and analysis on a regional basis and gear modifications that could conserve threatened sea turtles that are incidental catch in shrimp trawls.

Timetable:

Action	Date	FR Cite
NPRM	02/00/87	
NPRM Comment Period End	03/00/87	
Final Action	06/00/87	
Final Action Effective	07/00/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FSER, 9450 Koger Blvd., St. Petersburg, FL 33702, 206 526-6150

RIN: 0648-AB35

245. AMENDMENT 10 TO THE TANNER CRAB FISHERY MANAGEMENT PLAN (FMP)

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 671

Legal Deadline: None

Abstract: An amendment to the existing Tanner crab fishery management plan to expand the Alaska Regional Director's field order authority to adjust harvest levels and seasons. A similar proposal contained in Amendment 9 was disapproved by the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	06/15/86	
NPRM Comment Period End	08/01/86	
Final Action	10/01/86	
Final Action Effective	11/01/86	

Small Entity: Undetermined

Additional Information: A RIA is not required. A regulatory impact review and a regulatory flexibility analysis will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668 FAKR, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB38

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246. AMENDMENT TO THE GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672

Legal Deadline: None

Abstract: Amendment to the Gulf of Alaska Groundfish Fishery Management Plan prohibits retention of any groundfish species when the optimum yield for that species has been reached.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
NPRM Comment Period End	08/00/86	
Final Action	11/00/86	
Final Action Effective	12/00/86	

Small Entity: Undetermined

Additional Information: A RIA is not required. A Regulatory Impact Review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB40

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247. AMENDMENT FOR ALASKA GROUNDFISH AND HIGH SEAS SALMON FISHERY MANAGEMENT PLANS - CLOSE FCZ INTRUSION INTO STATE WATERS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 672

Legal Deadline: None

Abstract: This amendment will implement the intent of current legislation that refers to the State of Alaska management of groundfish in Federal waters that intrude into the intercoastal waters of southeastern Alaska. It affects the Gulf of Alaska groundfish and High Sea salmon fisheries. The amendment to the Gulf of Alaska Groundfish Fishery Management Plan to redefine Sablefish Management Boundaries (RIN 0648-AB39) has been combined with this action.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
NPRM Comment Period End	08/00/86	
Final Action	10/00/86	
Final Action Effective	11/00/86	

Small Entity: No

Additional Information: A RIA is not required. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB41

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248. REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS; IMPORTATION OF YELLOWFIN TUNA

Significance: Regulatory Program

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.24

Legal Deadline: None

Abstract: U.S. tuna purse seine fishermen operating in the eastern tropical Pacific have been subject to certain restrictions relating to the take of marine mammals, whereas other nations fishing in a similar manner that export tuna to the U.S. often do not impose similar constraints on their own industry. Therefore, the Marine Mammal Protection Act of 1972 was amended to require all such nations, prior to being allowed to import tuna, to provide documentary evidence that they have adopted a program governing the incidental taking of marine mammals that is comparable to that of the U.S. and that the average rate of incidental take in the fishery is comparable to the U.S. These regulations will implement this requirement.

Timetable:

Action	Date	FR Cite
ANPRM	11/29/84	49 FR 46921
NPRM	05/01/86	
NPRM Comment Period End	07/01/86	
Final Action	11/01/86	
Final Action Effective	02/01/87	

Small Entity: No

Additional Information: This action will require restrictions on foreign nations that export tuna to the U.S. similar to those imposed on U.S. tuna fishermen. These regulations will have no impact domestically in terms of bringing more U.S. nationals under Federal regulations.

Public Compliance Cost: Initial Cost: $9,825; Yearly Recurring Cost: $9,825; Base Year for Dollar Estimates: 1985

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Kenneth R. Hollingshead, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species & Habitat Conservation, NMFS, Washington, DC 20235, 202 634-7529

RIN: 0648-AB46

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249. ENDANGERED FISH OR WILDLIFE; PERMITS FOR THE INCIDENTAL TAKING OF ENDANGERED MARINE SPECIES

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 220; 50 CFR 222

Legal Deadline: None

Abstract: The proposed regulations implement Section 10(a)(1)(B) of the Endangered Species Act, as amended (ESA). The proposal provides, under limited circumstances, for issuance of permits allowing the incidental taking of endangered species. The proposal applies to certain Federal permit or license holders and to private entities or State local governments whose actions are not otherwise subject to Federal involvement or control. Prior to the 1982 amendments to the ESA, the taking of endangered species was prohibited except for scientific research or to enhance the propagation or survival of the species. Permits issued under the proposed regulations would allow Permit holders to conduct their activities without risk of prosecution for the incidental take of species authorized by such permits.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
NPRM Comment Period End	05/00/86	

Small Entity: Undetermined

Additional Information: Potential cost to applicants is estimated at 2500. Cost per applicant is estimated at $10. Each applicant will be required to submit a conservation plan as part of the permit process. As part of their conservation plan, fishermen will have the option of voluntary use of the Trawling Efficiency Device which allows trapped sea turtles to escape from fishing nets. Selection of this option will result in an additional cost of approximately $400 per Device. NEPA, E.O. 12291 and RFA determinations have not been undertaken.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia A. Carter, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species and Habitat Conservation, NMFS, Washington, DC 20235, 202 634-7471

RIN: 0648-AB47

250. AMENDMENT 11 TO THE TANNER CRAB FISHERY MANAGEMENT PLAN (FMP)

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 671

Legal Deadline: None

Abstract: An amendment to the existing Tanner crab fishery management plan and regulations to close fishery conservation zone intrusions into State of Alaska waters. Boundary changes are proposed so that these areas of intrusion fall under State management.

Timetable:

Action	Date	FR Cite
NPRM	07/01/86	
NPRM Comment Period End	08/15/86	
Final Action	11/01/86	
Final Action Effective	12/01/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB53

251. FISHERY MANAGEMENT PLAN FOR PACIFIC BILLFISH FISHERIES OF THE WESTERN PACIFIC REGION

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 682

Legal Deadline: Statutory. 110 days after the fishery management plan is submitted by the fishery management council.

Abstract: The FMP proposes a conservation and management program for harvesting billfish, mahimahi, wahoo and oceanic sharks in the U.S. ECZ of the central and western Pacific ocean. The FMP presents management measures and reporting requirements to regulate the take of billfish, mahimahi, wahoo and oceanic sharks by foreign fishing vessels in the ECZ surrounding Hawaii, Guam, American Samoa, and U.S. Island possessions in the Pacific ocean. Other than proposing to prohibit the use of drift gillnet gear, the FMP does not propose controls on the catches of billfish and associated species by domestic fishing vessels, but proposes the strengthening of State and Territorial reporting requirements and data collection and sampling activities to better monitor domestic participation in the domestic fisheries for billfish and associated species.

Timetable:

Action	Date	FR Cite
NPRM	05/06/86	
NPRM Comment Period End	06/20/86	
Final Action	07/25/86	
Final Action Effective	08/24/86	

Small Entity: Undetermined

Additional Information: An RIR will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 300 S. Ferry St., Terminal Island, CA 90731, 213 548-2575

RIN: 0648-AB61

252. ● FOREIGN FISHING POUNDAGE AND PERMIT FEES, 1987

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 611.12

Legal Deadline: Statutory, January 1, 1987

Abstract: This rule will set poundage and permit fees for foreign fishing in 1987.

Timetable:

Action	Date	FR Cite
NPRM	09/30/86	
NPRM Comment Period End	10/30/86	
Final Action	12/15/86	
Final Action Effective	01/01/87	

Small Entity: No

Additional Information: An RIA is not required. A regulatory impact review will be prepared and available September 1986.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW, Washington, DC 20235, 202 634-7432

RIN: 0648-AB69

253. ● FISHERY RESOURCES OF PUERTO RICO AND THE VIRGIN ISLANDS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 00 CFR undetermined

Legal Deadline: Statutory. 110 days after it is submitted by the fishery management council.

Abstract: Overfishing of finfish and shellfish by a large fleet of small boat artisanal fishermen is a serious problem. A variety of size limits and seasons are being considered applicable to the species that require protection. The benefits are estimated to exceed the costs.

Timetable:

Action	Date	FR Cite
NPRM	02/02/87	
NPRM Comment Period End	03/19/87	
Final Action	07/07/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 206 526-6150

RIN: 0648-AB71

254. ● SWORDFISH FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 630

Legal Deadline: Statutory. 110 days after the fishery management plan is submitted by the fishery management council.

Abstract: Management measures which were disapproved when the FMP was adopted (9/18/85 50 FR 33952) will be revised and resubmitted for Secretarial Review. Measures which may be considered include a prohibition on nighttime longlining, restrictions on drift entanglement nets, and a cap on the incidental catch of swordfish by foreign longline and squid trawl fisheries.

Timetable:

Action	Date	FR Cite
NPRM	03/31/86	
NPRM Comment Period End	04/25/86	
Final Action	06/04/86	
Final Action Effective	06/29/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, FSER, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 983-3141

RIN: 0648-AB72

255. ● AMENDMENT 1 TO THE PLAN MANAGING THE COMMERCIAL AND RECREATIONAL OCEAN SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON AND CALIFORNIA

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 661

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: The amendment is expected to establish natural spawning escapement goals for Oregon coastal coho. Also the amendment will reexamine inseason management actions, management of the Klamath River salmon, coho allocations south of Cape Falcon, Oregon and habitat consideration. This action is in response to court orders mandating cooperative management of salmon, and U.S.-Canada treaty requirements for the management of ocean salmon.

Timetable:

Action	Date	FR Cite
NPRM	10/06/86	
NPRM Comment Period End	11/19/86	
Final Action	12/24/86	
Final Action Effective	01/23/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, FNWR, 7600 Sand Point Way NE, Bldg. 1, Seattle, WA 98115, 206 526-6150

RIN: 0648-AB73

256. ● SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC - AMENDMENT 1

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 641, (Revision)

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: There is a high mortality of undersized lobsters used as line bait in traps, an increasing number of traps in the fishery, incompatible State and Federal regulations, and an excessive number of abandoned traps. The alternatives considered are: a required onboard live well for carrying lobsters used as bait. a Federal permit to fish, a

temporary moratorium on the number of permitted vessels, a prohibition on imported lobsters (Panulirus argus) smaller than the minimum size, modify the sportfishing possession limit, request modification of the State reporting requirements, require a performance bond for all permitted fishermen with forfeiture of bond for failure to remove traps during closed season, require release of all egg-bearing lobsters, require a permit to separate lobsters at sea, and require identification of gear and vessels. Estimated benefits are an increase in annual yield of 1.5 million lbs. and an increase of $3.3 million to fishermen by 1987. The benefits will exceed the costs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	
NPRM Comment Period End	12/00/86	
Final Action	01/00/87	
Final Action Effective	02/00/87	

Small Entity: Yes

Additional Information: An RIA is not required. A regulatory impact review and a regulatory flexibility analysis will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 206 526-6150

RIN: 0648-AB74

257. ● AMENDMENT 1 TO THE REEF FISH FISHERY OF THE GULF OF MEXICO FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 641, (Revision)

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: There is an increasing harvest of snappers and groupers by the longline fishery and some indications of growth overfishing. The recreational fishery continues to harvest many small red snappers. The alternatives are seasons and area closures for the longline fishery and control of recreational fishing for red snapper by area and season. The benefits are estimated to exceed the costs.

Timetable:

Action	Date	FR Cite
NPRM	03/03/87	
NPRM Comment Period End	04/17/87	
Final Action	06/23/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 206 526-6150

RIN: 0648-AB75

258. ● AMENDMENT 15 TO THE GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: Amendment to the Gulf of Alaska Groundfish Fishery Management Plan that changes the optimum yields for groundfish species.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	
NPRM Comment Period End	01/00/87	
Final Action	02/00/87	
Final Action Effective	03/00/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB76

259. ● AMENDMENT NO. 2 FOR THE FISHERY MANAGEMENT PLAN FOR THE WASHINGTON, OREGON, AND CALIFORNIA GROUNDFISH FISHERY

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 663

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: This amendment will (1) remove a subarea optimum yield (OY) for sablefish in Monterey Bay; (2) allow prohibited species to be landed in the Whiting fishery; (3) remove the 20 percent lid on increases to accepted biological catch; (4) framework gear provisions; and (5) take 3 species out of the numerical OY category (sablefish, Pacific ocean perch, and other rockfish).

Timetable:

Action	Date	FR Cite
NPRM	09/16/86	
NPRM Comment Period End	10/31/86	
Final Action	12/05/86	
Final Action Effective	01/04/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, FNWR, 7600 Sand Point Way NE, Bldg. 1, Seattle, WA 98115, 206 526-6150

RIN: 0648-AB77

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

260. PROPOSED REGULATIONS FOR THE NATIONAL MARINE SANCTUARY PROGRAM

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 922

Legal Deadline: None

Abstract: As a result of the Marine Protection, Research and Sanctuaries Act reauthorization signed by the President on October 19, 1984, the regulations are being revised to incorporate modifications from the new legislation regarding the sanctuary designation process and site selection criteria.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
NPRM Comment Period End	07/00/86	
Final Action	09/00/86	
Final Action Effective	10/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Dr. Nancy Foster, Chief, Sanctuary Programs Division, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-4236**

RIN: 0648-AA31

261. PROPOSED REGULATIONS FOR THE KEY LARGO NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 929

Legal Deadline: None

Abstract: These regulations are being revised to update enforcement provisions and to change research permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
NPRM Comment Period End	09/00/86	
Final Action	12/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Dr. Nancy Foster, Chief, Sanctuary Programs Division, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-4236**

RIN: 0648-AA33

262. DRAFT REGULATIONS FOR THE PROPOSED FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 943

Legal Deadline: None

Abstract: These regulations will protect the ecological and biological reef communities of the East and West Flower Garden Banks offshore Texas and Louisiana, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	
NPRM Comment Period End	10/00/86	
Final Action	01/00/87	

Small Entity: No

Agency Contact: Dr. Nancy Foster, Chief, Sanctuary Programs Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mgt., 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-4236**

RIN: 0648-AB49

263. DRAFT REGULATIONS FOR THE PROPOSED CORDELL BANK NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 942

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Cordell Bank, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
NPRM Comment Period End	06/00/86	
Final Action	09/00/86	

Small Entity: No

Agency Contact: Dr. Nancy Foster, Chief, Sanctuary Programs Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mgt., 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-4236**

RIN: 0648-AB50

264. PROPOSED REGULATIONS FOR THE LOOE KEY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 937

Legal Deadline: None

Abstract: These regulations are being revised to update enforcement provisions and to change research permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
NPRM Comment Period End	09/00/86	
Final Action	12/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Dr. Nancy Foster, Chief, Sanctuary Programs Division, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-4236**

RIN: 0648-AB64

265. ● PROPOSED REGULATIONS FOR THE NATIONAL ESTUARINE RESERVE RESEARCH PROGRAM

Legal Authority: 16 USC 1461

CFR Citation: 15 CFR 921

Legal Deadline: None

Abstract: When the Coastal Zone Management Reauthorization Act of 1985 becomes effective, the existing regulations for the National Estuarine Sanctuary Program will need to be updated to reflect the changes that will occur in the program--(1) a stronger emphasis for conducting, promoting and coordinating research within the system; (2) changes the name of the program to "National Estuarine Reserve Research System"; (3) the amount of

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Federal financial assistance is increased to $4,000,000 per site; and (4) submission of an annual report to Congress beginning with fiscal year 1986.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
NPRM Comment Period End	08/00/86	
Final Action	12/00/86	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Dr. Nancy Foster, Chief, Sanctuary Programs Division, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW, Washington, DC 20235, 202 634-4236

RIN: 0648-AB68

NATIONAL OCEAN SURVEY/OFFICE OF MINERAL ENERGY

266. DEEP SEABED MINING REGULATIONS FOR COMMERCIAL RECOVERY

Significance: Regulatory Program

Legal Authority: 30 USC 1401 et seq Deep Seabed Hard Mineral Resources Act

CFR Citation: 15 CFR 971

Legal Deadline: None

Abstract: Under 15 CFR 970, prospective deep seabed miners may apply to NOAA for the exploration license needed to explore the deep seabed for manganese nodules. Under the new regulations, prospective miners will be able to apply to NOAA for a permit to commercially recover and process nodules to obtain strategic metals (nickel, copper, cobalt, manganese). These permits would provide security of tenure for applicants with respect to other U.S. citizens and other nations' permittees in accordance with applicable international agreements. Fees for securing and maintaining a permit will be based on the Government's processing costs. These fees would be an inconsequential portion of the cost of a commercial recovery operation. The cost of a commercial recovery operation is expected to exceed one billion dollars. Alternatives to the regulation would require amending the Deep Seabed Hard Mineral Resources Act, which would be considered in the context of the U.S. law of the sea policy.

Timetable:

Action	Date	FR Cite
ANPRM	12/28/82	47 FR 57903
NPRM	04/00/86	
Public Hearing	05/00/86	
NPRM Comment Period End	06/00/86	
Final Action	09/00/86	
Final Action Effective	10/00/86	

Small Entity: No

Additional Information: The RIA and RFA prepared for the exploration license regulations will be reviewed and reaffirmed or supplemented as needed to cover new issues raised by the commercial recovery permit regulations. It is expected that small entities will not be permittees. Rather some small entities are expected to be contractors or subcontractors to permittees. The RIA and RFA are available, as are the programmatic Environmental Impact Statement and supporting guidance document on seabed mining using currently foreseeable technology.

Affected Sectors: 102 Copper Ores; 106 Ferroalloy Ores, Except Vanadium; 108 Metal Mining Services; 331 Blast Furnaces, Steel Works, and Rolling and Finishing Mills; 333 Primary Smelting and Refining of Nonferrous Metals; 951 Administration of Environmental Quality Programs

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: John W. Padan, Program Manager, Deep Seabed Mining, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean Minerals and Energy, 2001 Wisconsin Avenue, NW, Suite 105, Washington, DC 20235, 202 653-8257

RIN: 0648-AA36

DEPARTMENT OF COMMERCE (DOC) — Final Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

267. CIVIL PROCEDURES

Legal Authority: 15 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act; 16 USC 773 et seq Northern Pacific Halibut Act of 1982

CFR Citation: 15 CFR 904

Legal Deadline: None

Abstract: The existing regulations (15 CFR 904) provide uniform procedures for enforcement and civil proceedings under the various fishery and marine resource statutes administered by NOAA. The regulations are being revised to consolidate all aspects of NOAA's civil process which can be uniformly treated. The revised regulations will provide uniform permit processing procedures and sanction procedures; means of addressing the respondent's ability to pay in civil penalty proceedings; procedures for issuance and appeal of written warnings, summary forfeitures, and for selling seized perishable fish. The revisions will clarify for the public the procedures which NOAA follows in carrying out its enforcement responsibilities. The amendments thus are beneficial rather than burdensome to the public. These procedural regulations will not increase costs to the public or local governments. Nor will they have a significant adverse effect on competition, employment or industry. The alternative of not further consolidating the procedures was considered and rejected. There is no alternative to making the updating and housekeeping portions of the amendments.

Timetable:

Action	Date	FR Cite
NPRM Revising Interim Final Rule	10/31/84	
Beg. Comment Period on NPRM	10/31/84	
End Comment Period on NPRM	12/31/84	

DOC—NOAA

Final Rule Stage

Action	Date	FR Cite
Interim Final Rule	04/01/85	50 FR 12781
Final Action	05/01/86	
Final Action Effective	06/01/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Margaret H. Frailey, Asst. General Counsel, Department of Commerce, National Oceanic and Atmospheric Administration, Enforcement and Litigation, 3300 Whitehaven Street, NW, Room 533, Washington, DC 20235, **202 254-8350**

RIN: 0648-AA26

268. DESIGNATED CRITICAL HABITAT; HAWAIIAN MONK SEAL

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 226.11

Legal Deadline: None

Abstract: Designation of Critical Habitat is conducted pursuant to the Endangered Species Act of 1973, as amended. Critical Habitat is that area within (or outside) the geographic range of the animal wherein are found those physical and/or biological features essential for the conservation of the species and which may require special management considerations. The objective is to protect the Hawaiian Monk Seal.

Timetable:

Action	Date	FR Cite
NPRM	01/09/85	50 FR 01089
NPRM Comment Period End	03/11/85	50 FR 01089
Final Action	04/00/86	
Final Action Effective	05/00/86	

Small Entity: Undetermined

Additional Information: A supplemental environmental impact statement is available for public review. It has been determined that this is not a major rule under E.O. 12291, therefore no RIA is required, and that this rule will not have a significant economic impact on a substantial number of small entities, therefore no RFA is required.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, CA 90731, **213 548-2575**

RIN: 0648-AA27

269. FISHERY CONSERVATION AND MANAGEMENT: CONFIDENTIALITY OF STATISTICS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 603

Legal Deadline: None

Abstract: The regulations provide internal procedures to protect statistics collected from the public under the Magnuson Fishery Conservation and Management Act from disclosure.

Timetable:

Action	Date	FR Cite
NPRM	01/09/78	43 FR 1460
Interim Final Rule	12/07/79	44 FR 237
Final Action	12/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The Regulatory Flexibility Act does not apply because the regulations affect only internal operations of an agency.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: B. G. Thompson, Acting Chief, Fisheries Statistics Program, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Data & Information Management, NMFS, Washington, DC 20235, **202 634-7366**

RIN: 0648-AA38

270. PREEMPTION OF STATE AUTHORITY UNDER SECTION 306(B) OF THE MAGNUSON FISHERY CONSERVATION & MANAGEMENT ACT

Legal Authority: 16 USC 1856 Sec 306, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 619

Legal Deadline: None

Abstract: The regulations interpret certain statutory terms applicable to, and establish procedures governing, formal adjudicatory hearings to be held before the Secretary of Commerce can apply Federal fishery regulations to certain waters within State boundaries. Section 306(b) of the Magnuson Fishery Conservation and Management Act authorizes the Secretary of Commerce to regulate a fishery within State boundaries in certain circumstances. Before the Secretary is authorized to do so, he must make certain findings after providing an opportunity for a formal adjudicatory hearing. The regulations apprise affected parties of the procedures to be followed at such a hearing and also of the types of information to be scrutinized that is relevant to the findings to be made.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/22/82	47 FR 12181
Final Action	04/01/86	
Final Action Effective	05/01/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Wendy Raymont, Attorney, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven St., NW, Page Bldg. 2, Room 404, Washington, DC 20235, **202 634-4224**

RIN: 0648-AA41

271. INTERAGENCY COOPERATION - ENDANGERED SPECIES ACT OF 1973, AS AMENDED

Significance: Regulatory Program

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 402

Legal Deadline: None

Abstract: The regulations will update existing regulations pursuant to the 1978, 1979 and 1982 amendments to the Endangered Species Act. The revisions will explain, organize, and simplify the consultation process required by Section 7 of the Act, and will be published jointly with the U.S. Fish and Wildlife Service.

Timetable:

Action	Date	FR Cite
NPRM	06/29/83	48 FR 29990
NPRM Comment Period End	08/29/83	48 FR 29990
Final Action	04/00/86	
Final Action Effective	05/00/86	

Small Entity: No

Additional Information: The Department of the Interior, as lead agency in the development of the regulations, has prepared a draft environmental assessment. A determination will be made at the time of the final rule as to whether this is a major Federal action within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969. It has been determined that the regulations will not constitute a major rule under EO 12291 and will not have a significant economic impact on a substantial number of small entities under the terms of the Regulatory Flexibility Act.

Affected Sectors: 951 Administration of Environmental Quality Programs

Government Levels Affected: Federal

Analysis: See Additional Information

Agency Contact: Charles Karnella, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species and Habitat Conservation, NMFS, Washington, DC 20235, 202 634-7471

RIN: 0648-AA43

272. TANNER CRAB FISHERY MANAGEMENT PLAN (FMP) - REGULATORY AMENDMENT TO CHANGE POT STORAGE AREAS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 671

Legal Deadline: None

Abstract: This regulatory amendment would modify crab pot storage in the Bering Sea and Gulf of Alaska. Changes are needed to establish new shallow water areas to store domestic Tanner crab pots during closed seasons around the Pribilof Islands, and to prevent preemption of productive fishing grounds for other species.

Timetable:

Action	Date	FR Cite
NPRM	12/02/83	48 FR 54383
NPRM Comment Period End	01/16/84	48 FR 54383
Final Action	08/01/86	
Final Action Effective	09/01/86	

Small Entity: No

Additional Information: An environmental assessment was prepared which includes a socioeconomic analysis upon which the determinations of non-major under EO 12291 and non-significant under the Regulatory Flexibility Act were made. The environmental assessment is available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Analysis: Environmental assessment 12/02/83 (48 FR 54383)

Agency Contact: Mr. Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AA71

273. U.S. STANDARDS FOR GRADES OF FRESH OR FROZEN NORTH AMERICAN FRESHWATER CATFISH AND PRODUCTS MADE THEREFROM

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 267, (New)

Legal Deadline: None

Abstract: This proposed standard will establish a voluntary standards system to identify various products made from North American Freshwater Catfish and to grade these products A, B, C and Substandard. The objective of the standard is to facilitate trade in these products thereby benefiting the consumer. The standard will be used by NMFS in the voluntary program of fishery products inspection and certification. Industry has expressed strong support for these voluntary standards.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/05/84	49 FR 27514
Final Action	10/01/86	
Final Action Effective	11/01/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 027 Animal Specialties; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Rita A. Creitz, Standards Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, DC 20235, 202 634-7458

RIN: 0648-AA73

274. TAKING OF MARINE MAMMALS INCIDENTAL TO SPACE SHUTTLE LAUNCHES

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 228.21 to 228.26

Legal Deadline: None

Abstract: Based on request from the Air Force, the NMFS will publish regulations which will allow a small number of marine mammals to be incidentally taken as a result of sonic booms from space shuttle launches from Vandenberg Air Force Base, California. Section 101 (a)(5) of the Marine Mammal Protection Act provides for allowing the taking of small numbers of marine mammals

incidental to specified activities provided that certain findings can be made and regulations are established which set forth permissible methods of taking, and requirements for monitoring and reporting.

Timetable:

Action	Date	FR Cite
ANPRM	05/04/84	49 FR 19098
ANPRM Comment Period End	07/03/84	
NPRM	08/01/85	50 FR 31200
NPRM Comment Period End	09/30/85	50 FR 31200
Final Action	03/31/86	
Final Action Effective	04/30/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. An environmental assessment was prepared.

Affected Sectors: 966 Space Research and Technology

Government Levels Affected: Federal

Analysis: See Additional Information

Agency Contact: Charles Karnella, Acting Chief, Protected Species Division, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Of. of Protected Species & Habitat Conserv., Washington, DC 20235, **202 634-7529**

RIN: 0648-AA84

275. REGIONAL FISHERY MANAGEMENT COUNCILS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 601

Legal Deadline: None

Abstract: Revision of regulatory guidance with regard to the operations of the Regional Fishery Management Councils is being considered to conform with new legislation and administration regulatory policy. These guidelines will not have a direct regulatory impact on the fishing industry or entities participating in the industry.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/01/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: Loretta Williams, Fishery Management Assistant, Department of Commerce, National Oceanic and Atmospheric Administration, Washington, DC 20235, **202 634-7218**

RIN: 0648-AB09

276. WESTERN PACIFIC SPINY LOBSTER FISHERIES - AMENDMENT 3

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 681

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: This amendment will redefine the legal size and measurement site of spiny lobsters and remove the present 15 percent tolerance for undersized spiny lobsters in the catch. The existing regulations have proved unenforceable.

Timetable:

Action	Date	FR Cite
NPRM	01/07/86	51 FR 1262
NPRM Comment Period End	02/05/86	51 FR 1262
Final Action	03/07/86	
Final Action Effective	04/06/86	

Small Entity: No

Additional Information: A regulatory impact review was prepared and is available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 07/09/85

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, CA 90731, **213 548-2575**

RIN: 0648-AB21

277. FOREIGN FISHING - SCIENTIFIC RESEARCH

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 611.14

Legal Deadline: None

Abstract: The action would revise the scientific research provisions of the foreign fishing regulations. The action is necessary to bring the regulations into compliance with current policy on scientific research and clarify what foreign vessels may be considered scientific research vessels while conducting activities which might otherwise be considered fishing.

Timetable:

Action	Date	FR Cite
NPRM	12/28/84	49 FR 50498
NPRM Comment Period End	02/26/85	49 FR 50498
Final Action	08/00/86	
Final Action Effective	09/00/86	

Small Entity: No

Additional Information: This action is related to RIN 0648-AA40 General and Recreational Foreign Fishing

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 3300 Whitehaven St., NW, Washington, DC 20235, **202 634-7432**

RIN: 0648-AB23

278. SECRETARIAL AMENDMENT EXTENDING THE ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERIES MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 655, (Revision); 50 CFR 611

Legal Deadline: None

Abstract: The Fishery Management Plan for Atlantic Mackerel, Squid and Butterfish Fisheries and its implementing regulations expire on March 31, 1986, and must be extended

to continue the management regime governing the harvest of these species by domestic and foreign fishermen until regulations implementing Amendment 2 to the Plan become effective.

Timetable:

Action	Date	FR Cite
NPRM	01/16/86	
NPRM Comment Period End	02/17/86	
Final Action	03/21/86	
Final Action Effective	04/20/86	

Small Entity: No

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard H. Schaefer, Acting Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FNER, 14 Elm St. Federal Bldg., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB37

279. REPORTING REQUIREMENTS GOVERNING SALMON TAKEN OFF ALASKA AND DELIVERED OR LANDED OUTSIDE ALASKA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 674

Legal Deadline: None

Abstract: A mandatory reporting requirement for fishing vessel operators who harvest salmon in the fishery conservation zone (FCZ) off Alaska and who sell, transfer, or deliver salmon in the FCZ or to a U.S. port outside Alaska. The operator must submit a fish ticket to the Alaska Department of Fish and Game after each sale, transfer, or delivery. Receipt of this ticket is necessary to obtain timely data on salmon catches.

Timetable:

Action	Date	FR Cite
Interim Rule and request for comments pub.	07/23/84	49 FR 29611
Interim Rule expired	01/23/85	49 FR 29611
Final Action	10/01/86	

Small Entity: No

Additional Information: This rule contains a collection of information requirements subject to the Paperwork Reduction Act, which has been approved as OMB control number 0648-0016.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB44

280. GROUNDFISH OF THE GULF OF ALASKA AND HIGH SEAS SALMON FISHERY OFF ALASKA; TECHNICAL AMENDMENT

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672; 50 CFR 674

Legal Deadline: None

Abstract: As required under P.L. 98-623, NOAA issues a technical amendment to codify the fishery management boundaries of southeastern Alaska established by that law.

Timetable:

Action	Date	FR Cite
Final Action	05/00/86	
Final Action Effective	05/00/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Marilyn Luipold, Attorney Advisor, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service GCF, 3300 Whitehaven St. NW, Washington, DC 20235, 202 634-4224

RIN: 0648-AB51

281. ● ATLANTIC TUNA FISHERIES - YELLOWFIN TUNA AND BIGEYE TUNA

Legal Authority: Atlantic Tunas Convention Act of 1975 (16 USC 971)

CFR Citation: 50 CFR 285

Legal Deadline: None

Abstract: Minimum size limit of seven pounds (3.2kg) on the landing of bigeye tuna in the Atlantic tuna fishery.

Timetable:

Action	Date	FR Cite
NPRM	10/30/85	50 FR 45134
NPRM Comment Period End	11/29/85	50 FR 45134
Final Action	04/01/86	
Final Action Effective	05/01/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Draft RIR 10/30/85 (50 FR 45134); Final RIR 04/01/86

Agency Contact: Richard B. Roe, Director, Office of Fisheries Management, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW, Washington, DC 20235, 202 634-7218

RIN: 0648-AB70

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

282. FEDERAL CONSISTENCY WITH APPROVED COASTAL ZONE MANAGEMENT PROGRAMS

Significance: Regulatory Program

Legal Authority: 16 USC 1456 Coastal Zone Management Act of 1972

CFR Citation: 15 CFR 930

Legal Deadline: None

Abstract: On January 11, 1984, the U.S. Supreme Court issued its decision in Secretary of the Interior et al. v. California et al. No. 82-1326. The Court held that the sale of Outer Continental Shelf (OCS) oil and gas leases is not an activity "directly affecting" the coastal zone within the meaning of Section 307(c)(1) of the Coastal Zone Management Act of 1972, as amended (CZMA), and, therefore, that a consistency determination is not required under that section before such sales may be made. Section 307 (c)(1) requires that Federal agencies conducting or supporting activities "directly affecting the coastal zone" must conduct or support those activities

in a manner which is consistent to the maximum extent practicable with federally-approved state coastal zone management programs. NOAA engaged in rulemaking to revise certain CZMA regulations as a result of the Supreme Court decision. NOAA removed those references which identify OCS lease sales as activities covered by the Section 307(c)(1) requirements.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/84	49 FR 22825
ANPRM Comment Period End	08/31/84	49 FR 22825
NPRM	01/28/85	50 FR 3798
NPRM Comment Period End	03/01/85	50 FR 3798
Draft study issued	04/00/85	
Final Action	08/30/85	50 FR 35210
Completion of Study	09/00/86	

Small Entity: No

Additional Information: NOAA issued a final rule August 31, 1985 making the changes required by the Supreme Court Decision, and decided to undertake a comprehensive study of the Federal consistency process. The Draft Study issued April 1985 will assist NOAA in evaluating the need for and consequences of further revision of the Federal consistency regulations.

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Nan Evans, Senior Policy Analyst, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mangmnt, 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-4249**

RIN: 0648-AA34

283. PROPOSED REGULATIONS FOR THE PROPOSED FAGATELE BAY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 941

Legal Deadline: None

Abstract: The American Samoa Government does not currently possess the legal authorities necessary for managing site-specific marine resources such as the Fagatele Bay National Marine Sanctuary. Regulations will be proposed for the Fagatele Bay National Marine Sanctuary to fulfill a need evidenced by uncontrolled harvesting of reef fisheries and the loss of habitat via destructive fishing methods. Long-term benefits include resource protection and restoration of habitat; public education and development of an environmental ethic; and ecological succession studies. This project will serve as a prototype for other resource protection initiatives by the American Samoa Government.

Timetable:

Action	Date	FR Cite
NPRM	12/04/84	49 FR 47415
NPRM Comment Period End	02/04/85	
Final Action	05/00/86	
Final Action Effective	06/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State

Analysis: See Additional Information

Agency Contact: Dr. Nancy Foster, Chief, Sanctuary Programs Div., Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean & Coastal Resource Mgmt., 3300 Whitehaven Street, N.W., Washington, DC 20235, **202 634-4236**

RIN: 0648-AA74

NATIONAL OCEAN SURVEY/OFFICE OF MINERAL ENERGY

284. LICENSING OF OCEAN THERMAL ENERGY CONVERSION FACILITIES AND PLANTSHIPS

Legal Authority: 42 USC 9101 et seq Ocean Thermal Energy Conversion Act; as amended by PL 96-623

CFR Citation: 15 CFR 981 et seq

Legal Deadline: None

Abstract: These regulations (15 CFR 981) established a stable legal system and a streamlined licensing process to facilitate commercial development of ocean thermal energy conversion (OTEC) facilities and plantships. Section 117 of the Ocean Thermal Energy Conversion Act of 1980 requires NOAA to review these regulations periodically, at intervals of not more than every three years, and to revise them as necessary based on that review. In addition, the regulations must be revised to conform to the 1984 Amendments to the OTEC Act. NOAA will amend its regulations in accordance with these reviews.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
NPRM Comment Period End	12/00/85	
Final Action	05/00/86	
Final Action Effective	05/00/86	

Small Entity: No

Additional Information: A Final Regulatory Impact Analysis (July 1981) and a Final Programmatic Environmental Impact Statement (July 1981) are available. Neither an RIA nor an RFA is required or prepared for a review of an existing regulation.

Affected Sectors: 281 Industrial Inorganic Chemicals; 287 Agricultural Chemicals; 361 Electric Transmission and Distribution Equipment; 362 Electrical Industrial Apparatus

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: James B. Rucker, OTEC Program Manager, Department of Commerce, National Oceanic and Atmospheric Administration, Ocean Minerals and Energy Division, 2001 Wisconsin Ave., NW, Page 1 Rm. 105, Washington, DC 20235, **202 254-3483**

RIN: 0648-AA69

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Completed Actions

285. GENERAL AND RECREATIONAL FOREIGN FISHING

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 611.1 to 611.98

Legal Deadline: None

Abstract: The regulations will be amended to revise the general regulations governing foreign fishing within the fishery conservation zone (FCZ). The action is necessary because the regulations no longer reflect current practice in the fisheries; they are not deterring illegal actions, and are disjointed, contradictory and difficult to use. The revision is intended to make the regulations consistent with current practices in the fisheries, reduce illegal fishing and simplify and improve the utility of the regulations. The revision reorganizes almost every section of the two affected subparts. Additional definitions are added, including one for recreational fishing which would exempt foreign recreational fishing vessels from permit requirements. Obsolete material is deleted. Reports required for foreign fishing vessels are revised. Additional requirements for facilitation are added. Recordkeeping requirements are revised and requirements for joint ventures are specified.

Timetable:

Action	Date	FR Cite
NPRM	12/28/84	49 FR 50498
NPRM Comment Period End	12/28/84	49 FR 50498
Final Action	01/01/86	50 FR 34964
Final Rule Clarification	02/15/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, Fees, Permits, & Regulations Division, NMFS, 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-7432**

RIN: 0648-AA40

286. U.S. STANDARDS FOR GRADES OF FISH STEAKS

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 262A

Legal Deadline: None

Abstract: The interim rule would establish a voluntary standards system to classify fish steaks by quality into four categories - U.S. Grade A, B, C, and Substandard. The objective is to facilitate trade in fish steaks classified by quality thereby benefiting the consumer and the industry. The standards would be used in a voluntary program of fishery products inspection and certification by NMFS. The total value of the industry product in 1981 was $19 million. Industry has expressed a high level of interest in and support for the voluntary standards. The timetable for this action is very tentative. Further research will be needed before the rule is published.

Timetable:

Action	Date	FR Cite
Action temporarily discontinued	02/20/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Rita A. Creitz, Standards Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utilization Research, NMFS, Washington, DC 20235, **202 634-7458**

RIN: 0648-AA44

287. AMENDMENT 1 TO THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 650

Legal Deadline: None

Abstract: New England Fishery Management Council has prepared an amendment to the FMP for Atlantic Sea Scallops. With the current low scallop abundance and poor recruitment prospects, the present FMP does not appear to be providing the degree of resource protection anticipated by the Council. If the resource is to be conserved for the benefit of the industry and public, revised management measures are needed to ensure that incoming recruitment to the fishery, when and if it occurs, be better protected. The proposed measure will be a minimum individual meat size, rather than the present average minimum meat count. The ten smallest scallops in a one pint sample must weigh at least 4 ounces. The valuable Atlantic sea scallop resource is capable of yielding 100 million dollars annually, and requires additional protection.

Timetable:

Action	Date	FR Cite
Final Action	11/06/85	50 FR 46069
Final Action Effective	01/01/86	50 FR 46069
Effective date delayed by emergency action.	01/03/86	51 FR 208

Small Entity: Yes

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard Schaefer, Actg. Regional Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm St., Gloucester, MA 01930, **617 281-3600**

RIN: 0648-AA97

288. FINAL RULE IMPLEMENTING THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 651

Legal Deadline: None

Abstract: The Northeast Multispecies Fishery Management Plan (FMP) was intended to replace the present "Interim Fishery Management Plan for Atlantic Groundfish" which has regulated fishing for cod, haddock, and yellowtail flounder since 1982. Management measures included minimum fish sizes, for commercially-caught cod, haddock, yellowtail flounder, pollock, winter

flounder, witch flounder & American plaice; minimum fish sizes for recreationally caught cod and haddock; minimum net mesh sizes in Georges Bank and Gulf of Maine; seasonal closure of a spawning area for yellowtail flounder in Southern New England; a 4-mo. seasonal closure of a haddock spawning area on Georges, and "exempted fisheries program" to allow use of small mesh in certain nearshore areas for several pelagic fisheries and gear marking requirements for bottom tending gillnets. The Secretary of Commerce has disapproved this plan.

Timetable:

Action	Date	FR Cite
NPRM	12/03/85	50 FR 49582
NPRM Comment Period End	01/03/86	50 FR 49582
Withdrawn	01/31/86	

Small Entity: Yes

Additional Information: An RIA is not required and will not be prepared. An RFA, a regulatory impact review, an Environmental Impact Statement, and the FMP will be available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Analysis: Regulatory Flexibility Analysis; Reg. Impact Review/RFA/EIS 02/06/85

Agency Contact: **Richard Schaefer,** Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm St., Gloucester, MA 01930, **617 281-3600**

RIN: 0648-AB05

289. REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS; DEFINITION OF COMMERCIAL FISHING OPERATION

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.3

Legal Deadline: None

Abstract: NOAA has modified the definition of "commercial fishing operation" to include commercial passenger fishing vessels (party boats) under that definition. This modification allows party boat owners and operators to apply for general permits and certificates of inclusion which allow the incidental taking of marine mammals during fishing operations. Under the Marine Mammal Protection Act, no marine mammals may be taken in the course of fishing operations unless permits and certificates have been obtained and until now, party boats were excluded from obtaining permits and certificates. Therefore, they were unable to protect the catch and gear of their paid passengers from depredations. Modification of definition should improve fishing conditions and result in increased revenue. Potential total costs to applicants are estimated at $450. Cost per applicant is estimated at $2.50.

Timetable:

Action	Date	FR Cite
ANPRM	12/15/83	48 FR 55755
ANPRM Comment Period End	01/31/84	
NPRM	01/30/85	50 FR 04244
NPRM Comment Period End	03/18/85	50 FR 04244
Final Action	12/04/85	50 FR 49696
Final Action Effective	01/03/86	50 FR 49696

Small Entity: No

Additional Information: It has been determined that the proposed regulation (1) is a non-major Federal action under NEPA and an Environmental Assessment has been prepared and released to general public; (2) will not constitute a major rule under E.O. 12291 and thus does not require a R.I.A. and (3) will not have a significant impact on a substantial number of small entities and thus does not require a Regulatory Flexibility Analysis.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: See Additional Information

Agency Contact: **K. R. Hollingshead,** Marine Resources Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species and Habitat Conservation, NMFS, Washington, DC 20235, **202 634-7529**

RIN: 0648-AB07

290. SWORDFISH FISHERY MANAGEMENT PLAN: PROPOSED REGULATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 630; 50 CFR 611

Legal Deadline: Statutory. 110 days after fishery management plan is submitted by fishery management council.

Abstract: The Plan proposed time, area and quota restrictions on foreign fishing to minimize the bycatch of swordfish. American fishermen would have been controlled by time, area or size restrictions (variable season closure). Data collection would have been by onboard technicians carried on a random stratified sample of trips.

The Secretary of Commerce disapproved all but the following provisions of the plan: establishment of a permit requirement, institution of reporting requirements for the Caribbean, and establishment of a framework procedure for possible future closures of geographical areas (variable season closure).

Timetable:

Action	Date	FR Cite
NPRM	05/31/85	50 FR 23159
NPRM Comment Period End	07/12/85	50 FR 23159
Final Action	08/22/85	50 FR 33952
Final Action Effective	09/18/85	50 FR 33952

Small Entity: Yes

Additional Information: A RIA is not required. A regulatory impact review and a regulatory flexibility analysis will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Analysis: Regulatory Flexibility Analysis; Regulatory Impact Review 05/01/85

Agency Contact: **Jack T. Brawner,** Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 983-3141**

RIN: 0648-AB13

291. AMENDMENT 1 TO THE COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 642

Legal Deadline: Statutory. 110 days after amendment is submitted by the fishery management council.

Abstract: Amendment 1 revised the implementing regulation to modify management of king mackerel. The resource is divided into Gulf and South Atlantic Migratory Groups. For each group an annual total allowable catch is determined that is allocated among recreational and commercial fishermen. A portion of the commercial quota is allocated to the purse seine fishery. Annual permits are required for vessels fishing the Gulf group. When a commercial quota is attained, commercial fishing must cease for that group. Recreational quotas will be controlled by a bag limit on charter and private boats of 2 fish per person per trip.

Timetable:

Action	Date	FR Cite
NPRM	06/10/85	50 FR 24242
NPRM Comment Period End	07/20/85	50 FR 24242
Final Action	08/28/85	50 FR 34840
Final Action Effective	09/22/85	50 FR 34840

Small Entity: Yes

Additional Information: A RIA is not required and will not be prepared. A RIR/RFA will be available in March 1985.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Analysis: Regulatory Flexibility Analysis; Regulatory Impact Review 03/15/85

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 983-3141**

RIN: 0648-AB15

292. NOTICE OF THE NATIONAL MARINE FISHERIES SERVICE'S PROPOSED POLICIES FOR THE MANAGEMENT OF INTERJURISDICTIONAL FISHERIES AND FISHERY RESOURCES

Significance: Regulatory Program

Legal Authority: 16 USC 661 et seq

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The policies are to guide Federal participation in, and support of, interjurisdictional fisheries management by defining the Federal role, proposing general management objectives, and identifying means of implementation. These policies are needed to: (1) provide a framework for more effective management planning and other actions concerning interjurisdictional fisheries and fishery resources; (2) develop a broad awareness of the shared State & Federal responsibilities, and benefits of, long-term management of these fisheries and resources; (3) promote consistent conservation & management throughout the entire range of interjurisdictional fisheries and resources; and (4) establish specific & effective means of resolving jurisdictional differences which interfere with effective fisheries management. It is expected that these policies will result in closer cooperations between State and Federal government agencies responsible for interjurisdictional fisheries programs.

Timetable:

Action	Date	FR Cite
Action Reserved	11/21/85	

Small Entity: No

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: Richard B. Roe, Dir. Off. of Resource Conser & Management, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven St. NW, Washington, DC 20235, **202 634-7218**

RIN: 0648-AB24

293. SHALLOW-WATER REEF FISH OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 669

Legal Deadline: Statutory. 110 days after fishery management plan is submitted by the fishery management council.

Abstract: The Caribbean Fishery Management Council has prepared a Fishery Management Plan (FMP) for shallow-water reeffish of Puerto Rico and the U.S. Virgin Islands. A fishery for various species of snappers, groupers, grunts, porgies, goatfishes, and other edible reeffish using fish traps exists in the territorial waters of Puerto Rico and the U.S. Virgin Islands and the fishery conservation zone. These states have agreed to adopt compatible regulations with those developed by the FMP. Declining catch per unit effort for the reeffish fishery indicates that management measures are necessary to maximize spawning potential and prevent overfishing. Within a 2-3 yr. period after implementation, benefits are predicted to outweigh costs for proposed regulations concerning minimum fish sizes for yellowtail snapper and Nassau grouper. The proposed minimum mesh size for fish traps will allow some juvenile stages of most reeffishes to escape the gear & optimize the size of goatfish which are retained.

Timetable:

Action	Date	FR Cite
NPRM	06/10/85	50 FR 24251
NPRM Comment Period End	07/20/85	50 FR 24251
Final Action	08/28/85	50 FR 34850
Final Action Effective	09/22/85	50 FR 34850

Small Entity: No

Affected Sectors: 091 Commercial Fishing

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FSER, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648-AB26

294. FINANCIAL ASSISTANCE FOR RESEARCH AND DEVELOPMENT PROJECTS TO STRENGTHEN AND DEVELOP THE U.S. FISHING INDUSTRY - NOTICE OF FUNDS AVAILABILITY

Legal Authority: 15 USC 713(c) Saltonstall-Kennedy Act

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: To provide an annual solicitation of proposals to compete for fisheries development, utilization research and demonstration grants. No alternative to a competitive process for making awards is being considered. It is anticipated that in FY 1986 about 7 million in grant funds will be made available, representing about 70% of total project costs. Grantees are required to match funds on each project. This averages about 30% of total project costs or 3 million dollars.

Timetable:

Action	Date	FR Cite
Final Action	04/16/85	50 FR 15060

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1984

Government Levels Affected: Federal

Agency Contact: Phyllis Bentz, Program Leader, S-K Program Administration, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Industry Development Division, Washington, DC 20235, **202 634-7451**

RIN: 0648-AB28

295. FISHERY MANAGEMENT PLAN FOR SAND EEL

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: An FMP will be prepared to address the problem of an expanding trawl fishery for sand eel in the Northeast which threatens to reduce the abundance of this important food source for traditional commercial and recreational species.

Timetable:

Action	Date	FR Cite
Deleted from Agenda- no action anticipated during the reporting period.	02/27/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard H. Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FNER, 14 Elm St., Gloucester, MA 01930, **617 281-3600**

RIN: 0648-AB31

296. AMENDMENT TO THE ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Fishery Conser & Management Act

CFR Citation: 50 CFR 652

Legal Deadline: Statutory. 110 days after amendment is submitted by the fishery management council.

Abstract: Amends the regulations governing the harvest of surf clams from Georges Bank. Establishes an optimum yield of 25,000 to 300,000 bushels and a western boundary at 69 degrees longitude. The provision that Mid-Atlantic surf clam vessels may land clams only once during an authorized fishing period was disapproved by the Secretary of Commerce.

Timetable:

Action	Date	FR Cite
NPRM	04/25/85	50 FR 16326
NPRM Comment Period End	05/26/85	50 FR 16326
Final Action	08/14/85	50 FR 32707
Final Action Effective	09/08/85	50 FR 32707

Small Entity: No

Additional Information: An RIA will not be required and will not be prepared. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 04/30/85

Agency Contact: Richard H. Shaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FNER, Federal Bldg., 14 Elm St., Gloucester, MA 01930, **617 281-3600**

RIN: 0648-AB36

297. AMENDMENT TO THE GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN - REDEFINE SABLEFISH MANAGEMENT BOUNDARIES

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 672

Legal Deadline: None

Abstract: This amendment will redefine the management boundaries in the Gulf of Alaska and High Seas salmon fisheries.

Timetable:

Action	Date	FR Cite
Merged with RIN 0648-AB41 - combined with amendment to close FCZ intrusion into State waters.	02/27/86	

Small Entity: Undetermined

Additional Information: A RIA is not required. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 05/07/85

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648-AB39

298. THREATENED FISH AND WILDLIFE; GUADALUPE FUR SEAL

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 227.4; 50 CFR 227.11, (New); 50 CFR 227.71

Legal Deadline: None

Abstract: Regulations are proposed to list and protect the Guadalupe fur seal (Arctocephalus townsendi) under the Endangered Species Act of 1973. No critical habitat is proposed. In response to a petition, the NMFS conducted a review of the status of the species and determined that it should be listed as a threatened species.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/84	49 FR 04804
ANPRM Comment Period End	04/10/84	49 FR 04804
NPRM	01/03/85	50 FR 00294
NPRM Comment Period End	03/04/85	50 FR 00294
Final Action	12/16/85	50 FR 51251
Final Action Effective	01/15/86	50 FR 51251

Small Entity: Not Applicable

Additional Information: The Endangered Species Act requires that decisions on listings be made solely on the basis of the best scientific and commercial data available regarding a species status.

Affected Sectors: 138 Oil and Gas Field Services; 966 Space Research and Technology

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia A. Montanio, Fishery Biologist, Protected Species Div., Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species & Habitat Conservation, NMFS, Washington, DC 20235, **202 634-7529**

RIN: 0648-AB48

299. AMENDMENT 9 TO THE BERING SEA/ALEUTIAN ISLANDS GROUNDFISH FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 675

Legal Deadline: None

Abstract: Amendment 9 to the Fishery Management Plan for the Bering Sea/Aleutian Islands Groundfish Fishery was proposed by the North Pacific Fishery Management Council to ban foreign trawling within 20 miles of the Aleutian Islands in order to reduce by catches of species fully utilized by U.S. fishermen and to eliminate gear conflicts with longliners in this area. The Secretary of Commerce has disapproved the proposed ban on foreign trawling. The amendment also requires reporting by catcher/processor vessels to provide NMFS with more timely catch information necessary for adequate inseason management. NMFS habitat conservation policy is also implemented by Amendment 9.

Timetable:

Action	Date	FR Cite
Final Action	11/01/85	50 FR 46072
Final Action Effective	12/01/85	50 FR 46072

Small Entity: Undetermined

Additional Information: Amendment 8 to the Bering Sea/Aleutian Islands Groundfish Fishery Management Plan - RIN 0648-AB45 was incorporated into this Amendment 9.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648-AB52

300. AMENDMENT TO AMERICAN LOBSTER FISHERY MANAGEMENT PLAN - V-NOTCH ON FEMALE LOBSTERS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 649

Legal Deadline: None

Abstract: An amendment to the American Lobster Fishery Management Plan has been proposed to place a three-year moratorium on the taking or possession of V-notched lobsters (markings made on adult female lobsters by commercial fishermen). The purpose of the amendment is to return females that are bearing eggs or have previously carried eggs so as to enhance recruitments.

Timetable:

Action	Date	FR Cite
Withdrawn - no action anticipated during reporting period.	05/07/84	49 FR 19363

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard H. Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FNER, 14 Elm St., Gloucester, MA 01930, **617 281-3600**

RIN: 0648-AB54

301. FOREIGN FISHING POUNDAGE AND PERMIT FEES, 1986

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 611.12

Legal Deadline: None

Abstract: This rule will set poundage and permit fees for foreign fishing in 1986.

Timetable:

Action	Date	FR Cite
NPRM	10/11/85	50 FR 41533
NPRM Comment Period End	11/12/85	50 FR 41533
Final Action Effective	01/01/86	51 FR 202
Final Action	01/03/86	51 FR 202

Small Entity: No

Additional Information: An RIA is not required. A regulatory/impact review will be prepared and available September 1985.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

DOC—NOAA

Completed Actions

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 3300 Whitehaven St., NW, Washington, DC 20235, **202 634-7432**

RIN: 0648-AB62

302. INITIAL IMPLEMENTATION OF KING CRAB FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 676

Legal Deadline: None

Abstract: Notice of approval specifying the laws and regulations of the State of Alaska governing fishing for king crab in the Bering Sea and Aleutian Islands area, which are found by the Secretary of Commerce to be consistent with the FMP, will initially implement the king crab FMP.

Timetable:

Action	Date	FR Cite
Withdrawn - No regulatory action anticipated at the present time.	01/29/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648-AB63

303. AMENDMENT 14 TO THE FISHERY MANAGEMENT PLAN FOR GROUNDFISH OF THE GULF OF ALASKA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672

Legal Deadline: None

Abstract: The measures proposed in the amendment will (1) establish Central Southeast Outside District within existing Southeast Outside District to better manage demersal shelf rockfish which are part of the other rockfish category and which have a harvest limit of 600 mt; (2) implement harvest OYs for pollock, Pacific ocean perch, other rockfish, Atka mackerel & other species; (3) establish requirement for all U.S. catcher/processing vessels that hold their catch for more than 2 wks. to provide weekly catch reports & check in & check out of regulatory areas; (4) give AK Reg. Dir. authority to allow fisheries that do not take halibut to continue to operate in areas where halibut bycatch limits have been reached; (5) incorporate NMFS habitat policy into Gulf of AK groundfish FMP which gives the N. Pacific Fishery Management Council authority to protect marine environment; (6) change opening date of pot and hookline sablefish fishery to April 1 in all regulatory areas; allocate sablefish among pot hook and line and trawl fishermen and gradually reduce pot fishermen's allocation to zero over several years.

Timetable:

Action	Date	FR Cite
NPRM	07/24/85	50 FR 30481
NPRM Comment Period End	09/07/85	50 FR 30481
Final Action	10/18/85	50 FR 93193
Final Action Effective	11/18/85	50 FR 93193

Small Entity: Yes

Additional Information: This action combines RIN 0648-AB18 "Amendment to the Gulf of Alaska Groundfish Fishery Management Plan-Control Sablefish Fishing off Southeast Alaska"; RIN 0648-AB42 "Amendment to Gulf of Alaska Groundfish Fishery Management Plan - Establish New Optimum Yields" and RIN 0648-AB43 "Amendment to Gulf of Alaska Groundfish Fishery Management Plan - Catch Limits for Pacific Halibut".

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis; Regulatory Impact Review 07/24/85

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648-AB66

[FR Doc. 86-6295 Filed 04-18-86; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)

National Telecommunications and Information Administration (NTIA)

Prerule Stage

304. PUBLIC TELECOMMUNICATIONS FACILITIES PROGRAM; INTERIM REVISION OF REGULATIONS

Legal Authority: 47 USC 390 to 394; 47 USC 397 to 399b

CFR Citation: 15 CFR 2301

Legal Deadline: None

Abstract: NTIA has completed three grant cycles since the last revision of its PTFP Rules. During these three cycles we have recognized several areas which cause confusion. We intend to clarify these areas to allow potential grantees to understand more easily the requirements and facilitate their application. The proposed changes to Rules and Regulations will allow for more uniformity and clarity in administering the program. Areas included are: 1. Applicant eligibility for planning grants and making project eligibility language more consistent with the law and NTIA practices. 2.What constitutes a complete application and distinguishes it from an application that is deficient. 3.What does filing a timely application mean and how it is to be delivered in a timely manner. 4.How to amend an application. 5.How to reactivate a deferred application. 6.How to request special consideration. 7.Expanded discussions on control and use of equipment, eligible equipment items, and non-eligible equipment items. 8.Expanded discussions on the close-out and monitoring procedures for a project.

DOC—NTIA — **Prerule Stage**

Timetable:

Action	Date	FR Cite
Begin Review	04/00/84	
Interim Final Rule	09/18/84	49 FR 36600
End Review	06/00/86	
Final Action	10/00/86	
Final Action Effective	10/00/86	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Burnham S. Morse, Telecommunications Policy Analyst, Department of Commerce, National Telecommunications and Information Administration, 14th & Constitution Avenue NW, Room H4890, Washington, DC 20230, 202 377-1835

RIN: 0660-AA01

[FR Doc. 86-6295 Filed 04-18-86; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
Office of Productivity, Technology and Innovation (OPTI)

Completed Actions

305. RIGHTS TO INVENTIONS MADE BY NONPROFIT ORGANIZATIONS AND SMALL BUSINESS FIRMS

Significance: Regulatory Program

Legal Authority: 35 USC 206

CFR Citation: 37 CFR 401

Legal Deadline: None

Abstract: 35 USC 206 as amended by PL 98-620, requires the Secretary to issue regulations implementing 35 USC 202-204 which deals with the rights in inventions to be provided to nonprofit organizations and small businesses that perform Government supported research and development. Previously this was the responsibility of OFPP which issued OMB Cir. A-124. The regulation is based on Cir. A-124 with such substantive changes as are necessary because of various amendments made by PL 98-620. No alternative is available since a major thrust of the statute was the development of a single regulation to replace the numerous regulations that were in effect prior to 1981. The statute and regulations will benefit contractors and the public by creating the certainty necessary for the early commercialization of inventions by the private sector. Compared to the pre-1981 situation this reduces administrative costs of both the Government and contractors.

Timetable:

Action	Date	FR Cite
NPRM	04/04/85	50 FR 13524
Final Action	03/00/86	

Small Entity: Yes

Agency Contact: Norman Latker, Director, Department of Commerce, Office of Productivity, Technology and Innovation, Federal Technology Management Policy Div., Room H 4837, Washington, DC 20230, 202 377-0659

RIN: 0692-AA01

[FR Doc. 86-6295 Filed 04-18-86; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Prerule Stage

306. TERM OF DEPOSIT OF MICROORGANISM

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.71

Legal Deadline: None

Abstract: PTO will propose amendment of its rules of practice in patent cases to set the duration of a microorganism deposit for patent purposes in accordance with the Budapest Treaty.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/86	
ANPRM Comment Period End	07/00/86	
NPRM	10/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Rene D. Tegtmeyer, Assistant Commissioner for Patents, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3811

RIN: 0651-AA13

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Proposed Rule Stage

307. REQUESTS FOR IDENTIFIABLE RECORDS

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.15

Legal Deadline: None

Abstract: The existing regulations govern requests for records not disclosed to the public as part of PTO's informational activities. The regulations need to be revised to eliminate obsolete provisions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
NPRM Comment Period End	07/00/86	
Final Action	10/00/86	

Action	Date	FR Cite
Final Action Effective	11/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: John W. Dewhirst, Department of Commerce, Patent and Trademark Office, Ofc. of the Solicitor, Washington, DC 20231, **703 557-4035**

RIN: 0651-AA04

308. VARIETY NAMING REQUIREMENTS FOR PLANT PATENT APPLICATIONS

Legal Authority: 35 USC 41; 35 USC 6

CFR Citation: 37 CFR 1.17; 37 CFR 1.71; 37 CFR 1.163; 37 CFR 1.168

Legal Deadline: None

Abstract: PTO will propose amendment of its rules of practice in patent cases to implement the International Convention for the Protection of New Varieties of Plants. The International Convention requires registration of a plant variety name at the time a patent on a plant variety is issued. Compliance with the registration requirements of the Convention would be determined in the process of examining plant patent applications.

Timetable:

Action	Date	FR Cite
NPRM	08/16/85	50 FR 33062
NPRM Comment Period End	10/31/85	
Notice	12/27/85	50 FR 52963
NPRM	04/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Stanley D. Schlosser, Legislative and International Specialist, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-3065**

RIN: 0651-AA12

309. REVISION OF TRADEMARK FEES

Significance: Regulatory Program

Legal Authority: 15 USC 1113; 15 USC 1123

CFR Citation: 37 CFR 2.6

Legal Deadline: Statutory. 15 U.S.C. 1113(a) specifies that fees will not take effect prior to 60 days following notice in the Federal Register.

Abstract: PTO plans to amend its rules of practice in trademark cases to adjust trademark fees. The fees have not been adjusted since their establishment on October 1, 1982.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
NPRM Comment Period End	07/00/86	
Final Action	09/00/86	
Final Action Effective	11/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Bradford R. Huther, Asst. Commissioner for Finance and Planning, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-1572**

RIN: 0651-AA19

310. ARBITRATION OF PATENT INTERFERENCE CASES

Legal Authority: 35 USC 6; PL 98-622

CFR Citation: 37 CFR 1.690

Legal Deadline: None

Abstract: An amendment of PTO's rules of practice relating to patent interferences will be proposed to implement the provision in Public Law 98-622 for arbitration of patent interference cases.

Timetable:

Action	Date	FR Cite
ANPRM	01/16/85	50 FR 02294
ANPRM Comment Period End	03/01/85	50 FR 02294
NPRM	04/00/86	
NPRM Comment Period End	07/00/86	
Final Action	10/00/86	
Final Action Effective	11/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Fred E. McKelvey, Deputy Solicitor, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-4035**

RIN: 0651-AA20

311. RULES FOR EXTENSION OF PATENT TERM

Significance: Regulatory Program

Legal Authority: 35 USC 6; PL 98-417

CFR Citation: 37 CFR 1.1; 37 CFR 1.8; 37 CFR 1.20; 37 CFR 1.710 to 1.785

Legal Deadline: None

Abstract: PTO plans to propose changes in its rules of practice in patent cases to specify procedures and fees for extending the terms of patents pursuant to the provisions of Public Law 98-417 for the restoration of up to 5 years of the loss in a patent term due to regulatory delays.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
NPRM Comment Period End	06/00/86	
Final Action	10/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

DOC—PTO

Proposed Rule Stage

Analysis: See Additional Information

Agency Contact: R. Franklin Burnett, Special Assistant, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-3054**

RIN: 0651-AA22

312. TRADEMARK APPLICATIONS

Significance: Regulatory Program

Legal Authority: 15 USC 1123; Crocker National Bank v. Canadian Imperial Bank of Commerce; 223 USPQ 909 (TTAB 1984)

CFR Citation: 37 CFR 2.21; 37 CFR 2.33; 37 CFR 2.39; 37 CFR 2.56; 37 CFR 2.57; 37 CFR 2.58

Legal Deadline: None

Abstract: PTO plans to propose amendment of its rules of practice in trademark cases to revise the use and specimen requirements in trademark applications filed by foreign applicants pursuant to Section 44 of the Trademark Act, 15 USC 1126. The revision would conform the use and specimen requirements with the decision of the Trademark Trial and Appeal Board in Crocker National Bank v. Canadian Imperial Bank of Commerce, 223 USPQ 909 (1984). Since this decision has been appealed, any regulatory action will have to await the outcome of the judicial review.

Timetable:

Action	Date	FR Cite
NPRM (if necessary)	01/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Ms. Carlisle Walters, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-3268**

RIN: 0651-AA23

313. ● MISCELLANEOUS AMENDMENTS OF PATENT RULES

Legal Authority: 35 USC 6; 35 USC 135

CFR Citation: 37 CFR 1.14; 37 CFR 1.131; 37 CFR 1.194; 37 CFR 1.612; 37 CFR 1.637; 37 CFR 1.658; 37 CFR 5.3

Legal Deadline: None

Abstract: PTO plans to amend its rules of practice to clarify the procedure in patent interference cases.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
NPRM Comment Period End	09/00/86	
Final Action	01/00/87	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Saul I. Serota, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-4072**

RIN: 0651-AA25

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Final Rule Stage

314. MISCELLANEOUS AMENDMENTS OF TRADEMARK RULES

Legal Authority: 15 USC 1123

CFR Citation: 37 CFR 2.1; 37 CFR 2.101(b); 37 CFR 2.104; 37 CFR 2.112(a); 37 CFR 2.114(c); 37 CFR 2.132(c); 37 CFR 2.145(d)

Legal Deadline: None

Abstract: PTO proposes amendment of the trademark rules to improve or clarify inter partes and appeal procedures.

Timetable:

Action	Date	FR Cite
NPRM	06/11/84	49 FR 24033
NPRM Comment Period End	07/18/84	49 FR 24033
Final Action	05/00/86	
Final Action Effective	06/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Janet E. Rice, Member, Trademark Trial and Appeal Board, Department of Commerce, Patent and Trademark Office, Crystal Square 5, Suite 1008, Washington, DC 20231, **703 557-3551**

RIN: 0651-AA16

315. TRADEMARK APPLICATIONS

Legal Authority: 15 USC 1123

CFR Citation: 37 CFR 2.21; 37 CFR 2.52; 37 CFR 2.54; 37 CFR 2.58

Legal Deadline: None

Abstract: PTO proposes amendment of its trademark rules to codify and improve procedures for processing trademark applications.

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30749
NPRM Comment Period End	10/30/84	
Final Action	06/00/86	
Final Action Effective	07/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Ellen J. Seeherman, Staff Assistant, Department of Commerce, Patent and Trademark Office, Crystal Plaza 3, Room 11C17, Washington, DC 20231, **703 557-7464**

RIN: 0651-AA17

316. TRADEMARK AUTOMATED SEARCH SYSTEM FEES

Legal Authority: 15 USC 1113; 15 USC 1123; PL 96-517; PL 97-247

CFR Citation: 37 CFR 2.6

Legal Deadline: None

DOC—PTO

Final Rule Stage

Abstract: PTO proposes to amend its rules to establish user fees for members of the public desiring to conduct trademark searches of the computerized data bases in the PTO's automated trademark search system.

Timetable:

Action	Date	FR Cite
NPRM	08/07/84	49 FR 31460
NPRM Comment Period End	09/05/84	
NPRM Comment Period Extended to	09/25/84	49 FR 35527
Final Action	04/00/86	
Final Action Effective	06/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: J. Howard Bryant, Administrator for Automation, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-6000**

RIN: 0651-AA18

[FR Doc. 86-6295 Filed 04-18-86; 8:45 am]

BILLING CODE 3510-BW-T

federal register

Monday
April 21, 1986

Part V

Department of Defense

Semiannual Regulatory Agenda

DOD

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Department of Defense.

ACTION: Publication of the consolidated semiannual agenda of DoD regulatory documents.

SUMMARY: The Department of Defense is publishing this consolidated semiannual agenda of regulatory documents for public information and comments under E.O. 12291, "Federal Regulation." This agenda incorporates the objectives and criteria, when applicable, of the regulatory reform program under E.O. 12291, and other regulatory reform 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 are therefore published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process.

This agenda updates the report published on October 29, 1985 and includes regulations expected to be issued and under review over the next 12 months. The next agenda is scheduled to be published in October 1986. 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. Terry D. Judd, telephone 202-697-1142 or write to Directorate for Organizational and Management Planning, OASD(C), Washington, D.C. 20301.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, contact Ms. Kathleen Buck, legal counsel, Office of the General Counsel, Washington, D.C. 20301, or call 202-697-2714.

For specific agenda items, contact the appropriate individual indicated in each DoD Component report.

SUPPLEMENTARY INFORMATION: This consolidated agenda is composed of the regulatory status reports from the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force. Included also in this agenda is the regulatory report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of E.O. 12291. Their agenda will reflect these requirements, with follow-on reporting actions taken, as necessary.

DoD issuances range from DoD Directives (reflecting departmental policy) to implementing instructions and regulations (largely internal and used to implement Directives). The OSD agenda section contains the primary Directives under which DoD Components promulgate their implementing regulations.

To ease identification and to clarify the differences between 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.

These DoD issuances which are directly applicable under these statutes will be identified in the agenda and their action status indicated. Generally, the reports contained in this agenda will contain three sections: (1) Current and projected rulemaking; (2) review of existing regulations; and (3) completed actions.

Although not a regulatory agency, the Department of Defense will continue to participate in regulatory initiatives designed to reduce 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, DoD reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission.

Note: The publishing of this agenda does not waive the applicability of the military affairs exemption in title 5, section 553 and section 1 of E.O. 12291.

DATED: February 3, 1986.

D. O. Cooke,

Deputy Assistant Secretary of Defense.

AGENCY: Office of the Secretary, DoD.

ACTION: This agenda updates the report published on October 29, 1985, and includes regulations expected to be issued and under review over the next 12 months.

SUMMARY: The regulatory material listed below is in 3 parts: (1) Current and projected rulemaking; (2) review of existing regulations; and (3) completed actions.

FOR FURTHER INFORMATION CONTACT: The Agency contact names and telephone numbers appear after each agenda entry. For other information on the agenda, contact Mrs. Patricia H. Means, Directives Division, Correspondence and Directives Directorate, Washington Headquarters Services, telephone 202-697-4111.

SUPPLEMENTARY INFORMATION:

E.O. 12291. None of the regulatory documents listed below is a "major rule" and no major rules are presently under development.

Regulatory Flexibility Action, section 610. The Office of the Secretary of Defense has screened its existing regulatory documents and has concluded that none of its regulatory documents causes significant impact on a substantial number of small entities.

Paperwork Reduction Act, Pub. L. 96-511. None of the DoD regulatory documents listed in the agenda require information collection reports affecting the public sector under the criteria of Pub. L. 96-511.

GATT Agreement. None of the DoD regulatory documents listed in this agenda impact upon foreign trade under the GATT Agreement.

The OSD agenda follows.

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

Proposed Rule Stage

317. ALLOTMENTS FOR CHILD AND SPOUSAL SUPPORT (DOD DIRECTIVE 1340.XX)

Legal Authority: PL 97-248; 37 USC 101; 15 USC 1673; 42 USC 665

CFR Citation: 32 CFR 54

Legal Deadline: None

Abstract: This rule implements section 172 of Pub. L. 97-248, which is codified under Title 42, United States Code, Section 665 (42 USC 665). It provides guidance on processing allotments for child and spousal support from the pay of active duty military personnel, when direct payment is requested by an authorized person.

Timetable:

Action	Date	FR Cite
NPRM	10/18/82	47 FR 46297

Next Action Undetermined

Small Entity: No

Agency Contact: James T. Jasinski, Department of Defense, Office of the Secretary, **202 697-0536**

RIN: 0790-AA08

318. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS) (FEDERAL MEDICAL CARE RECOVERY ACT, CHAPTER 9) (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 (48 FR 45791, October 7, 1983) revises the CHAMPUS regulation by consolidating all federal claims provisions arising under the operation of CHAMPUS into two chapters.

Timetable:

Action	Date	FR Cite
NPRM	10/07/83	48 FR 45791

Next Action Undetermined

Small Entity: No

Agency Contact: Tariq Shahid, Department of Defense, Office of the Secretary, **303 361-3587**

RIN: 0790-AA29

319. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); CARDIAC PACEMAKER TELEPHONE MONITORING (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: An amendment to the proposed rule was published (49 FR 35934) that will allow coverage for transtelephonic monitoring of cardiac pacemakers which is currently excluded under CHAMPUS Basic Program.

Timetable:

Action	Date	FR Cite
NPRM	01/18/84	48 FR 2118

Next Action Undetermined

Small Entity: No

Agency Contact: David E. Bennett, Department of Defense, Office of the Secretary, **303 361-8608**

RIN: 0790-AA31

320. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); ELIGIBILITY OF ADULT ADOPTEES FOR MEDICAL BENEFITS (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 clarifies the intent of Title 10 USC 1072 (2), concerning eligibility of adopted children. This is necessary to ensure that reasonable limits are placed on CHAMPUS eligibility. This clarification will result in uniform eligibility determinations corresponding to the interest of Congress.

Timetable:

Action	Date	FR Cite
NPRM	03/02/84	49 FR 7837
NPRM Comment Period End	04/02/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Tariq Shahid, Department of Defense, Office of the Secretary, **303 361-3587**

RIN: 0790-AA39

321. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); AMENDMENT OF AMBULANCE SERVICE COVERAGE (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This proposed amendment (49 FR 17976, April 26, 1984) will revise the definition of "ambulance," remove the $100 allowable charge ceiling used to distinguish between local and long distance ambulance service, and expand coverage for transfer to a Uniformed Service Medical Treatment Facility (USMTF).

DOD—OS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/26/84	49 FR 17976
NPRM Comment Period End	05/25/84	

Next Action Undetermined

Small Entity: No

Agency Contact: David E. Bennett, Department of Defense, Office of the Secretary, 303 361-8608

RIN: 0790-AA40

322. ● FINANCIAL INSTITUTIONS ON DOD INSTALLATIONS (DOD DIRECTIVE 1000.11)

Legal Authority: 10 USC 136

CFR Citation: 32 CFR 231

Legal Deadline: None

Abstract: This proposed rule updates Department of Defense (DoD) policies and procedures concerning banking institutions that operate on DoD domestic and overseas installations. The revision provides specific guidance to the Heads of DoD Components on the establishment, operation and termination of these onbase institutions and contemplates a more proactive role by the Assistant Secretary of Defense (Comptroller).

Timetable:

Action	Date	FR Cite
ANPRM	10/23/85	50 FR 3319

Next Action Undetermined

Small Entity: No

Agency Contact: Ronald L. Adolphi, Department of Defense, Office of the Secretary, 202 697-8281

RIN: 0790-AA51

323. ● PROCEDURES GOVERNING BANKING OFFICES ON DOD INSTALLATIONS (DOD INSTRUCTION 1000.12)

Legal Authority: 10 USC 136

CFR Citation: 32 CFR 230

Legal Deadline: None

Abstract: This proposed rule updates Department of Defense (DoD) policies and procedures concerning banking institutions that operate on DoD domestic and overseas installations. The revision provides specific guidance to the Heads of DoD Components on the establishment, operation and termination of these onbase institutions and contemplates a more proactive role by the Assistant Secretary of Defense (Comptroller).

Timetable:

Action	Date	FR Cite
ANPRM	10/23/85	50 FR 36610

Next Action Undetermined

Small Entity: No

Agency Contact: Ronald L. Adolphi, Department of Defense, Office of the Secretary, 202 697-8281

RIN: 0790-AA52

324. ● PROCEDURES GOVERNING CREDIT UNIONS ON DOD INSTALLATIONS (DOD INSTRUCTION 1000.10)

Legal Authority: 10 USC 136

CFR Citation: 32 CFR 231a

Legal Deadline: None

Abstract: This proposed rule codifies, for the first time, provisions concerning the operation of credit unions on DoD installations. It provides specific guidance to the Heads of DoD Components on the establishment, operation and termination of these onbase institutions and contemplates a more proactive role by the Assistant Secretary of Defense (Comptroller).

Timetable:

Action	Date	FR Cite
ANPRM	10/23/85	50 FR 36622

Next Action Undetermined

Small Entity: No

Agency Contact: Ronald L. Adolphi, Department of Defense, Office of the Secretary, 202 697-8281

RIN: 0790-AA53

DEPARTMENT OF DEFENSE (DOD)

Office of the Secretary (OS)

Completed Actions

325. DEFENSE INDUSTRIAL PERSONNEL SECURITY CLEARANCE REVIEW PROGRAM (DOD DIRECTIVE 5220.6)

Legal Authority: 5 USC 504; EO 10865

CFR Citation: 32 CFR 155

Legal Deadline: None

Abstract: This rule is being revised and reissued to (1) reflect organizational changes in the Dept. of Defense, (2) simplify the language contained in the existing rule, (3) incorporate the Equal Access to Justice (5 USC 504) standard in the section pertaining to reimbursement for lost earnings, and (4) establish the Adjudication Policy for security clearance determinations under this rule.

Timetable:

Action	Date	FR Cite
NPRM	07/08/84	49 FR 31455
NPRM Comment Period End	08/08/84	49 FR 31455
Final Action Effective	08/12/85	50 FR 35790
Final Action	09/04/85	50 FR 35790

Small Entity: No

Government Levels Affected: Federal

Agency Contact: James P. Brown, Department of Defense, Office of the Secretary, Directorate for Industrial Security, Clearance Review, 202 696-4598

RIN: 0790-AA42

326. COMMERCIAL ACTIVITIES PROGRAM (DOD DIRECTIVE 4100.15)

Legal Authority: 5 USC 301; 5 USC 552; PL 93-400

CFR Citation: 32 CFR 169

Legal Deadline: None

Abstract: The Department of Defense revised its rule regarding the

Commercial Activities Program to incorporate substantive changes to Part 169 required by Office of Management and Budget (OMB) Circular A-76, "Performance of Commercial Activities," August 3, 1983.

Timetable:

Action	Date	FR Cite
NPRM	05/03/85	50 FR 18886
NPRM Comment Period End	06/03/85	50 FR 18886
Final Action Effective	08/12/85	50 FR 37527
Final Action	12/16/85	50 FR 37527

Small Entity: Yes

Agency Contact: Lee Ruddle, Department of Defense, Office of the Secretary, **202 325-0537**

RIN: 0790-AA47

327. COMMERCIAL ACTIVITIES PROGRAM PROCEDURES (DOD INSTRUCTION 4100.33)

Legal Authority: 5 USC 301; 5 USC 552; PL 93-400

CFR Citation: 32 CFR 169a

Legal Deadline: None

Abstract: The Department of Defense revised its rule regarding the Commercial Activities Program to incorporate substantive procedural changes to Part 169a required by Office of Management and Budget (OMB) Circular A-76, "Performance of Commercial Activities," August 3, 1983 and to implement the DoD policies established in Part 169 of this title.

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19703
NPRM Comment Period End	05/10/85	50 FR 19703
Final Action Effective	09/09/85	50 FR 40805
Final Action	10/07/85	50 FR 40804

Small Entity: Yes

Agency Contact: Lee Ruddle, Department of Defense, Office of the Secretary, **202 325-0537**

RIN: 0790-AA48

328. RELEASE OF OFFICIAL INFORMATION IN LITIGATION AND TESTIMONY BY DEPARTMENT OF DEFENSE PERSONNEL AS WITNESSES (DOD DIRECTIVE 5405.2)

Legal Authority: 5 USC 301; 10 USC 133

CFR Citation: 32 CFR 97

Legal Deadline: None

Abstract: This final rule established policies, practices, responsibilities and procedures for the release of official DoD information in litigation and for the appearance and testimony by DoD personnel as witnesses during litigation.

Timetable:

Action	Date	FR Cite
NPRM	03/14/85	50 FR 10248
NPRM Comment Period End	04/14/85	50 FR 10248
Final Action Effective	07/23/85	50 FR 32056
Final Action	08/08/85	50 FR 32056

Small Entity: No

Agency Contact: Kathleen Buck, Department of Defense, Office of the Secretary, **202 697-2714**

RIN: 0790-AA49

329. ● GUIDANCE FOR THE DETERMINATION AND REPORTING OF NUCLEAR RADIATION DOSE FOR DOD PARTICIPANTS IN THE ATMOSPHERIC NUCLEAR TEST PROGRAM

Legal Authority: 38 USC 354, Note 98 Stat 2725; PL 98-542

CFR Citation: 32 CFR 218

Legal Deadline: None

Abstract: This rule, as amended, establishes minimum standards for reporting nuclear radiation doses. The standards are uniformly applicable to all branches of the Military Services and shall be used in preparing radiation dose estimates in responses to inquiries by the Veterans Administration in connection with claims for compensation, or by any veteran or survivor.

Timetable:

Action	Date	FR Cite
Final Action	10/21/85	50 FR 42520
Final Action Effective	11/20/85	50 FR 42520

Small Entity: No

Agency Contact: Robert L. Brittigan, Office of the Secretary of Defense, Defense Nuclear Agency, Department of Defense, Office of the Secretary, **202 325-7681**

RIN: 0790-AA54

330. ● VOLUNTARY STATE TAX WITHHOLDING FROM RETIRED PAY (DOD DIRECTIVE 1332.34)

Legal Authority: 10 USC 1045

CFR Citation: 32 CFR 78

Legal Deadline: None

Abstract: This rule implements section 654 of PL 98-525, which is codified under title 10, United States Code, section 1045 (10 USC 1045). It provides guidance on voluntary State tax withholding from the retired pay of Uniformed Service members.

Timetable:

Action	Date	FR Cite
ANPRM	05/13/85	50 FR 12249
Final Action	11/15/85	50 FR 47219
Final Action Effective	11/15/85	50 FR 47219

Small Entity: No

Agency Contact: James T. Jasinski, Department of Defense, Office of the Secretary, **202 697-0536**

RIN: 0790-AA55

331. ● DOD NEWSPAPERS AND CIVILIAN ENTERPRISE PUBLICATIONS (DOD INSTRUCTION 5120.4)

Legal Authority: 10 USC 121; 10 USC 133

CFR Citation: 32 CFR 297

Legal Deadline: None

Abstract: This rule updates policy, procedures, and responsibilities concerning DoD newspaper and civilian enterprise (CE) publications other than newspapers in support of the DoD Internal Information Program.

Timetable:

Action	Date	FR Cite
Final Action	08/15/85	50 FR 32851
Final Action Effective	11/14/85	50 FR 32851

Small Entity: No

Agency Contact: Stanley F. Jensen, Office of the Secretary of Defense, American Forces Information Services, Department of Defense, Office of the Secretary, **202 696-5271**

RIN: 0790-AA56

[FR Doc. 86-6295 Filed 04-18-86; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

AGENCY: Department of the Army.

ACTION: Semiannual agenda of regulatory information under review or development by the Department of the Army.

SUMMARY: None of the regulations contained in this agenda meets the criteria of the Regulatory Flexibility Act (5 U.S.C. et seq), has priority status, is a major rule under E.O. 12291, or contains reporting requirements in the "Paperwork Act." Furthermore, none of the regulations come under the GATT International Trade Agreement.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specific individual. For general information, contact Mr. John O. Roach, telephone 202-325-6040, or write to Department of the Army, DAIM-FAR-P, Room 1130, Hoffman I, Alexandria, Virginia 22331-0301.

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Prerule Stage

332. THE ARMY GENERAL COUNSEL'S HONORS PROGRAMS

Legal Authority: 10 USC 302; 10 USC 3005

CFR Citation: 32 CFR 585

Legal Deadline: None

Abstract: Army General Counsel's Honors Program. To recruit highly qualified attorneys to fill vacancies in the Army General Counsel's Office. Comment period completed.

Timetable:

Action	Date	FR Cite
Review, editing and internal Army coordination underway	00/00/00	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: Mr. John Pavlick, Department of Defense, Department of the Army, Office of the Army General Counsel, 202 695-0562

RIN: 0702-AA00

333. AIRFIELD CERTIFICATION AND USE OF ARMY AIRFIELDS BY OTHER THAN US DEPARTMENT OF DEFENSE AIRCRAFT

Legal Authority: PL 85-726; PL 97-248; PL 91-258

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Prescribes responsibilities and procedures with regard to use of US Army airfields by other than DoD.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: Mr. Jesse Burch, Department of Defense, Department of the Army, US Army Air Traffic Control Activity, Aeronautical Service Office, 703 272-7796

RIN: 0702-AA02

334. ARMY NATIONAL CEMETERIES

Legal Authority: 24 USC Chapter 7

CFR Citation: 32 CFR 553

Legal Deadline: None

Abstract: To publish revised guidelines and administration of Arlington National Cemetery and the Soldiers Home National Cemetery.

Timetable:

Action	Date	FR Cite
ANPRM Comment Period End	12/10/85	50 FR 50315
End Review	01/00/86	

Next Action Undetermined

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: Tom Ellis, Department of Defense, Department of the Army, US Army Military Personnel Center, Alexandria, VA 22331-0400, 703 325-7960

RIN: 0702-AA07

335. INDEBTEDNESS OF MILITARY PERSONNEL

Legal Authority: 10 USC 1553

CFR Citation: 32 CFR 513

Legal Deadline: None

Abstract: This Army regulation provides policy and procedures governing private indebtedness of Army members. It provides guidance for processing claims. It also forbids debt collectors from contacting commanders without prior consent of the debtor or without a court order.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: LTC Milton J. Brokow, Department of Defense, Department of the Army, US Army Community and Family Support Center, (DCAF-IS-PA) Room 462, Hoffman I, Alexandria, VA 22331-0522, 202 325-8951

RIN: 0702-AA09

DOD—DOA

Prerule Stage

336. ● EQUAL EMPLOYMENT OPPORTUNITY DISCRIMINATION COMPLAINTS

Legal Authority: 42 USC 2000e; 29 USC 621 et seq

CFR Citation: 32 CFR 588

Legal Deadline: None

Abstract: This regulation established the Army's policies and procedures in the filing, processing, investigating, and settling of equal employment opportunity discrimination complaints. It is designed for Army Commanders, Equal Employment Opportunity Officials, investigators, civilian personnel officers, labor counselors, managers, supervisors, employees, and applicants for employment. It applies to all discrimination complaints based on race, color, religion, sex, national origin, age, physical or mental handicap.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: CPT Paul B. Martins, Program Manager, Department of Defense, Department of the Army, Office of the Secretary of the Army, ATTN: SFCR, Washington, DC 20310-1813, 202 695-5704

RIN: 0702-AA13

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Completed Actions

337. ARMY DISCHARGE REVIEW BOARD

Legal Authority: 10 USC 1553

CFR Citation: 12 CFR 581.2

Legal Deadline: None

Abstract: The rules and regulations for the Army Discharge Review Board (ADRB) have been revised. This rule governs the actions and composition of the Army Discharge Review Board. It governs applications and ADRB motions for discharge review, public inspection, copying, and distributions of ADRB documents through the Armed Forces Discharge Review/Correction Board Reading Room; preparing decisional documents and index entries; and processing complaints regarding them.

Timetable:

Action	Date	FR Cite
Final Action	08/16/85	50 FR 33035
Final Action Effective	08/16/85	50 FR 33035

Small Entity: Not Applicable

Agency Contact: Major Mary Cook, Director, Department of Defense, Department of the Army, Army Council of Review Boards, OSA, Washington, DC 20310-1810, 202 692-4562

RIN: 0702-AA10

338. ● FAMILY SUPPORT, CHILD CUSTODY AND PATERNITY

Legal Authority: 10 USC 3012

CFR Citation: 32 CFR 584

Legal Deadline: None

Abstract: This regulation gives the Department of the Army's support, custody, and paternity policies and information on garnishment and involuntary allotment for payment of support under a court order. It includes guidance for processing complaints and claims as well as requests regarding adoption proceedings of children of Army soldiers, and U.S. Citizenship determinations. Procedures for processing complaints and claims against non-active duty or discharged Army personnel are also provided.

Timetable:

Action	Date	FR Cite
Final Action	12/24/85	50 FR 52447

Small Entity: No

Agency Contact: LTC Milton J. Brokaw, Department of Defense, Department of the Army, U.S. Army Community and Family Support Cntr, (DACF-15-PA), Rm 468 Hoffman I, Alexandria, VA 22331-0522, 202 325-8951

RIN: 0702-AA11

339. ● EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

Legal Authority: 42 USC 2000e; 29 USC 621 et seq

CFR Citation: 32 CFR 589

Legal Deadline: None

Abstract: This regulation provides guidance for development, implementation and evaluation of equal opportunity and affirmative action programs for minorities, women and handicapped individuals. This regulation reflects changes on program direction and requirements brought about by the transfer of oversight authority and responsibility from the former Civil Service Commission to the Equal Employment Opportunity Commission.

Timetable:

Action	Date	FR Cite
Final Action	01/31/86	51 FR 4082

Small Entity: No

Agency Contact: John F. Nelson, Director, Equal Opportunity Agency, Department of Defense, Department of the Army, Department of the Army, SAMR-SFEOA (The Pentagon), Washington, DC 20310-1813, 202 694-4340

RIN: 0702-AA12

[FR Doc. 86-8295 Filed 04-18-86; 8:45 am]
BILLING CODE 3510-BW-T

DEPARTMENT OF DEFENSE (DOD)

Prerule Stage

U.S. Army Corps of Engineers (COE)

340. CORPS OF ENGINEERS MANAGEMENT OF ARMY AND AIR FORCE REAL PROPERTY

Legal Authority: 5 USC 301; 10 USC 3012

CFR Citation: 32 CFR 644

Legal Deadline: None

Abstract: Chapter 8 of ER 405-1-12 is mainly comprised of instructions and guidance relating to internal agency procedures for managing and administering real property and interests in real property controlled by the Army and Air Force. Accordingly, it was determined that the entire chapter does not require publication in the Federal Register. Excerpts of applicable parts will be proposed for publication by December 1986.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/86	

Small Entity: Undetermined

Agency Contact: Mr. Terrence Wilmer, Chief, Programs Division, Department of Defense, U.S. Army Corps of Engineers, ATTN: DAEN-REP, Washington, DC 20314-1000, 202 272-0522

RIN: 0710-AA14

341. ● REGULATORY PROGRAM OF THE CORPS OF ENGINEERS, PART 326 - ENFORCEMENT

Legal Authority: 33 USC 403; 33 USC 1341; 33 USC 1413

CFR Citation: 33 CFR 326

Legal Deadline: None

Abstract: The Corps of Engineers is proposing to amend 33 CFR Part 326 to reflect the sequence of enforcement actions, to clarify ambiguous procedures and language, and to provide district engineers with the flexibility needed to resolve violations in the most effective manner and to be able to concentrate existing staff resources on the most critical enforcement actions. Some procedures in this part would be revised to provide for a more practical approach to certain enforcement problems. These regulations, if finalized would reduce the costs of enforcing the regulatory program.

Timetable:

Action	Date	FR Cite
ANPRM Comment Period End	05/00/86	
Final Action	09/00/86	
Final Action Effective	10/00/86	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Bernard N. Goode, Chief, Regulatory Branch, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-N, 202 272-0199

RIN: 0710-AA15

342. ● REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS, PART 329 - NAVIGABLE WATERS OF THE UNITED STATES

Legal Authority: 33 USC 403; 33 USC 1341; 33 USC 1413

CFR Citation: 33 CFR 329

Legal Deadline: None

Abstract: The Corps of Engineers plans proposed revisions to completely reorganize the relevant policies and administrative procedures in a more logical manner, to clarify the policy involved through the elimination of contradictory statements, and to simplify Part 329 by eliminating unnecessarily detailed procedures. The Corps does not intend to make any changes to the policies governing navigability determinations. The amendments if approved will not increase costs.

Timetable:

Action	Date	FR Cite
ANPRM Comment Period End	06/00/86	
Final Action	10/00/86	
Final Action Effective	11/00/86	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Bernard N. Goode, Chief, Regulatory Branch, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-N, 202 272-0199

RIN: 0710-AA16

343. ● REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS, PART 325, APPENDIX D--ENDANGERED SPECIES COUNTERPART REGULATIONS

Legal Authority: 33 USC 403; 33 USC 1341; 33 USC 1413

CFR Citation: 33 CFR 325, Appendix D

Legal Deadline: None

Abstract: Procedures for the protection of endangered species in the regulatory program of the Corps of Engineers. Because of the increased emphasis being placed on endangered species by the Federal and state resource agencies, the Corps identified a need to provide more definitive guidance on implementing the Endangered Species Act (ESA) in its regulatory program. The Corps is now developing counterpart regulations with the Department of Interior. The regulations will basically bring together various guidance used in the past by both the Corps and DOI. The regulations will include guidance on how the ESA Amendments impact applicants for Federal permits.

Timetable:

Action	Date	FR Cite
ANPRM Comment Period End	05/00/86	
Final Action	09/00/86	
Final Action Effective	09/00/86	

Small Entity: No

Agency Contact: Bernard N. Goode, Chief, Regulatory Branch, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-N, 202 272-0199

RIN: 0710-AA17

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Final Rule Stage

344. CONSOLIDATED REGULATORY PROGRAM OF THE CORPS OF ENGINEERS

Significance: Regulatory Program

Legal Authority: 33 USC 403; 33 USC 1413; 33 USC 1344

CFR Citation: 33 CFR 320 to 330

Legal Deadline: None

Abstract: Program policies and procedures for the conduct of the Regulatory Program of the Corps of Engineers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/22/82	47 FR 31794
Amendments proposed NPRM	05/12/83	48 FR 21466
NPRM Lawsuit Settlement Revisions (33 CFR 320, 323, 325, 330)	03/29/84	49 FR 12260
Publish final Lawsuit Rules	10/05/84	49 FR 39478
Final Action	05/00/86	
Final Action Effective	07/00/86	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - The paperwork, reports, studies, etc., required of government at all levels, businesses and citizens will be reduced by the revised procedures.

Small Business Impact - By streamlining the procedures for obtaining a Corps permit, the regulatory burden on small businesses will be reduced.

GATT Impact - None.

Affected Sectors: None

Agency Contact: Bernard Goode, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-N, 202 272-0200

RIN: 0710-AA04

345. ENVIRONMENTAL QUALITY, PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

Significance: Regulatory Program

Legal Authority: 42 USC 4321

CFR Citation: 33 CFR 230

Legal Deadline: None

Abstract: Revisions will streamline Corps NEPA procedures consistent with improved management techniques and reduce unnecessary regulatory burdens on applicants who seek Department of the Army permits.

Timetable:

Action	Date	FR Cite
NPRM	01/11/84	49 FR 1387
Final Action	06/00/86	

Small Entity: No

Additional Information: Additional agency contact: Dr. Robert Pierce (202) 272-0199

Paperwork Reduction Act Impact - None.

GATT Impact - None.

Agency Contact: Mr. Richard L. Makinen, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWR-P, 202 272-0120

RIN: 0710-AA11

346. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS

Legal Authority: 33 USC 403; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 325, Appendix C

Legal Deadline: None

Abstract: Procedures for including concerns for the protection of historic properties in the regulatory program of the Corps of Engineers.

Timetable:

Action	Date	FR Cite
NPRM	05/04/84	49 FR 19036
Final Action	05/00/86	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - The paperwork, reports, studies, etc., required of government at all levels, business and citizens will be reduced by the revised procedures.

Small Business Impact - By streamlining the procedures for obtaining a Corps permit, the regulatory burden on small businesses will be reduced.

GATT Impact - None.

Affected Sectors: None

Agency Contact: Bernard Goode, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-N, 202 272-0200

RIN: 0710-AA12

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Completed Actions

347. RULES AND REGULATIONS GOVERNING PUBLIC USE OF WATER RESOURCE DEVELOPMENT OF PROJECTS ADMINISTERED BY THE CHIEF OF ENGINEERS

Legal Authority: 16 USC 460d

CFR Citation: 36 CFR 327

Legal Deadline: None

Abstract: Final rule published in 1979. Minor revisions will provide clarification of authority used by field personnel in the management of natural resources.

Timetable:

Action	Date	FR Cite
ANPRM	04/19/84	49 FR 15796
Final Action	11/07/85	50 FR 46284

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

GATT Impact - None.

Agency Contact: Darrell E. Lewis, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-R, 202 272-0247

RIN: 0710-AA03

348. RECREATION USE FEES

Legal Authority: 16 USC 460; 16 USC 461

CFR Citation: 36 CFR 71

Legal Deadline: None

Abstract: Will provide updated version of ER 1130-2-404, Recreation Use Fees. The proposed regulation change expands the Corps recreation fee program at Corps projects.

Timetable:

Action	Date	FR Cite
Final Action	02/07/85	50 FR 27334

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

GATT Impact - None.

Agency Contact: Darrell E. Lewis, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-R, 202 272-0247

RIN: 0710-AA10

[FR Doc. 86-6295 Filed 04-18-86; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF DEFENSE (DOD)
Department of the Navy (NAVY)

AGENCY: Department of the Navy.

ACTION: This agenda updates the report published October 29, 1985 and includes regulations expected to be issued and under review over the next 12 months by the Department of the Navy.

SUMMARY: None of the regulations contained in this agenda meets the criteria of the Regulatory Flexibility Act (Pub. L. 96-354), has priority status, is a major rule under E.O. 12291, or contains reporting requirements under the "Paperwork Act." Further, none of the regulations comes under the GATT International Trade Agreement.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specified individual. For general information, contact Ms. Alcinda P. Wenberg, telephone 202-695-0792 or write to Department of the Navy, Chief of Naval Operations, OP-945C, Washington, D.C. 20350-2000.

DEPARTMENT OF DEFENSE (DOD)
Department of the Navy (NAVY)

Final Rule Stage

349. NONNAVAL MEDICAL AND DENTAL CARE (NAVMEDCOMINST 6320.1)

Legal Authority: 5 USC 301; 5 USC 8140; 10 USC 1071 to 1085; 10 USC 5031; 10 USC 6148; 10 USC 6201 to 6203; 32 CFR 700.1202

CFR Citation: 32 CFR 732

Legal Deadline: None

Abstract: To update the NAVMEDCOM Instruction.

Timetable:

Action	Date	FR Cite
Final Action	06/00/86	

Small Entity: No

Agency Contact: Mr. H. Pelham, Department of Defense, Department of the Navy, MEDCOM, 202 653-1179

RIN: 0703-AA00

350. ● DELIVERY OF PERSONNEL; SERVICE OF PROCESS AND SUBPOENA; PRODUCTION OF OFFICIAL RECORDS

Legal Authority: 5 USC 301; 10 USC 5031; 10 USC 5148; 32 CFR 700.206; 32 CFR 700.1202

CFR Citation: 32 CFR 720

Legal Deadline: None

Abstract: To revise and clarify rules on litigation.

Timetable:

Action	Date	FR Cite
Final Action	06/30/86	

Small Entity: No

Agency Contact: CDR William Henderson, Department of Defense, Department of the Navy, Judge Advocate General, Navy Department 200 Stovall St., Alexandria, VA 22332, 202 325-9870

RIN: 0703-AA14

[FR Doc. 86-6295 Filed 04-18-86; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

AGENCY: Department of the Air Force.

ACTION: This agenda updates the report published on October 29, 1985 and includes regulations expected to be issued and under review over the next 12 months.

SUMMARY: The regulations listed on the agenda are existing or proposed regulations under internal review for revision or development and only apply to those regulations affecting the public. The Department of the Air Force has no "major rules" under development or review as defined by Executive Order 12291. Also, it has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) do not apply to these rules and that these rules do not contain reporting or recordkeeping requirements under the

criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96-511). These rules do not have an impact on international trade and therefore the provisions of the GATT Agreement do not apply.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specified individual. For general information, contact Ms. Patsy J. Conner, telephone (202) 697-1861 or write, Department of the Air Force, USAF/DASJR(S), Pentagon, Washington, D.C. 20330-5025.

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Prerule Stage

351. FOREIGN TAX RELIEF PROGRAM (AFR 110-18)

Legal Authority: DODD 5100.64, dtd 12 Aug 70; 32 CFR 211

CFR Citation: 32 CFR 848

Legal Deadline: None

Abstract: Implements DOD foreign taxation on DOD expenditures in foreign countries.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Mr. Carroll, Department of Defense, Department of the Air Force, HQ USAF/JACI, 202 695-9631

RIN: 0701-AA12

352. AIR FORCE SUPPLEMENT TO THE FEDERAL ACQUISITION REGULATION (FAR)

Legal Authority: PL 93-400; PL 96-83

CFR Citation: 48 CFR ,(New)

Legal Deadline: None

Abstract: Air Force FAR Supplement establishes for the Air Force uniform policy and procedures implementing and supplementing the FAR, the DOD FAR Supplement, and other DOD publications concerning contracting.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Col. Finkbiner, Special Assistant for FAR, Department of Defense, Department of the Air Force, HQ USAF/RDC-FAR, 202 697-9441

RIN: 0701-AA14

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Proposed Rule Stage

353. USE OF USAF INSTALLATIONS BY OTHER THAN U.S. DOD AIRCRAFT (AFR 55-20)

Legal Authority: Federal Aviation Act of 1958; PL 85-726; 49 USC 1507(a); 49 USC 1508

CFR Citation: 32 CFR 855

Legal Deadline: None

Abstract: Gives requirements, procedures, and responsibilities. Revision is in coordination process within the USAF.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Mrs. Young, Department of Defense, Department of the Air Force, HQ USAF/PRPJA, 202 697-1796

RIN: 0701-AA02

354. ● AIRCRAFT ARRESTING SYSTEMS (AFR 55-42)

Legal Authority: 10 USC 8012

CFR Citation: 32 CFR 856

Legal Deadline: None

Abstract: Establishes policy on managing aircraft arresting systems including installation of systems at joint-use airports and use of systems by non-United States government aircraft.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/83	
End Review	02/28/86	
NPRM	03/00/86	

Small Entity: No

Agency Contact: Captain Hardin, Department of Defense, Department of the Air Force, HQ USAF/LEEV, Bldg 516, Bolling AFB, Washington, DC 20332-5000, 202 767-6240

RIN: 0701-AA17

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Final Rule Stage

355. SELECTING ARCHITECT-ENGINEER (A-E) FIRMS FOR PROFESSIONAL SERVICES BY NEGOTIATED CONTRACTS (AFR-88-31)

Legal Authority: PL 95-507; 15 USC 631; 15 USC 632; 15 USC 633; 15 USC 637; 15 USC 681; 15 USC 682; 15 USC 683; 15 USC 687; 15 USC 693; 15 USC 694; 25 USC 450

CFR Citation: 32 CFR 834

Legal Deadline: None

Abstract: USAF policies & procedures. Revision is in publication process within the Air Force.

Timetable:

Action	Date	FR Cite
To be Withdrawn	00/00/00	

Small Entity: No

Agency Contact: Mr. Furlong, Department of Defense, Department of the Air Force, HQ USAF/LEEE, 202 767-4260

RIN: 0701-AA01

356. AIR FORCE PRIVACY ACT PROGRAM (AFR 12-35)

Legal Authority: 5 USC 552a

CFR Citation: 32 CFR 806b

Legal Deadline: None

Abstract: This regulation implements DOD 5400.11-R and governs the Privacy Act program within the Department of the Air Force.

Timetable:

Action	Date	FR Cite
Final Action	06/00/86	

Small Entity: No

Agency Contact: Mr. Jon Updike, Department of Defense, Department of the Air Force, HQ USAF/DAQD, The Pentagon, Washington, DC 20330-5000, 202 694-3431

RIN: 0701-AA15

357. APPOINTMENT TO THE UNITED STATES AIR FORCE ACADEMY (AFR 53-10)

Legal Authority: 10 USC 9342

CFR Citation: 32 CFR 901

Legal Deadline: None

Abstract: Defines admissions procedures for the USAF Academy.

Timetable:

Action	Date	FR Cite
Final Action	08/00/86	

Small Entity: No

Agency Contact: Mrs. Norma Nottingham, Chief, AF Academy Activities Gp Cadet Branch, Department of Defense, Department of the Air Force, HQ USAF/MPPA, The Pentagon, Washington, DC 20330-5060, 202 697-7116

RIN: 0701-AA16

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Completed Actions

358. ACQUISITION OF INFORMATION CONCERNING PERSONS AND ORGANIZATIONS NOT AFFILIATED WITH THE DEPARTMENT OF DEFENSE (AFR 124-13)

Legal Authority: DODD 5200.27; 10 USC 8012

CFR Citation: 32 CFR 954

Legal Deadline: None

Abstract: Provides USAF policy, limitation & procedures. Awaiting determination and interpretation of policy issues by OSD.

Timetable:

Action	Date	FR Cite
No action expected next 12 months	00/00/00	

Small Entity: No

Additional Information: Awaiting rewrite of DODD.

Agency Contact: Mr. Walker, Department of Defense, Department of the Air Force, HQ AFOSI/XPP, 202 767-5830

RIN: 0701-AA04

359. MILITARY JUSTICE GUIDE (AFR 111-1)

Legal Authority: 10 USC 836; 10 USC 869; 10 USC 940; 10 USC 8012; MCM, US, 1984

CFR Citation: 32 CFR 883

Legal Deadline: None

Abstract: Provides USAF procedures in implementing a portion of the Manual for Courts-Martial, United States, 1984.

Timetable:

Action	Date	FR Cite
Withdrawn	11/14/85	50 FR 47048

Small Entity: No

Agency Contact: Col. Dixon, Department of Defense, Department of the Air Force, HQ USAF/JAJM, 202 767-1539

RIN: 0701-AA05

360. PERSONNEL REVIEW BOARDS-SUBPART A - AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS (AFR 31-3)

Legal Authority: 10 USC 1552

CFR Citation: 32 CFR 865

Legal Deadline: None

Abstract: Establishes procedures for the correction of military records.

Timetable:

Action	Date	FR Cite
NPRM	04/04/84	49 FR 13382
NPRM Comment Period End	05/04/84	
Final Action Effective	05/31/85	
Final Action	09/06/85	50 FR 36426

Small Entity: No

Agency Contact: Mr. D'Orazio, Department of Defense, Department of the Air Force, HQ SAF/MICB, 202 692-4731

RIN: 0701-AA09

DOD—AF

Completed Actions

361. OBTAINING MEDICAL, DENTAL, AND VETERINARY CARE FROM CIVILIAN SOURCES (AFR 168-10)

Legal Authority: 10 USC 1074(b); 10 USC 1076(b)

CFR Citation: 32 CFR 880

Legal Deadline: None

Abstract: Provides guidance on authorizing and providing reimbursement at Air Force expense for essential medical and dental care from civilian sources.

Timetable:

Action	Date	FR Cite
Withdrawn	12/04/85	50 FR 49688

Small Entity: No

Agency Contact: MSgt. Fulton, Department of Defense, Department of the Air Force, HQ USAF/SGHC, Bolling AFB, DC 20332-6188, 202 767-5082

RIN: 0701-AA10

[FR Doc. 86-5771 Filed 04-18-86; 8:45 am]
BILLING CODE 3810-01-T

Federal Register

Monday
April 21, 1986

Part VI

Department of Education

Semiannual Regulatory Agenda

ED

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitles A and B

Unified Agenda of Federal Regulations

AGENCY: Department of Education.

ACTION: Publication of the Unified Agenda of Federal Regulations.

SUMMARY: The Secretary of Education publishes a Unified Agenda of Federal Regulations as required by Office of Management and Budget (OMB) Bulletin 86-4 issued under the authority of section 6(b) of Executive Order 12291 (Federal Regulations). The purpose of the agenda is to encourage more effective public participation in the regulatory process by giving the public early information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to the contact person listed for that set of regulations. Questions or comments on the overall agenda should be directed to A. Neal Shedd, Director, Division of Regulations Management, Office of the General Counsel, Department of Education, Room 2131, FOB-6, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 732-2887.

SUPPLEMENTARY INFORMATION: Executive Order 12291, dated February 17, 1981, and the Regulatory Flexibility Act, Pub. L. 96-354, enacted September 19, 1980, require the Department of Education to publish, in October and April of each year, (1) an agenda of regulations that the Department expects to issue, and (2) currently effective regulations that are under review. The agenda includes both notices of proposed rulemaking (NPRMs) currently being drafted and pending final regulations.

Under the authority of Executive Order 12291, the Director of OMB has issued OMB Bulletin No. 86-4, dated December 23, 1985, prescribing the content and structure of the "Unified Agenda of Federal Regulations." The unified agenda will be issued semiannually and will cover the succeeding 12 months from the date of publication.

For each set of regulations listed, the agenda provides the title of the document, the type of document, a citation of any rulemaking or other action taken since publication of the most recent agenda, and planned dates of future rulemaking. In addition, the agenda provides the following information:

- An abstract, which includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 USC 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 included in the Department of Education Regulatory Program under Executive Order 12498 and, if not, an indication if the action is a priority of the agency.

If the "Abstract" section of an entry refers readers to the preamble, it means that amendments to those particular regulations would be designed (1) to effect regulatory relief, including reducing paperwork and compliance burdens, improving cost effectiveness and, to the extent possible, vesting greater discretion in State and local agencies, and (2) if necessary, to clarify and simplify requirements governing that program.

This publication in the **Federal Register** does not impose any binding obligation on the Department with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded. Dates of future regulatory action are subject to revision in subsequent agendas.

DATED: February 13, 1986.

William J. Bennett,

Secretary of Education.

Departmental Management—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
362	Education Department General Administrative Regulations	1880-AA19

Departmental Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
363	Advisory Committee Management	1880-AA18
364	Claims Collection	1880-AA09
365	Claims Collection	1880-AA22
366	Uniform Administrative Requirements for Grants to State and Local Governments	1880-AA15
367	Family Educational Rights and Privacy Act	1880-AA08

ED

Departmental Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
368	Education Department Acquisition Regulations (EDAR)	1880-AA16

Departmental Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
369	Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs	1880-AA21
370	Interest on Outstanding Debts	1880-AA03
371	Government in the Sunshine Act Regulations	1880-AA11

Office of Bilingual Education and Minority Languages Affairs—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
372	Transition Program for Refugee Children	1885-AA10

Office of Bilingual Education and Minority Languages Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
373	Bilingual Education: Academic Excellence Program	1885-AA11
374	Bilingual Education: Evaluation Assistance Centers and Multifunctional Resource Centers	1885-AA13

Office of Bilingual Education and Minority Languages Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
375	Bilingual Education Act Programs	1885-AA08
376	Bilingual Education: State Educational Agency Program and Fellowship Program (Final Amendments)	1885-AA14

Office of Bilingual Education and Minority Languages Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
377	Bilingual Education Evaluation	1885-AA09

ED

Office for Civil Rights—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
378	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

Sequence Number	Title	Regulation Identifier Number
379	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1870-AA05

Office of Educational Research and Improvement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
380	Partnerships in Education for Mathematics, Science, and Engineering	1850-AA15
381	Leadership in Educational Administration Program (LEAD)	1850-AA16
382	Secretary's Discretionary Program for Mathematics, Science, Computer Learning, and Critical Foreign Languages	1850-AA05
383	Secretary's Discretionary Program -- Amendments	1850-AA14
384	Territorial Teacher Training Assistance Program	1850-AA10
385	National Diffusion Network Program	1850-AA13

Office of Educational Research and Improvement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
386	Salary Offset for Department of Education Employees to Recover Overpayment of Pay or Allowances	1850-AA17
387	Educational Research Grant Program	1850-AA01
388	Library Services and Construction Act -- State-Administered Program and Direct Grant Program for Indian Tribes and Hawaiian Natives	1850-AA08

Office of Educational Research and Improvement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
389	Strengthening Research Library Resources Program	1850-AA09

Office of Elementary and Secondary Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
390	Financial Assistance to State Agencies to Meet Special Educational Needs of Handicapped Children	1810-AA19
391	Assistance for LEAs in Areas Affected by Federal Activities and Arrangements for Education of Children Where LEAs Cannot Provide Suitable Free Public Education -- Heavily Impacted Districts	1810-AA20
392	Assistance for LEAs in Areas Affected by Federal Activities and Arrangements for Ed. of Children Where LEAs Cannot Provide Suitable Free Public Ed. -- Sec. 3, Elig. to Claim Students	1810-AA21

ED

Office of Elementary and Secondary Education—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
393	Assistance for LEAs in Areas Affected by Federal Activities and Arrangements for Ed. of Children Where LEAs Cannot Provide Suitable Free Public Ed.--Sec. 2, Fed. Acquisition/Real Property	1810-AA22
394	Assist. for LEAs in Areas Affected by Fed. Act. and Arrangements for Ed. of Children Where LEAs Cannot Provide Suitable Free Pub. Ed. -- Sec. 3, Aver. Daily Attend./Aver. Daily Membership	1810-AA23
395	Magnet Schools Assistance Program	1810-AA24
396	Women's Educational Equity Program	1810-AA16

Office of Elementary and Secondary Education—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
397	Amendments to Chapter 1 of the Education Consolidation and Improvement Act of 1981 to Implement Pub. L. 98-211	1810-AA11
398	State Grants for Strengthening the Skills of Teachers and Instruction in Math, Science, Foreign Languages, and Computer Learning - Amendments	1810-AA12
399	Assistance for School Construction in Areas Affected by Federal Activities (SAFA)	1810-AA05

Office of Elementary and Secondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
400	State Grants for Strengthening the Skills of Teachers and Instruction in Mathematics, Science, Foreign Languages, and Computer Learning	1810-AA12
401	Indian Education Program - Formula Grants to Local Educational Agencies and Tribal Schools	1810-AA14

Office of Postsecondary Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
402	Carl D. Perkins Scholarship Program	1840-AA35
403	National Talented Teacher Fellowship Program	1840-AA36
404	Procedures for Determining the Eligibility of Institutions and Schools of Postsecondary Education	1840-AA32
405	College Housing Program; Financial Assistance for Construction, Reconstruction, or Renovation of Higher Ed. Facilities; Loan Management	1840-AA30
406	Financial Assist. for Construction, Reconstruction, or Renovation of Higher Ed. Facilities; Grants for Construction, Reconstruction, and Renovation of Graduate Academic Facilities	1840-AA27
407	Student Assistance General Provisions -- QC/QA System	1840-AA39
408	National Direct Student Loan Program: Reduction of Default Rate	1840-AA43
409	National Direct Student Loan Program: Reduction of Default Rate	1840-AA48

Office of Postsecondary Education—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
410	College Housing Program (Loan Discounts)	1840-AA49
411	College Housing Program -- Amendments	1840-AA50
412	Student Assistance General Provisions-- Subparts A, B, D, F, G	1840-AA11
413	National Direct Student Loan Program (Subpart C - Due Diligence)	1840-AA02

ED

Office of Postsecondary Education—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
414	National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs (Campus-based programs)	1840-AA03
415	Guaranteed Student Loan/PLUS Programs	1840-AA04
416	Guaranteed Student Loan -- 1986-87 Family Contribution Schedule	1840-AA38

Office of Postsecondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
417	Student Assistance General Provisions - Subpart E	1840-AA31
418	Student Assistance General Provisions (Subpart C - Selective Service Regulations Requirements)	1840-AA47
419	Guaranteed Student Loan/PLUS Programs (Tax-Exempt Bonds)	1840-AA37
420	Pell Grant Program - Family Contribution Schedule - Family Size Offsets	1840-AA33

Office of Special Education and Rehabilitative Services—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
421	State Independent Living Rehabilitation Services Program	1820-AA37

Office of Special Education and Rehabilitative Services—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
422	Assistance to States for Education of Handicapped Children	1820-AA36
423	Assistance to States for Education of Handicapped Children -- Amendment	1820-AA38

Office of Special Education and Rehabilitative Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
424	Special Projects and Demonstrations - Transitional Rehabilitation Services for Handicapped Youth	1820-AA32

Office of Vocational and Adult Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
425	State Vocational Education Program and the Secretary's Discretionary Programs of Vocational Education	1830-AA05

ED

Office of Intergovernmental and Interagency Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
426	Intergovernmental Review of Department of Education Programs and Activities -- List of Programs	1860-AA00

Office of Intergovernmental and Interagency Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
427	Intergovernmental Review of Department of Education Programs and Activities	1860-AA01

Miscellaneous Department of Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
428	Equal Access to Justice	1801-AA01
429	Due Process Regulations	1801-AA02

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Prerule Stage

362. EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS

Legal Authority: 20 USC 1221e to 20 USC 1223(a)(1)

CFR Citation: 34 CFR 75

Legal Deadline: None

Abstract: The Department is considering miscellaneous amendments to update and improve the regulations in 34 CFR Part 75 of the Education Department General Administrative Regulations (EDGAR).

Timetable:

Action	Date	FR Cite
Begin Review	08/00/85	
End Review	06/00/86	
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Hazel Fiers, Special Advisor, Management, Department of Education, Departmental Management, 400 Maryland Avenue, Rm. 3021, FOB-6, Washington, D.C. 20202, 202 472-5123

RIN: 1880-AA19

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Proposed Rule Stage

363. ADVISORY COMMITTEE MANAGEMENT

Legal Authority: 20 USC 1233 et seq.; 5 USC Appendix 2

CFR Citation: 34 CFR 11

Legal Deadline: None

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	11/00/86	

Small Entity: Undetermined

Agency Contact: Ann Bailey, Committee Management Officer, Department of Education, Office of Intergovernmental and Interagency Affairs, 400 Maryland Ave, SW, (Rm. 2135, FOB-6), Washington, DC 20202, 202 245-6081

RIN: 1880-AA18

364. CLAIMS COLLECTION

Significance: Regulatory Program

ED—EDMAN **Proposed Rule Stage**

Legal Authority: 31 USC 3711 to 3719

CFR Citation: 34 CFR 30

Legal Deadline: None

Abstract: These proposed regulations would implement requirements of the Debt Collection Act of 1982, the Federal Claims Collection Act and Standards, and OMB Circular A-50 regarding establishment of a debt collection program.

The proposed regulations would improve management and accountability of Federal funds. They are designed to establish an efficient, equitable, and effective program for the collection of debts owed to the Department of Education.

These regulations will be divided in two parts. See RIN # 1880-AA22.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	
Final Action	12/00/86	

Small Entity: No

Agency Contact: David T. Dexter, Management Analyst, Department of Education, Departmental Management, 400 Maryland Ave, SW, (Rm. 3034 FOB-6), Washington, DC 20202, **202 472-6032**

RIN: 1880-AA09

365. ● CLAIMS COLLECTION

Significance: Regulatory Program

Legal Authority: 31 USC 3711 to 3719

CFR Citation: 34 CFR 30

Legal Deadline: None

Abstract: These proposed regulations would provide offset standards and procedures as part of the Department's overall debt collection standards and procedures. These regulations will be published separately from the overall regulations, RIN 1880-AA09.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	09/00/86	

Small Entity: Undetermined

Agency Contact: David T. Dexter, Management Analyst, Department of Education, Departmental Management, 400 Maryland Avenue, Room 3034, FOB-6, Washington, DC 20202, **202 472-6032**

RIN: 1880-AA22

366. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: OMB Circular A-102; 20 USC 3474

CFR Citation: 34 CFR 80

Legal Deadline: None

Abstract: This action will implement revised OMB Circular A-102 "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." The current ED regulations codified at 34 CFR Part 74 were adopted by ED to implement both Circular A-102 and a companion Circular A-110 which governs grants and cooperative agreements to recipients other than governments. To implement revised Circular A-102 ED will adopt regulations approved by OMB affecting grantees that are State, local, and Indian tribal governments in 34 CFR Part 80. Regulations for the grantees covered by Circular A-11 will be retained in an amended 34 CFR Part 74.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Hazel Fiers, Special Advisor, Management, Department of Education, Departmental Management, 400 Maryland Ave, SW, (Rm. 3021 FOB-6), Washington, DC 20202, **202 472-5123**

RIN: 1880-AA15

367. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

Significance: Regulatory Program

Legal Authority: 20 USC 1232g

CFR Citation: 34 CFR 99

Legal Deadline: None

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	10/00/86	

Small Entity: No

Agency Contact: Patricia Ballinger, Director, FERPA, Department of Education, Departmental Management, 400 Maryland Ave., SW, Room 4074, Switzer Bldg., Washington, DC 20202, **202 732-2058**

RIN: 1880-AA08

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Final Rule Stage

368. EDUCATION DEPARTMENT ACQUISITION REGULATIONS (EDAR)

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR Chapter 34

Legal Deadline: None

Abstract: These regulations implement the Federal Acquisition Regulations within the Department of Education, and include additional policies, procedures, solicitation provisions, and contract clauses.

Timetable:

Action	Date	FR Cite
Final Action	05/00/86	

Small Entity: Undetermined

Agency Contact: Ken Barberi, Procurement Policy Analyst, Department of Education, Departmental Management, 400 Maryland Ave, SW, (Rm. 5082, ROB-3), Washington, DC 20202, **202 732-2532**

RIN: 1880-AA16

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Completed Actions

369. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

CFR Citation: 34 CFR 15

Completed:

Reason	Date	FR Cite
Final Action	02/27/86	51 FR 7000
Final Action Effective	05/28/86	

Small Entity: No

Agency Contact: Gary Rasmussen 202 245-0306

RIN: 1880-AA21

370. INTEREST ON OUTSTANDING DEBTS

CFR Citation: 34 CFR 75; 34 CFR 76; 34 CFR 200; 34 CFR 298; 34 CFR 668; 41 CFR Chapter 34

Completed:

Reason	Date	FR Cite
Withdrawn	01/27/86	

Small Entity: No

Agency Contact: Frank Stidman 202 245-2964

RIN: 1880-AA03

371. GOVERNMENT IN THE SUNSHINE ACT REGULATIONS

CFR Citation: 34 CFR 705

Completed:

Reason	Date	FR Cite
Withdrawn	01/28/86	

Small Entity: Undetermined

Agency Contact: Elizabeth Ruppert 202 254-8247

RIN: 1880-AA11

[FR Doc. 86-6637 Filed 04-18-86; 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)
Office of Bilingual Education and Minority Languages Affairs (BEMLA)

Prerule Stage

372. TRANSITION PROGRAM FOR REFUGEE CHILDREN

Significance: Regulatory Program

Legal Authority: 8 USC 1522(d)

CFR Citation: 34 CFR 538

Legal Deadline: None

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
Begin Review	08/00/85	
End Review	03/00/86	
NPRM	05/00/86	
Final Action	08/00/86	

Small Entity: Undetermined

Agency Contact: William Wooten, Acting Executive Officer, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Ave, SW (Rm. 421 Rptrs. Bldg.), Washington, D.C. 20202, 202 245-2600

RIN: 1885-AA10

DEPARTMENT OF EDUCATION (ED)
Office of Bilingual Education and Minority Languages Affairs (BEMLA)

Proposed Rule Stage

373. ● BILINGUAL EDUCATION: ACADEMIC EXCELLENCE PROGRAM

Legal Authority: 20 USC 3221 to 3262

CFR Citation: 34 CFR 524

Legal Deadline: None

Abstract: These proposed regulations would implement the provisions of P.L. 98-511 governing projects designed to serve as models of exemplary bilingual education programs and facilitate the dissemination of effective bilingual education practices.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	07/00/86	

Small Entity: Undetermined

Agency Contact: William Wooten, Acting Executive Officer, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Ave., SW, Room 421, Rptrs. Bldg., Washington, DC 20202, 202 245-2600

RIN: 1885-AA11

374. ● BILINGUAL EDUCATION: EVALUATION ASSISTANCE CENTERS AND MULTIFUNCTIONAL RESOURCE CENTERS

Legal Authority: 20 USC 3221 to 3262

CFR Citation: 34 CFR 549; 34 CFR 575

Legal Deadline: None

Abstract: These proposed regulations would implement provisions of P.L. 98-511 for establishing evaluation assistance centers and multifunctional resource centers.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
Final Action	11/00/86	

Small Entity: Undetermined

Agency Contact: William Wooten, Acting Executive Officer, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Ave. SW, Room 421, Rptrs. Bldg., Washington, DC 20202, 202 245-2600

RIN: 1885-AA13

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Bilingual Education and Minority Languages Affairs (BEMLA)

375. BILINGUAL EDUCATION ACT PROGRAMS

Significance: Regulatory Program

Legal Authority: 20 USC 3221 to 3262

CFR Citation: 34 CFR 500; 34 CFR 501; 34 CFR 505; 34 CFR 510; 34 CFR 514; 34 CFR 525; 34 CFR 526; 34 CFR 527; 34 CFR 537; 34 CFR 561; 34 CFR 573; 34 CFR 574

Legal Deadline: None

Abstract: These final regulations implement provisions of the Education Amendments of 1984, P.L. 98-511. Includes RIN 1885-AA09.

Timetable:

Action	Date	FR Cite
NPRM	11/22/85	50 FR 48352
NPRM Comment Period End	01/28/86	
Final Action	05/00/86	

Small Entity: Undetermined

Agency Contact: William Wooten, Acting Executive Officer, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Avenue, SW, Room 421 Rptrs. Bldg., Washington, DC 20202, 202 245-2600

RIN: 1885-AA08

376. ● BILINGUAL EDUCATION: STATE EDUCATIONAL AGENCY PROGRAM AND FELLOWSHIP PROGRAM (FINAL AMENDMENTS)

Legal Authority: 20 USC 3221 to 3262

CFR Citation: 34 CFR 548; 34 CFR 562

Legal Deadline: None

Abstract: These technical amendments would conform these regulations to the General Provisions Regulations to be published in final form in May 1986.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: William Wooten, Acting Executive Officer, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Avenue, SW, Room 421, Rptrs. Bldg., Washington, DC 20202, 202 245-2600

RIN: 1885-AA14

DEPARTMENT OF EDUCATION (ED)

Completed Actions

Office of Bilingual Education and Minority Languages Affairs (BEMLA)

377. BILINGUAL EDUCATION EVALUATION

Significance: Regulatory Program

CFR Citation: 34 CFR 500

Completed:

Reason	Date	FR Cite
Merged with RIN 1885-0008	02/03/86	

Small Entity: Undetermined

Agency Contact: William Wooten 202 245-2600

RIN: 1885-AA09

[FR Doc. 86-8637 Filed 04-18-86; 8:45 am]
BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office for Civil Rights (OCR)

378. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 20 USC 1681; 20 USC 1682

CFR Citation: 34 CFR 106

Legal Deadline: None

Abstract: These proposed regulations would amend the fringe benefits provision of the regulations implementing Title IX of the Education Amendments of 1972. The regulations would require employers offering employees a fringe benefit plan to have both equal pay-in and equal pay-out of benefits, regardless of the sex of the employee.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Frederick T. Cioffi, Acting Director, Policy and Enforcement Services, Department of Education, Office for Civil Rights, 400 Maryland Ave, SW, Rm 5050, Switzer Bldg., Washington, DC 20202, 202 732-1635

RIN: 1870-AA06

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office for Civil Rights (OCR)

379. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6101 et seq

CFR Citation: 34 CFR 110

Legal Deadline: None

Abstract: These agency-specific final regulations would provide appropriate investigative, conciliation, and enforcement procedures consistent with the general Age Discrimination Act regulations issued by DHEW, now the

ED—OCR

Final Rule Stage

Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Frederick T. Cioffi, Acting Director, Policy and Enforcement Services, Department of Education, Office for Civil Rights, 400 Maryland Ave, SW, Room 5050, Switzer Bldg., Washington, DC 20202, 202 732-1635

RIN: 1870-AA05

[FR Doc. 86-8637 Filed 04-18-86; 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)

Office of Educational Research and Improvement (OERI)

Proposed Rule Stage

380. ● PARTNERSHIPS IN EDUCATION FOR MATHEMATICS, SCIENCE, AND ENGINEERING

Legal Authority: PL 99-159

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These proposed regulations would implement Education for Economic Security Act, as amended by the National Science, Engineering, and Mathematics Authorization Act of 1986 (P.L. 99-159).

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	07/18/86	

Small Entity: Undetermined

Agency Contact: Patricia Alexander, Senior Associate, Department of Education, Office of Educational Research and Improvement, 400 Maryland Avenue, SW, Room 722, Brown Bldg., Washington, DC 20202, 202 254-8227

RIN: 1850-AA15

381. ● LEADERSHIP IN EDUCATIONAL ADMINISTRATION PROGRAM (LEAD)

Legal Authority: 20 USC 4201 to 4206

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations would implement certain provisions of Title IX of the Human Services Reauthorization Act of 1984 (P.L. 98-558).

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	07/00/86	

Small Entity: Undetermined

Agency Contact: Joseph F. Dominic, Senior Associate, Programs for the Improvement of Practice, Department of Education, Office of Educational Research and Improvement, 400 Maryland Avenue, SW, Room 822, Brown Bldg., Washington, DC 20202, 202 254-6050

RIN: 1850-AA16

382. ● SECRETARY'S DISCRETIONARY PROGRAM FOR MATHEMATICS, SCIENCE, COMPUTER LEARNING, AND CRITICAL FOREIGN LANGUAGES

Legal Authority: 20 USC 3972

CFR Citation: 34 CFR 755

Legal Deadline: None

Abstract: These amendments to the program regulations would implement the provisions of the National Science, Engineering, and Mathematics Authorization Act of 1986, P.L. 99-159, and permit the Secretary to review and fund unsolicited proposals for the program throughout the year.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	07/00/86	

Small Entity: Undetermined

Agency Contact: Patricia Alexander, Program Coordinator, Department of Education, Office of Educational Research and Improvement, 400 Maryland Avenue, SW, Room 722, Brown Bldg., Washington, DC 20202, 202 254-8227

RIN: 1850-AA05

383. ● SECRETARY'S DISCRETIONARY PROGRAM -- AMENDMENTS

Legal Authority: 20 USC 3851

CFR Citation: 34 CFR 760

Legal Deadline: None

Abstract: These proposed amendments would revise the number of points assigned to the evaluation criteria and would permit the Secretary to review and fund unsolicited proposals for the program throughout the year.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Thomas E. Enderlein, Program Coordinator, Department of Education, Office of Educational Research and Improvement, 400 Maryland Avenue, SW, Room 717, Brown Bldg., Washington, DC 20202, 202 254-8227

RIN: 1850-AA14

384. TERRITORIAL TEACHER TRAINING ASSISTANCE PROGRAM

Legal Authority: PL 95-561

CFR Citation: 34 CFR 790

Legal Deadline: None

Abstract: See Preamble. These proposed regulations would also amend 34 CFR 790.2 (Eligible Parties) to promote increased participation in the Territorial Teacher Training Program on the part of the institutions of higher education in each respective territory.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	07/00/86	

ED—OERI

Proposed Rule Stage

Small Entity: No

Agency Contact: Haroldie Spriggs, Program Specialist, Programs for the Improvement of Practices, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave., SW (Rm. 711 Brown Bldg.), Washington, DC 20202, **202 254-5833**

RIN: 1850-AA10

385. NATIONAL DIFFUSION NETWORK PROGRAM

Legal Authority: 20 USC 3851

CFR Citation: 34 CFR 796

Legal Deadline: None

Abstract: These proposed amendments would expand the membership of the joint dissemination review panel to persons outside the Department, revise the standards for review of proposed exemplary education programs, and revise the priorities for funding.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	07/00/86	

Small Entity: No

Agency Contact: Lois N. Weinberg, Education Program Specialist, Programs for the Improvement of Practice, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave., S.W., Room 714, Brown Bldg., Washington, DC 20202, **202 653-7006**

RIN: 1850-AA13

DEPARTMENT OF EDUCATION (ED)

Office of Educational Research and Improvement (OERI)

Final Rule Stage

386. ● SALARY OFFSET FOR DEPARTMENT OF EDUCATION EMPLOYEES TO RECOVER OVERPAYMENT OF PAY OR ALLOWANCES

Legal Authority: 5 USC 5514

CFR Citation: 34 CFR 32

Legal Deadline: None

Abstract: These regulations would implement procedures for offsetting a debt against the Federal pay of a current or former employee of the Department of Education to recover an overpayment of pay or allowances.

Timetable:

Action	Date	FR Cite
NPRM	09/11/84	49 FR 35658
NPRM Comment Period End	10/11/84	
Final Action	05/00/86	

Small Entity: No

Agency Contact: Charles J. Walters, Policy Analyst, Department of Education, Office of Educational Research and Improvement, Office of Personnel Resource Management, 400 Maryland Ave., SW (Rm. 1083 FOB-6), Washington, DC 20202, **202 245-3087**

RIN: 1850-AA17

387. EDUCATIONAL RESEARCH GRANT PROGRAM

Legal Authority: 20 USC 1221e

CFR Citation: 34 CFR 700; 34 CFR 701; 34 CFR 702; 34 CFR 703; 34 CFR 709; 34 CFR 710; 34 CFR 716; 34 CFR 718; 34 CFR 720; 34 CFR 795

Legal Deadline: None

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	03/12/85	50 FR 9970
NPRM Comment Period End	04/11/85	
Final Action	06/00/86	

Small Entity: No

Agency Contact: Frank Sobol, Senior Research Associate, Department of Education, Office of Educational Research and Improvement, Department of Education, 400 Maryland Ave., SW (Rm. 638 Brown Bldg.), Washington, DC 20202, **202 254-5740**

RIN: 1850-AA01

388. ● LIBRARY SERVICES AND CONSTRUCTION ACT -- STATE-ADMINISTERED PROGRAM AND DIRECT GRANT PROGRAM FOR INDIAN TRIBES AND HAWAIIAN NATIVES

Legal Authority: 20 USC 357 et seq.

CFR Citation: 34 CFR 770; 34 CFR 771; 34 CFR 772

Legal Deadline: None

Abstract: These technical amendments to the LSCA regulations implement the provisions of Title III of the National Science, Engineering, and Mathematics Authorization Act of 1986 (P.L. 99-159).

Timetable:

Action	Date	FR Cite
Final Action	04/00/86	

Small Entity: Undetermined

Agency Contact: Robert Klassen, Acting Director, Public Library Support Staff, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave., SW, Room 728, Brown Bldg., Washington, DC 20202, **202 254-9664**

RIN: 1850-AA08

DEPARTMENT OF EDUCATION (ED)

Office of Educational Research and Improvement (OERI)

Completed Actions

389. STRENGTHENING RESEARCH LIBRARY RESOURCES PROGRAM

CFR Citation: 34 CFR 778

Completed:

Reason	Date	FR Cite
Final Action	11/22/85	50 FR 48190
Final Action Effective	01/20/86	

Small Entity: No

Agency Contact: Louise Sutherland 202 254-5090

RIN: 1850-AA09

[FR Doc. 86-6637 Filed 04-18-86; 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)

Office of Elementary and Secondary Education (OESE)

Proposed Rule Stage

390. FINANCIAL ASSISTANCE TO STATE AGENCIES TO MEET SPECIAL EDUCATIONAL NEEDS OF HANDICAPPED CHILDREN

Significance: Regulatory Program

Legal Authority: 20 USC 2771 to 2772; 20 USC 3801 to 3805; 20 USC 3807; 20 USC 3871 to 3876

CFR Citation: 34 CFR 202; 34 CFR 204

Legal Deadline: None

Abstract: These proposed regulations would implement provisions of the Education Consolidation and Improvement Act of 1981, as amended. Proposed regulations were published in December of 1982 as a part of RIN 1810-AA00. The Department will publish revised proposed rules under the program for further public comment.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	11/00/86	

Small Entity: No

Agency Contact: William Tyrrell, Acting Director, Division of Assistance to States, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave. SW, Room 3614, Switzer Bldg., Washington, DC 20202, 202 732-1014

RIN: 1810-AA19

391. ● ASSISTANCE FOR LEAS IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR EDUCATION OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUBLIC EDUCATION -- HEAVILY IMPACTED DISTRICTS

Legal Authority: 20 USC 236; 20 USC 237; 20 USC 238; 20 USC 239; 20 USC 240; 20 USC 241; 20 USC 242; 20 USC 243; 20 USC 244

CFR Citation: 34 CFR 222

Legal Deadline: None

Abstract: These amendments would affect supplemental payments enabling local educational agencies heavily impacted by federally connected children to provide a level of education equal to that offered by comparable school districts.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
Final Action	01/00/87	

Small Entity: Undetermined

Agency Contact: W. Stanley Kruger, Acting Director, Division of Impact Aid, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2107, Washington, DC 20202, 202 245-8427

RIN: 1810-AA20

392. ● ASSISTANCE FOR LEAS IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR ED. OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUBLIC ED. -- SEC. 3, ELIG. TO CLAIM STUDENTS

Legal Authority: 20 USC 236; 20 USC 237; 20 USC 238; 20 USC 239; 20 USC 240; 20 USC 241; 20 USC 242; 20 USC 243; 20 USC 244

CFR Citation: 34 CFR 222

Legal Deadline: None

Abstract: These proposed regulations would establish criteria for claiming federally connected children associated with the impact of Federal activities in local school districts. These criteria would apply in cases of tuition agreements.

Timetable:

Action	Date	FR Cite
ANPRM	02/19/86	51 FR 6011
NPRM	04/00/86	
Final Action	07/00/86	

Small Entity: Undetermined

Agency Contact: W. Stanley Kruger, Acting Director, Division of Impact Aid, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave. SW, Room 2107, Washington, DC 20202, 202 245-8427

RIN: 1810-AA21

393. ● ASSISTANCE FOR LEAS IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR ED. OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUBLIC ED.--SEC. 2, FED. ACQUISITION/REAL PROPERTY

Legal Authority: 20 USC 236; 20 USC 237; 20 USC 238; 20 USC 239; 20 USC 240; 20 USC 241; 20 USC 242; 20 USC 243; 20 USC 244

CFR Citation: 34 CFR 222

Legal Deadline: None

Abstract: These proposed regulations would establish conditions for payment in lieu of taxes to local educational agencies in cases in which the Federal Government has acquired property and removed the property from local tax rolls.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
Final Action	12/00/86	

Small Entity: Undetermined

ED—OESE

Proposed Rule Stage

Agency Contact: W. Stanley Kruger, Acting Director, Division of Impact Aid, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2107, Washington, DC 20202, **202 245-8427**

RIN: 1810-AA22

394. ● ASSIST. FOR LEAS IN AREAS AFFECTED BY FED. ACT. AND ARRANGEMENTS FOR ED. OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUB. ED. -- SEC. 3, AVER. DAILY ATTEND./AVER. DAILY MEMBERSHIP

Legal Authority: 20 USC 236; 20 USC 237; 20 USC 238; 20 USC 239; 20 USC 240; 20 USC 241; 20 USC 242; 20 USC 243; 20 USC 244

CFR Citation: 34 CFR 222

Legal Deadline: None

Abstract: These amendments would establish definitions and procedures for calculating payments to federally impacted school districts in States that do not collect "average daily attendance" data on an annual basis.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	11/00/86	

Small Entity: Undetermined

Agency Contact: W. Stanley Kruger, Acting Director, Division of Impact Aid, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2107, Washington, DC 20202, **202 245-8427**

RIN: 1810-AA23

395. ● MAGNET SCHOOLS ASSISTANCE PROGRAM

Legal Authority: 20 USC 4051; 20 USC 4052; 20 USC 4053; 20 USC 4054; 20 USC 4055; 20 USC 4056; 20 USC 4057; 20 USC 4058; 20 USC 4059; 20 USC 4060; 20 USC 4061; 20 USC 4062

CFR Citation: 34 CFR 280

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the National Science, Engineering, and Mathematics Authorization Act of 1986 (P.L. 99-159).

Timetable:

Action	Date	FR Cite
NPRM	03/10/86	51 FR 8294
NPRM Comment Period End	04/09/86	
Final Action	07/09/86	

Small Entity: No

Agency Contact: M. Patricia Goins, Division of Educational Support, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2023, Washington, DC 20202, **202 472-7960**

RIN: 1810-AA24

396. WOMEN'S EDUCATIONAL EQUITY PROGRAM

Legal Authority: 20 USC 3341 to 3348

CFR Citation: 34 CFR 745

Legal Deadline: None

Abstract: See Preamble. These regulations would also implement Sec. 932(a)(2) of Title IX, Part C of the Elementary and Secondary Education Act of 1965, as amended by P.L. 98-511. Includes RIN 1810-AA15

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	10/00/86	

Small Entity: Undetermined

Agency Contact: Mrs. Jan-Williams Madison, Chief, Women's Educational Equity Act Program, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW (Rm. 2017), Washington, DC 20202, **202 245-2465**

RIN: 1810-AA16

DEPARTMENT OF EDUCATION (ED)

Office of Elementary and Secondary Education (OESE)

Final Rule Stage

397. AMENDMENTS TO CHAPTER 1 OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981 TO IMPLEMENT PUB. L. 98-211

Legal Authority: 20 USC 3801 to 3808; 20 USC 3871 to 3876

CFR Citation: 34 CFR 200; 34 CFR 204

Legal Deadline: None

Abstract: These amendments implement provisions of the Education Consolidation and Improvement Act of 1981 Technical Amendments, P.L. 98-211.

Timetable:

Action	Date	FR Cite
NPRM	08/09/84	49 FR 31914
NPRM Comment Period End	11/08/84	
Final Action	04/00/86	

Small Entity: No

Agency Contact: James M. Spillane, Director, Division of Program Support, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 245-9846**

RIN: 1810-AA11

398. ● STATE GRANTS FOR STRENGTHENING THE SKILLS OF TEACHERS AND INSTRUCTION IN MATH, SCIENCE, FOREIGN LANGUAGES, AND COMPUTER LEARNING - AMENDMENTS

Legal Authority: 20 USC 3961 to 3971; 20 USC 3973

CFR Citation: 34 CFR 208

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the National Science, Engineering, and Mathematics Authorization Act of 1986 (P.L. 99-159).

Timetable:

Action	Date	FR Cite
Final Action	04/00/86	

Small Entity: Undetermined

ED—OESE

Final Rule Stage

Agency Contact: Allen A. Schmieder, Chief, Mathematics and Science Section, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW, Room 2030, Washington, DC 20202, 202 755-0410

RIN: 1810-AA12

399. ASSISTANCE FOR SCHOOL CONSTRUCTION IN AREAS AFFECTED BY FEDERAL ACTIVITIES (SAFA)

Legal Authority: 20 USC 631 to 645; 20 USC 647

CFR Citation: 34 CFR 221

Legal Deadline: None

Abstract: These regulations would (1) implement amendments to the law, (2) clarify existing requirements, and (3) where practicable, effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness.

Timetable:

Action	Date	FR Cite
NPRM	10/15/84	49 FR 40362
NPRM Comment Period End	12/14/84	
Final Action	06/00/86	

Small Entity: No

Agency Contact: W. Stanley Kruger, Acting Director, Division of Impact Aid, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave, SW, Room 2107, Washington, DC 20202, 202 245-1975

RIN: 1810-AA05

DEPARTMENT OF EDUCATION (ED)
Office of Elementary and Secondary Education (OESE)

Completed Actions

400. STATE GRANTS FOR STRENGTHENING THE SKILLS OF TEACHERS AND INSTRUCTION IN MATHEMATICS, SCIENCE, FOREIGN LANGUAGES, AND COMPUTER LEARNING

CFR Citation: 34 CFR 208

Completed:

Reason	Date	FR Cite
Final Action	10/25/85	50 FR 43542
Final Action Effective	12/09/85	

Small Entity: No

Agency Contact: Allen A. Schmieder 202 755-0410

RIN: 1810-AA12

401. INDIAN EDUCATION PROGRAM - FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBAL SCHOOLS

CFR Citation: 34 CFR 251

Completed:

Reason	Date	FR Cite
Final Action	02/07/86	51 FR 4733
Final Action Effective	03/24/86	

Small Entity: No

Agency Contact: Ervin A. Keith 202 732-1890

RIN: 1810-AA14

[FR Doc. 86-6637 Filed 04-18-86; 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)
Office of Postsecondary Education (OPE)

Proposed Rule Stage

402. CARL D. PERKINS SCHOLARSHIP PROGRAM

Legal Authority: PL 98-558

CFR Citation: 34 CFR 653

Legal Deadline: None

Abstract: These regulations would implement certain provisions of Title VII, Part E of the Human Services Reauthorization Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	07/00/86	

Small Entity: Undetermined

Agency Contact: Neil C. Nelson, Chief, State Student Incentive Grant Program, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Room 4026, ROB-3, Washington, DC 20202, 202 472-4265

RIN: 1840-AA35

403. NATIONAL TALENTED TEACHER FELLOWSHIP PROGRAM

Legal Authority: 20 USC 11192e to 1119e-5

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Human Services Reauthorization Act of 1985. No funds have been appropriated for this program and the Administration has not requested funds for operation of the program for FY1987.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Leo Paszkiewicz, Regulations Officer, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, (Rm. 4060 ROB-3), Washington, DC 20202, 202 245-2787

RIN: 1840-AA36

ED—OPE

Proposed Rule Stage

404. PROCEDURES FOR DETERMINING THE ELIGIBILITY OF INSTITUTIONS AND SCHOOLS OF POSTSECONDARY EDUCATION

Significance: Regulatory Program

Legal Authority: 20 USC 1088; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 600

Legal Deadline: None

Abstract: These regulations would establish procedures the Secretary would use to determine the eligibility of institutions and schools of postsecondary education that apply to participate in any of the programs authorized by the Higher Education Act of 1965, as amended.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	10/00/86	

Small Entity: Undetermined

Agency Contact: Morris L. Brown, Director, Div. of Eligibility and Agency Evaluation, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW (Rm. 3030, ROB-3), Washington, DC 20202, 202 245-9703

RIN: 1840-AA32

405. COLLEGE HOUSING PROGRAM; FINANCIAL ASSISTANCE FOR CONSTRUCTION, RECONSTRUCTION, OR RENOVATION OF HIGHER ED. FACILITIES; LOAN MANAGEMENT

Legal Authority: 20 USC 1132a to 1132e; 12 USC 1749a to 1744d

CFR Citation: 34 CFR 614; 34 CFR 615; 34 CFR 617

Legal Deadline: None

Abstract: These regulations would establish comprehensive loan management procedures for outstanding College Housing and Academic Facilities loans. The regulations would also make technical amendments to Part 614 - College Housing Program and Part 617 - Financial Assistance for Construction, Reconstruction, and Renovation of Academic Facilities Program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	09/00/86	

Small Entity: Undetermined

Agency Contact: Samuel J. Weaver, Chief, Institutional Receivable Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Room 3669, ROB-3, Washington, DC 20202, 202 472-9300

RIN: 1840-AA30

406. FINANCIAL ASSIST. FOR CONSTRUCTION, RECONSTRUCTION, OR RENOVATION OF HIGHER ED. FACILITIES; GRANTS FOR CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF GRADUATE ACADEMIC FACILITIES

Legal Authority: 20 USC 1132a to 1132e-1

CFR Citation: 34 CFR 617; 34 CFR 619

Legal Deadline: None

Abstract: These regulations would establish funding procedures and criteria for applications for grants under Title VII, Part B of the Higher Education Act, as amended.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	07/00/86	

Small Entity: No

Agency Contact: Charles Griffith, Director, Higher Education Incentive Programs, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Room 3022, ROB-3, Washington, DC 20202, 202 245-3253

RIN: 1840-AA27

407. ● STUDENT ASSISTANCE GENERAL PROVISIONS -- QC/QA SYSTEM

Significance: Regulatory Program

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These regulations would set standards for institutions to develop and maintain a quality-control plan. These regulations are the result of the findings of the Project to Test Procedures for Quality Control/Quality Assurance Systems in Student Assistance Programs. These regulations would amend existing RIN 1840-AA31.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	
Final Action	12/00/86	

Small Entity: No

Agency Contact: Fred Sellers, Chief, Policy Section, Pell Grant Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, Room 4318, ROB-3, Washington, DC 20202, 202 472-4300

RIN: 1840-AA39

408. NATIONAL DIRECT STUDENT LOAN PROGRAM: REDUCTION OF DEFAULT RATE

Significance: Regulatory Program

Legal Authority: 20 USC 1087aa to 1087ii; 20 USC 421 to 429

CFR Citation: 34 CFR 674

Legal Deadline: None

Abstract: This regulatory action is being undertaken to reduce the high number of defaulted loans under the National Direct Student Loan Program (NDSL) and the unacceptably high default rate of certain participating institutions of higher education. Those provisions of the current regulations for the NDSL Program that have a bearing on the default rate have been reviewed. As a result of that review, the Department expects to issue regulations designed to alleviate the problem substantially. These regulations would apply to academic year 1986-87.

Timetable:

Action	Date	FR Cite
NPRM	02/13/86	51 FR 5484
NPRM Comment Period End	03/31/86	
Final Action	06/00/86	

Small Entity: Undetermined

Agency Contact: Margaret Henry, Policy Section Chief, Campus-Based Programs, Department of Education, Office of Postsecondary Education, 400 Maryland Ave. SW, Room 4018, ROB-3, Washington, DC 20202, 202 245-9720

RIN: 1840-AA43

409. ● NATIONAL DIRECT STUDENT LOAN PROGRAM: REDUCTION OF DEFAULT RATE

Significance: Regulatory Program

ED—OPE

Proposed Rule Stage

Legal Authority: 20 USC 1087aa to 1087ii; 20 USC 421; 20 USC 429

CFR Citation: 34 CFR 674

Legal Deadline: None

Abstract: The Department plans to develop regulations that would be designed to further reduce the high number of defaulted loans under the NDSL program and the high default rate of certain participating institutions of higher education. These regulations would amend the regulations under RIN 1840-AA43 and would apply to academic year 1987-88 and subsequent years.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	09/00/86	

Small Entity: Undetermined

Agency Contact: Margaret Henry, Chief, Policy Section, Campus-Based Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, Room 4018, ROB-3, Washington, DC 20202, **202 245-9720**

RIN: 1840-AA48

DEPARTMENT OF EDUCATION (ED)
Office of Postsecondary Education (OPE)

Final Rule Stage

410. ● COLLEGE HOUSING PROGRAM (LOAN DISCOUNTS)

Legal Authority: 20 USC 1749c(c)(9)

CFR Citation: 34 CFR 614

Legal Deadline: None

Abstract: These regulations implement an amendment in P.L. 99-178.

Timetable:

Action	Date	FR Cite
Final Action	04/00/86	

Small Entity: Undetermined

Agency Contact: Samuel Weaver, Chief, Institutional Receivable Branch, Department of Education, Office of Postsecondary Education, Room 3669, ROB-3, 400 Maryland Ave., SW, Washington, DC 20202, **202 472-9300**

RIN: 1840-AA49

411. ● COLLEGE HOUSING PROGRAM -- AMENDMENTS

Legal Authority: 12 USC 1749(c); 12 USC 1749a(c)(1)

CFR Citation: 34 CFR 614

Legal Deadline: None

Abstract: These amendments to the regulations governing loans issued under the College Housing Program clarify existing cost reimbursement requirements under the program.

Timetable:

Action	Date	FR Cite
NPRM	11/12/85	50 FR 46675
NPRM Comment Period End	12/12/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Charles I. Griffith, Director, Division of Higher Ed. Incentive Programs, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, Room 3022, ROB-3, Washington, DC 20202, **202 245-3253**

RIN: 1840-AA50

412. STUDENT ASSISTANCE GENERAL PROVISIONS-- SUBPARTS A, B, D, F, G

Significance: Regulatory Program

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1092; 20 USC 1094; 20 USC 1097; 20 USC 1141(a)

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48494
NPRM Comment Period End	02/11/85	
Final Action	06/00/86	

Small Entity: No

Agency Contact: Gail Cornish, Pell Grant Policy Specialist, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Washington, DC 20202, **202 472-4300**

RIN: 1840-AA11

413. ● NATIONAL DIRECT STUDENT LOAN PROGRAM (SUBPART C - DUE DILIGENCE)

Significance: Regulatory Program

Legal Authority: 20 USC 1087aa to 1087ii

CFR Citation: 34 CFR 674

Legal Deadline: None

Abstract: These amendments to Subpart C of the regulations provide strict standards in procedures for the collection of student loans under the NDSL Program. This would aid in reducing the number of defaulted loans under that program.

Timetable:

Action	Date	FR Cite
NPRM	02/26/85	50 FR 7872
NPRM Comment Period End	04/12/85	
Final Action	05/00/86	

Small Entity: No

Agency Contact: Margaret Henry, Chief, Policy Section, Campus-Based Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave. SW, Room 4018, ROB-3, Washington, DC 20202, **202 245-9720**

RIN: 1840-AA02

414. NATIONAL DIRECT STUDENT LOAN, COLLEGE WORK-STUDY, AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAMS (CAMPUS-BASED PROGRAMS)

Legal Authority: 20 USC 1087aa to 1087ii; 42 USC 2751 to 2756b; 20 USC 1070b to 1070b-3

CFR Citation: 34 CFR 674; 34 CFR 675; 34 CFR 676

Legal Deadline: None

Abstract: See Preamble. RIN 1840-AA02 is now a separate regulation.

Timetable:

Action	Date	FR Cite
NPRM	02/27/85	50 FR 8050
NPRM Comment Period End	04/29/85	
Final Action	06/00/86	

ED—OPE

Final Rule Stage

Small Entity: Undetermined

Agency Contact: Margaret Henry, Chief, Policy Section, Campus-based Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Room 4018, ROB-3, Washington, DC 20202, 202 245-9720

RIN: 1840-AA03

415. GUARANTEED STUDENT LOAN/PLUS PROGRAMS

Significance: Regulatory Program

Legal Authority: 20 USC 1071 to 1087-2

CFR Citation: 34 CFR 682; 34 CFR 683

Legal Deadline: None

Abstract: See Preamble. This action now includes previous RIN 1840-AA05 and 1840-AA37.

Timetable:

Action	Date	FR Cite
NPRM	09/04/85	50 FR 35964
NPRM Comment Period End	11/04/85	
Final Action	07/00/86	

Small Entity: No

Agency Contact: Ralph Madden, Acting Chief, Policy Section, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, Room 4310, ROB-3, Washington, DC 20202, 202 245-2475

RIN: 1840-AA04

416. GUARANTEED STUDENT LOAN -- 1986-87 FAMILY CONTRIBUTION SCHEDULE

Legal Authority: 20 USC 1078; 20 USC 1082

CFR Citation: 34 CFR 682

Legal Deadline: Statutory, April 1, 1986

Abstract: These regulations establish 1986-87 levels of expected family contributions that the Secretary of Education will use to determine student eligibility for interest subsidies under the Guaranteed Student Loan Program.

Timetable:

Action	Date	FR Cite
Final Action	04/01/86	

Small Entity: No

Agency Contact: Ralph Madden, Acting Chief, Policy Section, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, Room 4310, ROB-3, Washington, DC 20202, 202 245-2475

RIN: 1840-AA38

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Completed Actions

417. STUDENT ASSISTANCE GENERAL PROVISIONS - SUBPART E

Significance: Regulatory Program

CFR Citation: 34 CFR 668

Completed:

Reason	Date	FR Cite
Final Action	03/14/86	51 FR 8946
Final Action Effective	04/28/86	

Small Entity: Undetermined

Agency Contact: Fred Sellers 202 472-4300

RIN: 1840-AA31

418. ●STUDENT ASSISTANCE GENERAL PROVISIONS (SUBPART C - SELECTIVE SERVICE REGULATIONS REQUIREMENTS)

CFR Citation: 34 CFR 668

Completed:

Reason	Date	FR Cite
Final Action	06/28/85	50 FR 26950
Final Action Effective	09/01/85	

Small Entity: Undetermined

Agency Contact: Mike High 202 472-4300

RIN: 1840-AA47

419. GUARANTEED STUDENT LOAN/PLUS PROGRAMS (TAX-EXEMPT BONDS)

CFR Citation: 34 CFR 682

Completed:

Reason	Date	FR Cite
Merged with RIN 1840-AA04	02/03/86	

Small Entity: No

Agency Contact: Ralph Madden 202 245-2475

RIN: 1840-AA37

420. PELL GRANT PROGRAM - FAMILY CONTRIBUTION SCHEDULE - FAMILY SIZE OFFSETS

CFR Citation: 34 CFR 690

Completed:

Reason	Date	FR Cite
Final Action	02/04/86	51 FR 4472
Final Action Effective	03/21/86	

Small Entity: No

Agency Contact: Deborah Cohen 202 472-4300

RIN: 1840-AA33

[FR Doc. 86-6637 Filed 04-18-86; 8:45 am]
BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)

Prerule Stage

Office of Special Education and Rehabilitative Services (OSERS)

421. STATE INDEPENDENT LIVING REHABILITATION SERVICES PROGRAM

Legal Authority: 29 USC 711(c)

CFR Citation: 34 CFR 365

Legal Deadline: None

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
Begin Review	08/00/85	
End Review	00/00/00	

Small Entity: Undetermined

Agency Contact: Robert Davis, Assoc. Comm. Program Operations, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave., S.W. (Rm. 3038 Switzer), Washington, D.C. 20202, **202 732-1289**

RIN: 1820-AA37

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Special Education and Rehabilitative Services (OSERS)

422. ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

Legal Authority: 20 USC 1413; 20 USC 1416

CFR Citation: 34 CFR 300

Legal Deadline: None

Abstract: These regulations establish procedures for the disapproval of a State plan, and establish the rights of parties and the duties of the hearing official or panel.

Timetable:

Action	Date	FR Cite
NPRM	11/23/84	49 FR 46252
NPRM Comment Period End	02/21/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: William Tyrrell, Acting Director, Division of Assistance to States, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave, SW, (Rm. 3614 Switzer), Washington, DC 20202, **202 732-1014**

RIN: 1820-AA36

423. ● ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN -- AMENDMENT

Legal Authority: 20 USC 1411 (c)(2)(A)(i)(II)

CFR Citation: 34 CFR 300

Legal Deadline: None

Abstract: These regulations would implement a provision of the National Science, Engineering, and Mathematics Authorization Act of 1986 (P.L. 99-159).

Timetable:

Action	Date	FR Cite
Final Action	04/30/86	

Small Entity: Undetermined

Agency Contact: William Tyrrell, Acting Director, Division of Assistance to States, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave., SW, Washington, DC 20202, **202 732-1014**

RIN: 1820-AA38

DEPARTMENT OF EDUCATION (ED)

Completed Actions

Office of Special Education and Rehabilitative Services (OSERS)

424. SPECIAL PROJECTS AND DEMONSTRATIONS - TRANSITIONAL REHABILITATION SERVICES FOR HANDICAPPED YOUTH

CFR Citation: 34 CFR 376

Completed:

Reason	Date	FR Cite
Final Action	01/30/86	51 FR 3894
Final Action Effective	03/16/86	

Small Entity: No

Agency Contact: Albert Rotundo 202 **732-1299**

RIN: 1820-AA32

[FR Doc. 86-8637 Filed 04-18-86; 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office of Vocational and Adult Education (OVAE)

425. ● STATE VOCATIONAL EDUCATION PROGRAM AND THE SECRETARY'S DISCRETIONARY PROGRAMS OF VOCATIONAL EDUCATION

Legal Authority: 20 USC 2301 et seq

CFR Citation: 34 CFR 400; 34 CFR 401; 34 CFR 415

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the National Science, Engineering, and Mathematics Authorization Act of 1986 (P.L. 99-159).

Timetable:

Action	Date	FR Cite
NPRM	03/06/86	51 FR 7908
NPRM Comment Period End	04/21/86	

ED—OVAE **Proposed Rule Stage**

Action	Date	FR Cite
Final Action	07/00/86	

Small Entity: No

Agency Contact: Thomas L. Johns, Acting Director, Policy Analysis Staff, Department of Education, Office of Vocational and Adult Education, 400 Maryland Ave., SW, Room 620, Rptrs. Bldg., Washington, DC 20202, 202 732-2237

RIN: 1830-AA05

[FR Doc. 86-6637 Filed 04-18-86; 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office of Intergovernmental and Interagency Affairs (EDSI)

426. INTERGOVERNMENTAL REVIEW OF DEPARTMENT OF EDUCATION PROGRAMS AND ACTIVITIES -- LIST OF PROGRAMS

Legal Authority: EO 12372; 34 USC 6506; 42 USC 3334

CFR Citation: 34 CFR 79

Legal Deadline: None

Abstract: This notice would list those ED programs to be included and those ED programs to be excluded under EO 12372 and ED's implementing regulations in 34 CFR Part 79. The public will be given an opportunity to comment on the listing.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: F. LeRoy Walser, Acting Executive Director, Federal Interagency Committee on Ed., Department of Education, Office of Intergovernmental and Interagency Affairs, 400 Maryland Ave., SW, Room 2083, Washington, DC 20202, 202 447-7501

RIN: 1860-AA00

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Intergovernmental and Interagency Affairs (EDSI)

427. INTERGOVERNMENTAL REVIEW OF DEPARTMENT OF EDUCATION PROGRAMS AND ACTIVITIES

Legal Authority: EO 12372; 31 USC 6506; 42 USC 3334

CFR Citation: 34 CFR 79

Legal Deadline: None

Abstract: These amendments implement changes in the scope of the intergovernmental review process required by EO 12372.

Timetable:

Action	Date	FR Cite
NPRM	07/31/85	50 FR 30959
NPRM Comment Period End	09/16/85	
Final Action	05/00/86	

Small Entity: No

Agency Contact: F. LeRoy Walser, Acting Executive Director, Federal Interagency Committee on Ed., Department of Education, Office of Intergovernmental and Interagency Affairs, 400 Maryland Ave., SW, Room 2083, Washington, DC 20202, 202 447-7501

RIN: 1860-AA01

[FR Doc. 86-6637 Filed 04-18-86; 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Miscellaneous Department of Education (EDMIS)

428. ● EQUAL ACCESS TO JUSTICE

Legal Authority: 5 USC 504

CFR Citation: 34 CFR 21

Legal Deadline: None

Abstract: These regulations establish procedures for the award of fees and other expenses to applicants that prevail in adversary adjudications before the Department of Education. The regulations must be amended to reflect recent amendments to the Equal Access to Justice Act made by P.L. 99-80.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Peter Wathen-Dunn, General Attorney, Office of the General Counsel, Department of Education, Miscellaneous Department of Education, 400 Maryland Ave., SW, Room 4087, Washington, DC 20202, 202 732-2690

RIN: 1801-AA01

429. ● DUE PROCESS REGULATIONS

Legal Authority: 20 USC 1234; 20 USC 3872; 20 USC 1411 to 1420

ED—EDMIS **Proposed Rule Stage**

CFR Citation: 34 CFR 78; 34 CFR 204; 34 CFR 218; 34 CFR 222; 34 CFR 300

Legal Deadline: None

Abstract: The Department plans to revise and consolidate due process regulations governing notice and hearings, with the ultimate goal of having one set of procedures for cases heard by the Education Appeal Board and one for cases heard by an Administrative Law Judge.

Timetable:

Action	Date	FR Cite
NPRM	11/00/86	
Final Action	04/00/87	

Small Entity: Undetermined

Agency Contact: Amy Schwartz, Executive Assistant, Office of the General Counsel, Department of Education, Miscellaneous Department of Education, 400 Maryland Avenue, SW, Room 4087, FOB-6, Washington, DC 20202, **202 732-2603**

RIN: 1801–AA02

[FR Doc. 86-6637 Filed 04-18-86; 8:45 am]

BILLING CODE 4000-01-T

Federal Register

Monday
April 21, 1986

Part VII

Department of Energy

Semiannual Regulatory Agenda

DOE

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

41 CFR Chs. 9 and 109

48 CFR Ch. 9

Regulatory Agenda

AGENCY: Department of Energy.

ACTION: April 1986 regulatory agenda.

SUMMARY: In furtherance of this Administration's commitment to make government more responsive to the citizens of the United States and to assist in fulfilling the President's mandate to lessen regulatory burdens, the Department of Energy (DOE) is publishing an agenda of regulatory activities that DOE expects to take in the next year or has completed since October 1985. This Agenda provides the Administration with an effective tool for monitoring and controlling the promulgation of regulations. It includes (1) all rules expected to be issued as proposed or final rules before April 1987, (2) all rules being reviewed within the Department to determine whether to propose modifications through rulemaking, and (3) all rules for which regulatory action has been completed since the October 1985 Regulatory Agenda. In addition, the Agenda identifies each rule that DOE expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities," and thus also serves as the Department's regulatory flexibility agenda. The Agenda does not include routine regulations and those that relate to internal agency management.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the Agenda in general, contact: Robert E. Morey, Department of Energy, Room 6B-144, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9507.

Specific: For further information about any particular item on the Agenda, contact the individual listed under that item.

SUPPLEMENTARY INFORMATION:

Executive Order 12291, 46 FR 13193 (February 19, 1981), requires each Federal agency to publish, in April and October of each year, an agenda of proposed regulations that the agency has issued or expects to issue, and currently effective rules that are under agency review. Under the Executive Order, the Office of Management and Budget (OMB) sets forth standards and procedures for the preparation of these agendas.

There are important reasons for preparing this Agenda. It is vital in this Administration's efforts to reduce the burdens of existing and future regulations, to increase agency accountability for regulatory actions, to provide for Presidential oversight of the regulatory process, to minimize duplication and conflict of regulations, and to insure well-reasoned regulations. This Administration has made considerable progress in these efforts.

In fiscal year 1986, the Department (excluding the Federal Energy Regulatory Commission) is committed to a goal of achieving a 5 percent reduction in paperwork burden imposed on the public by its information collections. Special attention is being given to the reduction of the paperwork burden on the Department's management and operating contractors and other contractors, and substantial progress has already been made in these areas. In addition, for fiscal year 1986, the Energy Information Administration projects that the burden on the public of its energy information collections is expected to decrease by an additional 85,000 hours, or approximately 8.7 percent.

Executive Order 12291 also provides that the regulatory agenda may be incorporated with the "regulatory flexibility agenda" required under the Regulatory Flexibility Act, 5 U.S.C. 602. The regulatory flexibility agenda must contain: (1) A brief description of the subject area and a summary of the nature of any rule which the agency expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities"; (2) the objectives and legal basis for the issuance of the rule and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and (3) the name and telephone number of an agency official knowledgeable about each rule.

Appended to this notice is DOE's April 1986 Regulatory Agenda, reflecting the status of rules listed as of February 15, 1986. Incorporated in this Agenda is the regulatory flexibility agenda required under 5 U.S.C. 602.

The April 1986 Regulatory Agenda has been prepared in accordance with OMB Bulletin 86-4. Regulatory activities have been divided among categories according to their next stage: prerulemaking action, proposed rule, final rule, or completed action.

Regulations designated as "significant" are those which are also included in the "Regulatory Program of the United States Government," prepared pursuant to Executive Order 12498, 50 FR 1036 (January 8, 1985). Significant regulations also include those which, while not of Government-wide interest or importance, nevertheless are priorities of the individual agencies.

Each item will contain the following information: (1) DOE office or administration (that is, the DOE organizational unit responsible for the regulation); (2) RIN number (that is, the Regulation Identifier Number assigned by OMB/OIRA); (3) title; (4) significance (that is, if the regulation also is included in the Regulatory Program or, if not, is a DOE priority regulation); (5) agency contact (that is, the name, title, address and telephone number of a person who is knowledgeable about the regulation); (6) effects on small businesses and other entities (that is, whether the action is likely to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act); (7) CFR citation (that is, the section of the "Code of Federal Regulations" that will be affected); (8) legal authority (that is, a citation to the section of the "United States Code" (U.S.C.), Public Law (P.L.) or the Executive Order (E.O.) that authorizes the regulatory action); (9) abstract (that is, a description of the problem the regulation will address, the alternatives being considered for addressing the problem, and the potential costs and benefits of the action); (10) legal deadline (that is, the statutory or judicial deadline, if any); and (11) timetable (that is, the dates, and citations if applicable, for all past stages and at least the next stage of the rulemaking). In addition, each item regarding completed actions (that is, regulations completed or withdrawn and reviews completed since the preceding Agenda) states the date and citation, if appropriate.

DOE

On March 14, 1986, a draft of the Agenda was transmitted to the Chief Counsel for Advocacy of the Small Business Administration for comment, if any, to fulfill the requirements of 5 U.S.C. 602(b).

DOE's next Agenda will be published in October 1986.

Issued in Washington, D.C. on March 14, 1986.

J. Michael Farrell,
General Counsel.

Conservation and Renewable Energy—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
430	Federal Energy Management & Planning Programs Methodology & Procedures for Life Cycle Costing Analyses	1904-AA06
431	Procedures for Preliminary Energy Audits and Guidelines for Buildings Plans	1904-AA09
432	Federal Energy Management Program (FEMP) Guidelines for General Operations Plans	1904-AA10
433	Energy-Efficiency Standards for Thirteen Types of Consumer Products	1904-AA28

Conservation and Renewable Energy—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
434	Energy Performance Standards for New Buildings-- Commercial Buildings	1904-AA08
435	Energy Efficiency Test Procedures for Water Heaters	1904-AA12
436	Energy Efficiency Test Procedures -- Waiver	1904-AA22
437	Energy Efficiency Test Procedures for Central Air Conditioners	1904-AA23
438	Energy Performance Standards for New Buildings -- Federal Residential Buildings	1904-AA27

Conservation and Renewable Energy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
439	Energy Efficiency Standards for Four Types of Consumer Products	1904-AA04
440	Energy Efficiency Standards for Three Types of Consumer Products	1904-AA05
441	Commercial and Apartment Conservation Service (CACS) Standby Program Regulations	1904-AA16
442	Twenty-six State Petitions Regarding Federal Preemption of State Energy Efficiency Standards for Appliances	1904-AA19
443	Weatherization Assistance for Low-Income Persons -- Amendments	1904-AA20
444	State Petition Regarding Federal Preemption of State Energy Efficiency Standards for Appliances	1904-AA24

Departmental and Others—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
445	Loan Guarantee for Development of Underground Coal Mines and Construction of Coal Preparation Plants	1901-AA02

Departmental and Others—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
446	Non-Department of Energy Funded Work	1901-AA05
447	Basis of Fees for Disposal of U.S. Department of Energy Defense High-Level Wastes	1901-AA06
448	Part 605 Special Research Grants Program; Proposed Rule	1901-AA07

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Departmental and Others—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
449	Proposed Uranium Enrichment Services Criteria	1901-AA08

Economic Regulatory Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
450	Proposed Rule Establishing New Administrative Procedures with Respect to Short-Term Imports and Exports of Natural Gas	1903-AA07

Economic Regulatory Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
451	Review and Establishment of Natural Gas Curtailment Priorities for Interstate Pipelines	1903-AA00
452	Administrative Procedures for Adjustments of Natural Gas Curtailment Priority Regulations	1903-AA04

Management and Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
453	Financial Assistance Regulations; Cooperative Agreements	1991-AA03
454	Department of Energy Acquisition Regulation Revisions	1991-AA23
455	Department of Energy Acquisition Regulation	1991-AA25
456	Department of Energy Property Management Regulation	1991-AA28
457	Department of Energy Acquisition Regulation	1991-AA32
458	Department of Energy Financial Assistance Rules	1991-AA34
459	Department of Energy Financial Assistance Rules	1991-AA35
460	Department of Energy Acquisition Regulation (DEAR)	1991-AA36

Management and Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
461	Department of Energy Financial Assistance Rules	1991-AA21
462	Department of Energy Acquisition Regulation	1991-AA26
463	Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs	1991-AA27
464	Department of Energy Acquisition Regulation	1991-AA29
465	Department of Energy Acquisition Regulation	1991-AA33

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Management and Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
466	Department of Energy Acquisition Regulation	1991-AA30
467	Department of Energy Financial Assistance Rules	1991-AA31

Office of General Counsel—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
468	Amendments to Department of Energy Conduct of Employees	1990-AA00
469	Patent Waiver Regulation	1990-AA02
470	Foreign Gifts and Decorations	1990-AA04

Office of General Counsel—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
471	Clarification of the Term Byproduct Material	1990-AA05

DEPARTMENT OF ENERGY (DOE)

Prerule Stage

Conservation and Renewable Energy (CE)

430. FEDERAL ENERGY MANAGEMENT & PLANNING PROGRAMS METHODOLOGY & PROCEDURES FOR LIFE CYCLE COSTING ANALYSES

Legal Authority: PL 95-619, Sec 545; PL 96-294, Sec 405; 42 USC 8255; EO 11912; EO 12003; PL 95-619, Sec 547

CFR Citation: 10 CFR 436

Legal Deadline: None

Abstract: The National Energy Conservation Policy Act requires DOE to promulgate regulations that establish a methodology for estimating and comparing the life cycle costs of Federal buildings and for determining life cycle cost effectiveness. The Energy Security Act requires that the regulations provide for the use of marginal costs in the life cycle cost analysis. DOE is seeking legislative revisions to NECPA to authorize use of average energy costs rather than marginal costs in LCC analysis.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: J. William Bethea, Director, Federal Energy Management Program, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-9430**

RIN: 1904-AA06

431. PROCEDURES FOR PRELIMINARY ENERGY AUDITS AND GUIDELINES FOR BUILDINGS PLANS

Legal Authority: PL 94-163; PL 95-619; EO 11912; EO 12003

CFR Citation: 10 CFR 436

Legal Deadline: None

Abstract: The regulations in Subpart B are needed to provide the procedures for conducting and reporting on preliminary energy audits of Federal buildings, as required by Title V, Part 3, of the National Energy Conservation Policy Act (NECPA) and section 10 of EO 11912, as amended. The regulations in Subpart C are needed to provide guidelines for the formulation and updating of Buildings Plans by Federal agencies to achieve goals for reduction of Federal building energy use, pursuant to section 10 of EO 11912, as amended, section 381 of the Energy Policy and Conservation Act, as amended, and NECPA. DOE is reviewing these procedures and guidelines in order to determine how to make them less prescriptive.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: J. William Bethea, Director, Federal Energy Management Program, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-9430**

RIN: 1904-AA09

DOE—CE

Prerule Stage

432. FEDERAL ENERGY MANAGEMENT PROGRAM (FEMP) GUIDELINES FOR GENERAL OPERATIONS PLANS

Legal Authority: PL 94-163, Sec 201; PL 96-102, Sec 211; EO 11912; EO 12003

CFR Citation: 10 CFR 436

Legal Deadline: None

Abstract: This rule is needed to provide guidelines for use by Federal agencies in their development of overall 10-year energy management plans to conserve energy in the general operations of the agencies, and to provide for agency responses to energy emergencies per authorities cited section 9. DOE is reviewing these guidelines in order to determine how to make them less prescriptive.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: J. William Bethea, Director, Federal Energy Management Program, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9430

RIN: 1904-AA10

433. ● ENERGY-EFFICIENCY STANDARDS FOR THIRTEEN TYPES OF CONSUMER PRODUCTS

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Judicial, 00/00/00

Abstract: Congress directed DOE to prescribe energy efficiency standards for thirteen types of major household appliances. This requirement does not apply, however, if DOE determines, by rule, that establishment of a standard will not result in significant conservation of energy or is not technologically feasible or economically justified. On July 16, 1985, the United States Court of Appeals for the District of Columbia Circuit set aside all final rules regarding appliance efficiency standards which the Department had promulgated up to that time. In light of the court decision, the Department intends to initiate new rulemakings for all thirteen covered products. The thirteen covered products are refrigerators/refrigerator-freezers, freezers, dishwashers, clothes dryers, water heaters, room air conditioners, home heating equipment not including furnaces, television sets, kitchen ranges and ovens, clothes washers, humidifiers/dehumidifiers, central air conditioners, and furnaces.

There is a statutory requirement to review these rules every five years.

Timetable:

Action	Date	FR Cite
Notice of Inquiry (Engineering Analysis, etc)	09/00/86	
NPRM	08/00/88	
NPRM Comment Period End	11/00/88	
Final Action	07/00/89	

Small Entity: Undetermined

Agency Contact: Michael J. McCabe, Chief, Test and Evaluation Branch (CF-217), Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9127

RIN: 1904-AA28

DEPARTMENT OF ENERGY (DOE)
Conservation and Renewable Energy (CE)

Proposed Rule Stage

434. ENERGY PERFORMANCE STANDARDS FOR NEW BUILDINGS--COMMERCIAL BUILDINGS

Legal Authority: PL 94-385; PL 96-399; PL 95-91; PL 97-35

CFR Citation: 10 CFR 435

Legal Deadline: Statutory, October 1983. Deadline for Final Rule.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary guidelines for the private sector and mandatory standards for the federal government.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	
NPRM Comment Period End	05/15/86	
Interim Final Rule	09/15/86	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: James A. Smith, Director, Buildings Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9835

RIN: 1904-AA08

435. ENERGY EFFICIENCY TEST PROCEDURES FOR WATER HEATERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Legal Deadline: None

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. The purpose of the rulemaking is to establish test procedures for heat pump water heaters and to eliminate the need for the test procedure waiver granted to A. O. Smith for its water heater with a thermal compensatory dip tube. Based on the comments received pursuant to the February 8, 1984, NPRM, the Department is preparing a new NPRM. This NPRM will propose a single test procedure to cover both gas, oil and electric water heaters as well as heat pump water heaters.

Timetable:

Action	Date	FR Cite
NPRM	02/08/84	49 FR 4870
NPRM Comment Period End	05/21/84	49 FR 4870
NPRM	07/00/86	

Small Entity: No

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-9127**

RIN: 1904-AA12

436. ENERGY EFFICIENCY TEST PROCEDURES -- WAIVER

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.27

Legal Deadline: None

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. The Department can temporarily waive test procedure requirements for a particular covered product when characteristics of that product prevent use of the prescribed test procedures or lead to results of the test procedures that provide materially inaccurate comparative data. The purpose of this rulemaking is to streamline the waiver process.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
NPRM Comment Period End	05/00/86	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: No

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-9127**

RIN: 1904-AA22

437. ENERGY EFFICIENCY TEST PROCEDURES FOR CENTRAL AIR CONDITIONERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Legal Deadline: None

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. The purpose of the rulemaking is to establish test procedures for water-source heat pumps and multi-evaporator heat pumps; to eliminate the test procedure waiver granted to Borg-Warner Central Environmental Systems for its variable speed heat pump; and to incorporate, by reference, the American Society of Heating, Refrigerating, and Air-conditioning Engineers Standard 116-83 and the Air-conditioning and Refrigeration Institute Standard 210/240-84 into the test procedures.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
NPRM Comment Period End	09/00/86	
Final Action	03/00/87	
Final Action Effective	04/00/87	

Small Entity: No

Additional Information: A Notice of Inquiry was published in the Federal Register on April 2, 1985 to request comments on a rating procedure to determine the energy performance of a central air conditioner combination (condensing unit and indoor coil) without conducting the full laboratory procedure prescribed by the DOE test procedures. 50 FR 13042. DOE is considering proposing such a rating method in the rulemaking.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-9127**

RIN: 1904-AA23

438. ● ENERGY PERFORMANCE STANDARDS FOR NEW BUILDINGS -- FEDERAL RESIDENTIAL BUILDINGS

Legal Authority: PL 94-385; PL 96-399; PL 95-91; PL 97-35

CFR Citation: 10 CFR 345

Legal Deadline: Statutory, October 1983. Deadline for Final Rule.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary guidelines for the private sector and mandatory standards for the federal government.

Timetable:

Action	Date	FR Cite
NPRM	04/15/86	
NPRM Comment Period End	07/15/86	

Small Entity: No

Agency Contact: James A. Smith, Director, Building Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW, Washington, DC 20585, **202 252-9835**

RIN: 1904-AA27

DEPARTMENT OF ENERGY (DOE)

Conservation and Renewable Energy (CE)

Completed Actions

439. ENERGY EFFICIENCY STANDARDS FOR FOUR TYPES OF CONSUMER PRODUCTS

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Statutory. Section 325(i)(4) of the Act requires that DOE prescribe a rule for an energy efficiency standard for the four products not earlier than 60 days after publication of the notice of proposed rulemaking, but not later than two years after publication of the advance notice of proposed rulemaking.

Abstract: Congress directed DOE to prescribe energy efficiency standards for certain specific consumer products unless DOE determines, by rule, that the establishment of such standard will not result in significant conservation of energy or is not technologically feasible

or economically justified. This rule deals with four of these products: dishwashers, clothes washers, television sets, and humidifiers and dehumidifiers. The analysis will include all allowable alternatives including various efficiency levels for these consumer products as well as the alternative of no efficiency standard for these consumer products.

Timetable:

Action	Date	FR Cite
ANPRM	12/13/79	44 FR 72276
NPRM	04/01/85	50 FR 12966
NPRM Comment Period End	07/01/85	
Withdrawn	03/05/86	51 FR 7582

Small Entity: Undetermined

Additional Information: The United States Court of Appeals for the District of Columbia Circuit decided on July 16, 1985, to set aside the final rules regarding Federal appliance energy efficiency standards. The final rule for clothes washers and kitchen ranges and ovens was published on December 22, 1982, (47 FR 57198). The final rule for refrigerators and refrigerator-freezers, freezers, water heaters, room air conditioners, furnaces and central air conditioners was published on August 30, 1983 (48 FR 39376). In light of the court decision, the Department has withdrawn this proposed rulemaking. The Department intends to initiate new rulemakings for all 13 covered products.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9127

RIN: 1904-AA04

440. ENERGY EFFICIENCY STANDARDS FOR THREE TYPES OF CONSUMER PRODUCTS

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Statutory. Section 325(i)(4) requires DOE to prescribe a rule for an energy efficiency standard for the three products not earlier than 60 days after publication of the notice of proposed rulemaking, but not later than two years after publication of the advance notice of proposed rulemaking.

Abstract: Congress directed DOE to prescribe energy efficiency standards for certain specific consumer products unless DOE determines, by rule, that the establishment of such standard will not result in significant conservation of energy or is not technologically feasible or economically justified. This rule deals with heat pumps, heat pump water heaters and home heating equipment (not including furnaces). The analysis will include all allowable alternatives including various efficiency levels as well as the alternative of no efficiency standard.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/80	45 FR 5602
End Review	03/05/86	

Small Entity: Undetermined

Additional Information: The United States Court of Appeals for the District of Columbia Circuit decided on July 16, 1985, to set aside the final rules regarding Federal appliance energy efficiency standards. The final rule for clothes washers and kitchen ranges and ovens was published on December 22, 1982 (47 FR 57198). The final rule for refrigerators and refrigerator-freezers, water heaters, room air conditioners, furnaces and central air conditioners was published on August 30, 1983 (48 FR 39376). In light of the court decision, the Department intends to initiate new rulemakings for all 13 covered products.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9127

RIN: 1904-AA05

441. COMMERCIAL AND APARTMENT CONSERVATION SERVICE (CACS) STANDBY PROGRAM REGULATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 8284

CFR Citation: 10 CFR 458.701 to 458.716

Legal Deadline: Statutory, September 4, 1984

Abstract: On October 26, 1983, DOE issued a final rule in compliance with Title VII of the National Energy Conservation Policy Act, as amended, establishing the Commercial and Apartment Conservation Service (CACS) Program. The CACS Program is an energy audit program for commercial and apartment buildings to be carried out by public utilities in accordance with Plans developed by States. NECPA requires DOE to administer the Program in States that choose not to submit Plans (and in States determined not to be adequately implementing a State Plan). DOE will administer the program in the manner set forth in the CACS Standby Program Regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50970
NPRM Comment Period End	03/01/85	49 FR 50970
Final Action	09/17/85	50 FR 37818
Final Action Effective	10/17/85	50 FR 37818

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Shelley Launey (202) 252-1650.

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Final EIS 08/00/83 (48 FR 50935)

Agency Contact: Andre Van Rest, Supr. Conservation Program Specialist, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-1650

RIN: 1904-AA16

442. TWENTY-SIX STATE PETITIONS REGARDING FEDERAL PREEMPTION OF STATE ENERGY EFFICIENCY STANDARDS FOR APPLIANCES

Significance: Regulatory Program

Legal Authority: 42 USC 6297 (b)(3)

CFR Citation: 10 CFR 430.33

Legal Deadline: Statutory, 00/00/00. Section 327(b) (4) of the Act requires that DOE, within 6 months after the date any petition is filed, shall deny such petition or prescribe the requested rule, except that it may publish a notice in the Federal Register extending such period to a date certain.

Abstract: This is a rulemaking responding to 26 State petitions that the Department promulgate rules exempting various of the States' appliance energy efficiency standards from federal preemption, regarding six types of major household appliances. The appliances are: refrigerators and refrigerator-freezers, freezers, water heaters, room air conditioners, central air conditioners, and furnaces.

DOE—CE

Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	08/17/84	49 FR 32944
NPRM Comment Period End	11/15/84	
Withdrawn	03/05/86	51 FR 7582

Small Entity: No

Additional Information: The United State Court of Appeals for the District of Columbia Circuit decided on July 16, 1985, to set aside the final rules regarding Federal appliance energy efficiency standards. The final rule for clothes washers and kitchen ranges and ovens was published on December 22, 1982 (47 FR 57198). The final rule for refrigerators and refrigerator-freezers, freezers, water heaters, room air conditioners, furnaces and central air conditioners was published on August 30, 1983 (48 FR 39376). In light of the court decision, the Department has withdrawn this proposed rulemaking.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-9127**

RIN: 1904-AA19

443. WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS -- AMENDMENTS

Legal Authority: 42 USC 6861

CFR Citation: 10 CFR 440

Legal Deadline: Statutory, October 1, 1985. Statute requires performance fund "beginning in fiscal year 1986".

Abstract: This rulemaking will implement the change to the program regulations required by the Human Services Reauthorization Act of 1984. The amendment requires DOE to establish a performance fund of not less than 5 percent and not more than 15 percent of the annual program appropriation, beginning in fiscal year 1986.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29620
NPRM Comment Period End	09/17/85	
Final Action	12/05/85	50 FR 49912
Final Action Effective	01/06/86	50 FR 49912

Small Entity: No

Agency Contact: Greg Reamy, Energy Conservation Program Specialist, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW, Washington, DC 20585, **202 252-2204**

RIN: 1904-AA20

444. STATE PETITION REGARDING FEDERAL PREEMPTION OF STATE ENERGY EFFICIENCY STANDARDS FOR APPLIANCES

Significance: Regulatory Program

Legal Authority: 42 USC 6297(b)(3)

CFR Citation: 10 CFR 430.33

Legal Deadline: Statutory, 00/00/00. Section 327(b)(4) of the Act requires that DOE, within 6 months after the date any petition is filed, shall deny such petition or prescribe the requested rule, except that it may publish a notice in the Federal Register extending such period to a date certain.

Abstract: This is a rulemaking responding to two State petitions that the Department promulgate rules exempting various States' appliance energy efficiency standards from Federal preemption. For Michigan, the appliances addressed in the State's petition are gas furnaces, gas clothes dryers, and gas kitchen ranges and ovens. For Hawaii, the appliance addressed in the State's petition is water heaters.

Timetable:

Action	Date	FR Cite
NPRM	05/24/85	50 FR 21450
NPRM Comment Period End	08/22/85	
Withdrawn	03/05/86	51 FR 7582

Small Entity: No

Additional Information: The United States Court of Appeals for the District of Columbia Circuit decided on July 16, 1985, to set aside the final rules regarding Federal appliance energy efficiency standards. The final rule for clothes washers and kitchen ranges and ovens was published on December 22, 1982 (47 FR 57198). The final rule for refrigerators and refrigerator-freezers, freezers, water heaters, room air conditioners, furnaces and central air conditioners was published on August 30, 1983 (48 FR 39376). In light of the court decision, the Department has withdrawn this proposed rulemaking.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-9127**

RIN: 1904-AA24

[FR Doc. 86-6638 Filed 04-18-86; 8:45 am]
BILLING CODE 6450-01-T

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Prerule Stage

445. LOAN GUARANTEE FOR DEVELOPMENT OF UNDERGROUND COAL MINES AND CONSTRUCTION OF COAL PREPARATION PLANTS

Legal Authority: 42 USC 6211

CFR Citation: 10 CFR 300, (Revision)

Legal Deadline: None

Abstract: The Coal Loan Guarantee Program is designed to encourage and assist relatively small coal producers to increase the nation's coal production from low-sulfur underground coal mines; to enhance competition within the coal industry; to encourage new market entry by small coal producers who, historically, have been unable to obtain adequate long-term financing; and to encourage the construction of coal preparation plants designed to reduce the sulfur content of coal.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Peter Muchunas, Program Manager, Department of Energy, Departmental and Others, FE-23, Germantown, MD, **301 353-2603**

RIN: 1901-AA02

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Proposed Rule Stage

446. ● NON-DEPARTMENT OF ENERGY FUNDED WORK

Legal Authority: PL 95-91, Sec 646; PL 95-91, Sec 649; 31 USC 1535; 31 USC 1536; 42 USC 2051; 42 USC 2053; 42 USC 2201

CFR Citation: 10 CFR 1009

Legal Deadline: None

Abstract: An existing Department of Energy (DOE) Order, DOE 4200.2 RESEARCH AND DEVELOPMENT WORK PERFORMED FOR OTHERS BY GOVERNMENT-OWNED, CONTRACTOR - OPERATED FACILITIES, is in the process of being revised and expanded into a new DOE Order, NON-DEPARTMENT OF ENERGY FUNDED WORK. This Order established DOE policy, responsibilities, and procedures for authorizing and administering non-DOE funded work performed under DOE contracts. Such work makes use of public property, and any revision or reissue of the Order may be governed by the requirements of the Administrative Procedure Act, 5 USC 553. The DOE General Counsel will be asked to determine the applicability of 5 USC 553 to the issuance of the New Order, and, if required, a proposed rule will be developed in FY 1986 to ensure that work conducted by the Department's laboratories for other Federal agencies, State and local governments, businesses, industry, and universities constitutes acceptable, effective, and efficient use of DOE facilities. The cost of this rule to DOE is expected to be minimal while benefits to DOE and others, although difficult to quantify, is expected to be significant.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Lawrence K. Akers, Program Analyst, Department of Energy, Departmental and Others, Washington, DC 20585, 202 252-9746

RIN: 1901-AA05

447. ● BASIS OF FEES FOR DISPOSAL OF U.S. DEPARTMENT OF ENERGY DEFENSE HIGH-LEVEL WASTES

Significance: Regulatory Program

Legal Authority: PL 97-425, Sec 302; PL 97-425, Sec 8; EO 12291

CFR Citation: 10 CFR 961

Legal Deadline: None

Abstract: The purpose of this rulemaking is to determine the charges to be paid by DOE Defense Programs to the Office of Civilian Radioactive Waste Management for the disposal of defense high level waste in civilian repositories to be constructed pursuant to the Nuclear Waste Policy Act of 1982. The Department will consider several options relating to both the determination of total charges and of payment schedules.

Timetable:

Action	Date	FR Cite
NPRM	04/30/86	
NPRM Comment Period End	06/30/86	
Final Action	08/15/86	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Ronald Milner, Director, Analytical Services & Financial Management, Department of Energy, Departmental and Others, Office of Civilian Radioactive Waste Mgmt., (RW-12), Washington, DC 20585, 202 252-9173

RIN: 1901-AA06

448. ● PART 605 SPECIAL RESEARCH GRANTS PROGRAM; PROPOSED RULE

Legal Authority: 42 USC 2051; 42 USC 5817; 42 USC 5901; 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 605

Legal Deadline: None

Abstract: This action would revise administrative guidelines in order to clarify and streamline DOE-OER pre and post award policies and procedures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Not Applicable

Agency Contact: Robert Zich, Director, Acquisition and Assistance, Management Division, Department of Energy, Departmental and Others, (ER64), Washington, DC 20545, 301 353-5544

RIN: 1901-AA07

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Final Rule Stage

449. ● PROPOSED URANIUM ENRICHMENT SERVICES CRITERIA

Significance: Agency Priority

Legal Authority: 42 USC 2201 (v)

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: The proposed criteria, which constitute the terms and conditions under which the Department of Energy offers uranium enrichment services to civilian customers, will reinforce continuing efforts to conduct the Department's enrichment activities in a more businesslike and competitive manner in the context of the highly competitive marketplace that exists today.

Timetable:

Action	Date	FR Cite
NPRM	01/29/86	51 FR 3624
NPRM Comment Period End	02/28/86	51 FR 3624
Next Action Undetermined		

Small Entity: No

Agency Contact: Lawrence Leiken, Attorney, Department of Energy, Departmental and Others, 1000 Independence Ave., SW, Washington, DC 20585, 202 252-6975

RIN: 1901-AA08

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DEPARTMENT OF ENERGY (DOE)
Economic Regulatory Administration (ERA)

Proposed Rule Stage

450. ● PROPOSED RULE ESTABLISHING NEW ADMINISTRATIVE PROCEDURES WITH RESPECT TO SHORT-TERM IMPORTS AND EXPORTS OF NATURAL GAS

Significance: Agency Priority

Legal Authority: 15 USC 717b; 42 USC 7101 et seq; EO 12009

CFR Citation: 10 CFR 590

Legal Deadline: None

Abstract: The proposed rule would amend the administrative procedure regulations contained in 10 CFR 590, by establishing a new Subpart F to provide alternative, expedited procedures regarding applications to import and export natural gas on a short-term basis. The purpose of the proposed rule is to reduce the regulatory burden on parties wishing to import or export natural gas on a short-term or spot market basis by streamlining our licensing process, thus facilitating the operation of the market.

Timetable:

Action	Date	FR Cite
NPRM	04/04/86	
Public hearing	04/29/86	
NPRM Comment Period End	05/16/86	

Small Entity: No

Agency Contact: Paula A. Daigneault, Director, Natural Gas Division, Department of Energy, Economic Regulatory Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9482

RIN: 1903-AA07

DEPARTMENT OF ENERGY (DOE)
Economic Regulatory Administration (ERA)

Completed Actions

451. REVIEW AND ESTABLISHMENT OF NATURAL GAS CURTAILMENT PRIORITIES FOR INTERSTATE PIPELINES

Legal Authority: 42 USC 7151; 42 USC 7172; 15 USC 3391 to 3393

CFR Citation: 10 CFR 598

Legal Deadline: None

Abstract: The proposed rule establishes natural gas curtailment priorities applicable to deliveries by interstate pipelines during periods when not enough gas is available to supply all customers. The proposed rule implements the rulemaking requirements of Title IV of the Natural Gas Policy Act of 1978 by establishing curtailment priorities for high priority uses and for essential agricultural and essential industrial feedstock and process uses.

Timetable:

Action	Date	FR Cite
NPRM	07/02/80	45 FR 45098
Withdrawn from Agenda. No action expected this year.	03/28/86	

Small Entity: Not Applicable

Additional Information: FERC currently is reviewing the proposed rule pursuant to section 404 of the DOE Act. Final Rule will be issued approximately six weeks after FERC concurrence is received. A regulatory flexibility analysis is not required in regard to this rule since the notice of proposed rulemaking was issued prior to January 1, 1981.

Agency Contact: Constance Buckley, Department of Energy, Economic Regulatory Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9482

RIN: 1903-AA00

452. ADMINISTRATIVE PROCEDURES FOR ADJUSTMENTS OF NATURAL GAS CURTAILMENT PRIORITY REGULATIONS

Legal Authority: 15 USC 3412; 42 USC 7101; 5 USC 553

CFR Citation: 10 CFR 580; 10 CFR 585

Legal Deadline: None

Abstract: This rule proposes procedures for seeking interpretations, modifications, or rescissions of natural gas curtailment priority regulations for essential agricultural uses. The Federal Energy Regulatory Commission (FERC) took jurisdiction over the proposed rule on June 15, 1979, under Section 404 of the DOE Organization Act, and the matter is currently at FERC.

Timetable:

Action	Date	FR Cite
NPRM	05/07/79	44 FR 27676
NPRM Comment Period End	06/08/79	44 FR 27676
Withdrawn from Agenda. No action expected this year.	03/28/86	

Small Entity: No

Agency Contact: Constance Buckley, Department of Energy, Economic Regulatory Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9482

RIN: 1903-AA04

[FR Doc. 86-6638 Filed 04-18-86; 8:45 am]
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DEPARTMENT OF ENERGY (DOE)

Management and Administration (MA)

Proposed Rule Stage

453. FINANCIAL ASSISTANCE REGULATIONS; COOPERATIVE AGREEMENTS

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 600C

Legal Deadline: None

Abstract: This revision would conform DOE rules on cooperative agreement award and administration with DOE and government-wide financial assistance policy (the latter contained in OMB circulars A-102 and A-110) and would reflect DOE experience under the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
NPRM Comment Period End	05/00/86	
Final Action	07/00/86	
Final Action Effective	08/00/86	

Small Entity: No

Agency Contact: Cherlyn Seckinger, Procurement Analyst, Department of Energy, Management and Administration, MA-421.2, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-8190

RIN: 1991-AA03

454. DEPARTMENT OF ENERGY ACQUISITION REGULATION 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 950

Legal Deadline: None

Abstract: The Department of Energy Acquisition Regulation, promulgated March 29, 1984, at 49 FR 11922, supplements and implements the Federal Acquisition Regulation. A more recent Federal Acquisition Circular has been issued to establish a FAR Part 27 concerning Patents. It will be necessary to revise Part 927 of the DEAR to supplement and implement the FAR and to explain how DOE patent policy will differ due to our statutory requirements. The Department also plans to revise Part 950 of the DEAR regarding extraordinary contract actions to describe how such requests will be handled. Neither of the actions is anticipated to have any cost impact.

Timetable:

Action	Date	FR Cite
NPRM	04/01/86	
NPRM Comment Period End	05/15/86	
Final Action	08/01/86	
Final Action Effective	09/01/86	

Small Entity: No

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Management and Administration, MA-421.1, Washington, DC 20585, 202 252-8250

RIN: 1991-AA23

455. DEPARTMENT OF ENERGY ACQUISITION REGULATION

Legal Authority: 42 USC 2011 et seq; 42 USC 7154

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: This action would update and consolidate in one place all provisions applicable to the subcontracting practices of DOE management and operating contractors.

Timetable:

Action	Date	FR Cite
NPRM	03/15/86	
NPRM Comment Period End	04/30/86	

Small Entity: No

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 252-8247

RIN: 1991-AA25

456. DEPARTMENT OF ENERGY PROPERTY MANAGEMENT REGULATION

Legal Authority: 42 USC 7254

CFR Citation: 41 CFR 109

Legal Deadline: None

Abstract: To update the Property Management Regulations regarding official use of motor vehicles. The rule would also make various other minor upgrading changes.

Timetable:

Action	Date	FR Cite
NPRM	08/01/86	
NPRM Comment Period End	09/01/86	
Final Action	11/01/86	
Final Action Effective	12/01/86	

Small Entity: No

Agency Contact: Robert Wilson, Property Management Representative, Department of Energy, Management and Administration, 1000 Independence Ave SW, Washington, DC 20585, 202 252-8260

RIN: 1991-AA28

457. DEPARTMENT OF ENERGY ACQUISITION REGULATION

Legal Authority: 42 USC 7254

CFR Citation: 48 CFR 945

Legal Deadline: None

Abstract: To revise standards relative to contractor acquisition of government property.

Timetable:

Action	Date	FR Cite
NPRM	04/01/86	
NPRM Comment Period End	05/01/86	
Final Action	07/31/86	
Final Action Effective	08/31/86	

Small Entity: No

Agency Contact: Edward Pietsch, Property Management Representative, Department of Energy, Management and Administration, 1000 Independence Ave. SW, Washington, DC 20585, 202 252-8252

RIN: 1991-AA32

458. DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE RULES

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 600.117

Legal Deadline: None

Abstract: This revision would update and clarify the property provisions of the rule. The principal change would be to raise the dollar threshold for recipient recordkeeping and property accountability under the Department of Energy Financial Assistance Rules (FAR).

DOE—MA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	05/01/86	
NPRM Comment Period End	05/30/86	

Small Entity: No

Additional Information: Related to 1991-AA21.

Agency Contact: Ellen Feinsilber, Chief, Business and Financial Policy Branch, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-8173

RIN: 1991-AA34

459. DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE RULES

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 600.6; 10 CFR 600.7; 10 CFR 600.9; 10 CFR 600.14

Legal Deadline: None

Abstract: This regulatory revision of DOE Financial Assistance Rules (FAR) would establish more detailed documentation procedures and clarify the restricted eligibility requirements governing financial assistance awards on a non-competitive basis.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
NPRM Comment Period End	04/00/86	

Small Entity: No

Additional Information: Related to 1991-AA21.

Agency Contact: Ellen Feinsilber, Chief, Business and Financial Policy Branch, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-8173

RIN: 1991-AA35

460. ● DEPARTMENT OF ENERGY ACQUISITION REGULATION (DEAR)

Legal Authority: PL 99-145, Sec 1534

CFR Citation: 48 CFR 970

Legal Deadline: Statutory, April 7, 1986. Publication of final rule.

Abstract: Amend procurement regulations (DEAR) to make unallowable for reimbursement under DOE Management and Operating contracts the ten cost items specified in Section 1534 as non-allowable costs.

Timetable:

Action	Date	FR Cite
NPRM	03/04/86	51 FR 7469
NPRM Comment Period End	04/03/86	
Final Action	04/00/86	
Final Action Effective	04/00/86	

Small Entity: No

Agency Contact: Rudolph J. Schuhbauer, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-8173

RIN: 1991-AA36

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Final Rule Stage

461. DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE RULES

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 600.20; 10 CFR 600.102; 10 CFR 600.103; 10 CFR 600.106; 10 CFR 600.108; 10 CFR 600.114; 10 CFR 600.115; 10 CFR 600.119

Legal Deadline: None

Abstract: The revised regulation would provide modified and simplified policies and procedures with respect to research administration. The revision would eliminate burdensome obligations such as prior approval of certain budgetary changes and would permit more flexibility in the use of funds awarded.

Timetable:

Action	Date	FR Cite
NPRM	08/13/85	50 FR 32684
NPRM Comment Period End	09/10/85	50 FR 32684
Final Action	03/03/86	
Final Action Effective	04/01/86	

Small Entity: No

Agency Contact: Ellen Feinsilber, Chief, Business and Financial Policy Branch, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-8173

RIN: 1991-AA21

462. DEPARTMENT OF ENERGY ACQUISITION REGULATION

Legal Authority: 42 USC 7254 Department of Energy Organization Act

CFR Citation: 48 CFR 914; 48 CFR 933; 48 CFR 952; 48 CFR 970

Legal Deadline: None

Abstract: To provide new bid protest procedures. This action is the Department's Implementation of the government-wide policy of the Federal Acquisition Regulation required by the Competition in Contracting Act.

Timetable:

Action	Date	FR Cite
NPRM	03/27/85	50 FR 13053
NPRM Comment Period End	05/28/85	50 FR 13053
Final Action	04/01/86	
Final Action Effective	05/01/86	

Small Entity: No

Agency Contact: G. L. Allen, Director, Business Clearance, Department of Energy, Management and Administration, 1000 Independence Ave SW, Washington, DC 20585, 202 252-1526

RIN: 1991-AA26

463. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 4601

CFR Citation: 10 CFR 1039

Legal Deadline: None

DOE—MA

Final Rule Stage

Abstract: Provides implementation of PL 91-646 (Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs Policies Act of 1970), which requires that owners of real property that will be acquired for Federal or Federally assisted programs and persons displaced from their dwellings, businesses, or farms as a result of such acquisition be provided fair, consistent, and equitable treatment. This common rule for several agencies is being evaluated by OMB who is the lead agency. Currently awaiting final determination from OMB, who will then publish for comment in Federal Register.

Timetable:

Action	Date	FR Cite
NPRM	05/28/85	50 FR 21712
NPRM Comment Period End	07/29/85	50 FR 21712
Final Action	09/30/86	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Donald G. Trost, Realty Officer, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-1191

RIN: 1991-AA27

464. DEPARTMENT OF ENERGY ACQUISITION REGULATION

Legal Authority: 42 USC 2168 Atomic Energy Act; 42 USC 7254 Department of Energy Organization Act

CFR Citation: 48 CFR 904; 48 CFR 952

Legal Deadline: None

Abstract: This regulatory action would amend the Department of Energy Acquisition Regulation (DEAR) to add a new contract clause and related instructions concerning protection of sensitive unclassified data. The contract clause would be applicable to contractors whose employees participate in the design, operation, or maintenance of computer or telecommunication systems or have access to DOE sensitive unclassified data stored in computer systems. Sensitive unclassified data may include, but not necessarily be limited to, personnel data maintained in systems of records subject to Privacy Act protection, proprietary business data within the meaning of 18 U.S.C. Sec. 1905 and the Freedom of Information Act, and unclassified controlled nuclear information within the meaning of 42 U.S.C. Sec. 2168.

Timetable:

Action	Date	FR Cite
NPRM	06/21/85	50 FR 25722
NPRM Comment Period End	07/22/85	50 FR 25722
Final Action	05/30/86	
Final Action Effective	06/30/86	

Small Entity: No

Agency Contact: Laura Bick, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave, SW, Washington, DC 20585, 202 252-8246

RIN: 1991-AA29

465. DEPARTMENT OF ENERGY ACQUISITION REGULATION

Legal Authority: 42 USC 7254 Department of Energy Organization Act

CFR Citation: 48 CFR 902; 48 CFR 904; 48 CFR 913; 48 CFR 915; 48 CFR 917; 48 CFR 919; 48 CFR 925; 48 CFR 952; 48 CFR 970

Legal Deadline: None

Abstract: This action is for the purpose of updating the Acquisition Regulation as a result of changes in the Federal Acquisition Regulation and Internal Procedures. It discontinues the use of DOE Small Purchase Forms as GSA has issued forms for that purpose. It increases the threshold for formal source evaluation boards from $5 to $10 million. It adds a new solicitation provision entitled "Buy America Act - Construction Materials." It also provides new guidance on Small Business Subcontract Plans Under Management Contracts.

Timetable:

Action	Date	FR Cite
NPRM	08/26/85	50 FR 34656
Final Action	05/30/86	
Final Action Effective	06/30/86	

Small Entity: No

Agency Contact: Pam Bolling, Procurement Clerk, Department of Energy, Management and Administration, 1000 Independence Ave, SW, Washington, DC 20585, 202 252-8251

RIN: 1991-AA33

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Completed Actions

466. DEPARTMENT OF ENERGY ACQUISITION REGULATION

Legal Authority: 42 USC 7101 Department of Energy Organization Act

CFR Citation: 48 CFR 914; 48 CFR 915; 48 CFR 952

Legal Deadline: None

Abstract: To reduce paperwork burdens associated with the preparation of Representations and Certifications by Prospective Contractors.

Timetable:

Action	Date	FR Cite
NPRM	05/22/85	50 FR 21087
NPRM Comment Period End	06/21/85	50 FR 21087
Final Action	09/04/85	50 FR 35956
Final Action Effective	10/04/85	

Small Entity: No

Agency Contact: Richard Langston, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave. SW, Washington, DC 20585, 202 252-8264

RIN: 1991-AA30

467. DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE RULES

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 7501 et seq

DOE—MA

Completed Actions

CFR Citation: 10 CFR 600.2; 10 CFR 600.104; 10 CFR 600.109; 10 CFR 600.120; 10 CFR 600.123; 10 CFR 600.300 et seq

Legal Deadline: None

Abstract: The revised regulation would implement the Single Audit Act of 1984 (PL 98-502) and OMB Circular A-128 and make necessary technical and conforming amendments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/18/85	50 FR 42354
Final Action Effective	10/18/85	50 FR 42354
Final Action	02/04/86	51 FR 4296

Small Entity: No

Agency Contact: Ellen Feinsilber, Chief, Business and Financial Policy Branch, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-8173

RIN: 1991-AA31

[FR Doc. 86-8638 Filed 04-18-86; 8:45 am]

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DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Proposed Rule Stage

468. AMENDMENTS TO DEPARTMENT OF ENERGY CONDUCT OF EMPLOYEES

Legal Authority: 18 USC 201 to 209; 42 USC 7211 to 7218; EO 11222

CFR Citation: 10 CFR 1010

Legal Deadline: None

Abstract: The regulations need to be revised to reflect the provisions and requirements of the Ethics in Government Act. In addition, it is anticipated that certain sections of the regulations will be clarified and/or revised to reflect current Office of General Counsel policy and interpretations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
NPRM Comment Period End	11/00/86	

Small Entity: No

Additional Information: As part of the revision of the Department of Energy Conduct of Employees Regulations, we propose to amend Appendix I of the Regulations. We expect final action on this amendment of the Regulations to be completed by December 31, 1986.

Agency Contact: Susan Fonner, Acting Deputy AGC for General Law, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-1522

RIN: 1990-AA00

469. PATENT WAIVER REGULATION

Legal Authority: 42 USC 2182; 42 USC 5908

CFR Citation: 10 CFR 784; 41 CFR 9-9.109-6

Legal Deadline: None

Abstract: The regulation provides procedures and standards for obtaining a waiver of the Government's rights in inventions made under DOE research and development contracts with entities that are not small businesses or nonprofit institutions, and terms and conditions of such waivers. Currently, DOE waiver policy is provided in DOE Procurement Regulations (41 CFR 9-9.109-6). The proposed regulation places DOE patent waiver policy in a separate regulation, and also provides updates, revisions and clarifications to waiver policy as contained in 41 CFR 9-9.109-6.

Timetable:

Action	Date	FR Cite
NPRM	06/30/86	
NPRM Comment Period End	08/30/86	

Small Entity: Undetermined

Agency Contact: Richard E. Constant, Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-2806

RIN: 1990-AA02

470. FOREIGN GIFTS AND DECORATIONS

Legal Authority: 5 USC 7342 41 CFR 101-49.001-5

CFR Citation: 10 CFR 1050

Legal Deadline: None

Abstract: The regulations need to be amended to reflect the increase in the dollar amount of "minimal value." (Whether a gift is of minimal value is a factor as to whether the regulations apply.) The dollar amount of minimal value is determined by the General Services Administration, by GSA regulation. Accordingly, the DOE regulations will reference the GSA regulation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Susan Fonner, Acting Deputy AGC for General Law, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-1522

RIN: 1990-AA04

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Final Rule Stage

471. CLARIFICATION OF THE TERM BYPRODUCT MATERIAL

Legal Authority: 42 USC 2011 et seq (Atomic Energy Act of 1954)

CFR Citation: 10 CFR 962, (new)

Legal Deadline: None

Abstract: This regulation will clarify the application of the term Byproduct Material, as defined in section 11(e) (1) of the Atomic Energy Act (42 USC 2014(e) (1)) to Department of Energy owned or produced radioactive waste substances, for the purpose of determining which of these waste substances are Byproduct Material under the Atomic Energy Act, and are therefore not "solid waste" as that term is defined in the Resource Conservation and Recovery Act (42 USC 6901 et seq).

Timetable:

Action	Date	FR Cite
NPRM	11/01/85	50 FR 45736
NPRM Comment Period End	01/02/86	
Final Action	03/00/86	

Small Entity: No

Agency Contact: Henry K. Garson, Assistant General Counsel for Environment, Department of Energy, Office of General Counsel, GC-11, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-6947

RIN: 1990-AA05

[FR Doc. 86-6638 Filed 04-18-86; 8:45 am]
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federal register

Monday
April 21, 1986

Part VIII

Department of Health and Human Services

Semiannual Regulatory Agenda

HHS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

20 CFR Ch. III

21 CFR Ch. I

42 CFR Chs. I-V

45 CFR Subtitle A, Chs. II, III, and XIII

Unified Agenda of Regulations

AGENCY: Department of Health and Human Services.

ACTION: Publication of unified agenda of regulations.

SUMMARY: The President's February 17, 1981, Executive Order (12291) and the Regulatory Flexibility Act of 1980 require the Department to publish an agenda of significant regulations being developed and an indication of those regulatory actions that are being analyzed for their effect on small businesses. The Department published its last agenda on October 29, 1985.

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: John J. Phelan, Associate Executive Secretary/Regulations, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201, Telephone: (202) 245-3475.

James J. Delaney,

Executive Secretary.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
472	Nondiscrimination Requirement Applicable to Block Grants and Community Economic Development and Head Start Programs - Including Nondiscrimination on the Bases of Sex and Religion	0991-AA02
473	Public Information Regulation	0991-AA07
474	Privacy Act Regulation	0991-AA11
475	Principles for Determining Costs and Cost Allocation Procedures Applicable to Grants, Contracts, and Other Agreements for Work Performed by Hospitals	0991-AA12
476	Enforcement of Nondiscrimination on the Basis of Handicap in the Department of Health and Human Services	0991-AA17
477	Revision to OIG's Sanction Authorities	0991-AA21
478	Block Grant Programs	0991-AA25
479	Administration of Grants - Implementation of OMB Circular A-102	0991-AA27
480	Departmental Grants Administration Manual	0991-AA33
481	Automatic Data Processing Equipment and Services; Conditions for Federal Financial Participation II	0991-AA34

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
482	Automatic Data Processing Equipment and Services -- Conditions for Federal Financial Participation	0991-AA14
483	Medicare Physician Fee Freeze Sanctions	0991-AA20
484	Equal Opportunity in Employment: Public Broadcasting, Public Radio and Public Telecommunications Entities Receiving Federal Funds from the Corporation for Public Broadcasting	0991-AA22
485	Administration of Grants-Implementation of OMB Circular A-88	0991-AA29
486	Administration of Grants-Single Audit Act of 1984	0991-AA30

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
487	Income and Eligibility Verification Procedures	0991-AA28
488	Medicare and Medicaid Fraud and Abuse Technical Amendments	0991-AA31

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Office of the Secretary—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
489	Automatic Data Processing Equipment and Services; Conditions for Federal Financial Participation--Waiver of Prior Approval	0991-AA32

Departmental Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
490	Claims Collection	0990-AA00
491	Grants to States for Public Assistance Programs	0990-AA01

Office of Human Development Services—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
492	Head Start Program-Prerulemaking Action	0980-AA15

Office of Human Development Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
493	Foster Care Maintenance Payments, Adoption Assistance, and Child Welfare Services -- Notice of Proposed Rulemaking	0980-AA08
494	Runaway and Homeless Youth Program--Notice of Proposed Rulemaking	0980-AA11
495	Developmental Disabilities Program--Notice of Proposed Rulemaking	0980-AA12

Office of Human Development Services—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
496	Work Incentive Program for AFDC Recipients under Title IV of the Social Security Act--Final Rules	0980-AA09
497	Head Start Program--Final Rule	0980-AA10
498	Child Abuse & Neglect Prevention & Treatment Program--Final Rules	0980-AA14

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Office of Human Development Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
499	Grants for State and Community Programs on Aging; Grants to Indian Tribes for Supportive & Nutrition Services--Final Rules	0980-AA02

Social Security Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
500	Old Age, Survivors, and Disability Insurance Program; Black Lung Program; and Supplemental Security Income Program; Office of Management & Budget Control Numbers for Approved Information ETC	0960-AA97

Social Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
501	Old-Age, Survivors, and Disability Insurance Program; Coverage of Employees of State and Local Governments	0960-AA13
502	Supplemental Security Income Program; Reductions, Suspensions and Terminations	0960-AA22
503	Old-Age, Survivors, and Disability Insurance Program; Wage Coverage Under Social Security	0960-AA55
504	Supplemental Security Income Program; Reopening and Revising Supplemental Security Income Determinations and Decisions Within Four Years of the Notice of the Initial Determination	0960-AA59
505	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Simplified Fee Process for Representatives of Claimants	0960-AA64
506	Old-Age, Survivors, and Disability Insurance Program; Residency Requirement for Paying Benefits to Non-Resident Aliens	0960-AA76
507	Aid to Families With Dependent Children; Consideration of Utility Payments Made By Tenants in Housing and Urban Development Assisted Housing	0960-AA87
508	Old-Age, Survivors, and Disability Insurance Program; Coverage of Certain Newly Hired Federal Employees; Coverage of Earnings of Federal Judges	0960-AA89
509	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs Treatment of OASDI Lump Sum and Monthly Payments in the Aid to Families with Dependent Children Program	0960-AA90
510	Public Assistance Programs, Duplicate Assistance Payments	0960-AA96
511	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Cardiovascular System	0960-AA99
512	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Respiratory System	0960-AB00
513	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Musculoskeletal System	0960-AB01
514	Black Lung Program; Establishing Dependency of Surviving Divorced Wife and Computation of Basic Rate	0960-AB05
515	Aid to Families With Dependent Children; Application of Federal Financial Participation of Recovered Incorrect Payments to Quality Control Disallowances	0960-AB06
516	Supplemental Security Income Program; Income; Bills Paid for You	0960-AB09
517	Old-Age, Survivors, and Disability Insurance Program; Black Lung Program; Opportunity for Oral Hearing Before Benefit Recovery	0960-AB17
518	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Standards for Consultative Examinations; Medical Evidence	0960-AB22
519	Supplemental Security Income Program; Permanent Residence Under Color-of-Law	0960-AB24
520	Supplemental Security Income Programs; Assignment of Rights to Third-Party Medical Payments to State	0960-AB26
521	Supplemental Security Income Program; How We Count Unearned Income	0960-AB29
522	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Continuation of Benefits During Appeal	0960-AB30
523	Supplemental Security Income Program; Treatment of Overpayments When Recipient's Countable Assets Exceed Limits in Certain Cases	0960-AB32

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Social Security Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
524	Aid to Families With Dependent Children Program; Extension of Medicaid Eligibility When Support Collections Result in Termination of AFDC Eligibility	0960-AB33
525	Old-Age, Survivors, and Disability Insurance Program Reopening and Revising Determinations and Decisions Where There is Clear Error or New and Material Evidence	0960-AB34
526	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Compliance With Federal Law	0960-AB36
527	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Payment of Costs of Rehabilitation Services	0960-AB37
528	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Adjustments in SSI Benefits on Account of Retroactive Benefits Under Title II	0960-AB38
529	Supplemental Security Income Program; Limitation on Recoupment Rate in Case of Overpayment	0960-AB40
530	Old-Age, Survivors, Disability Insurance and Supplemental Security Income Programs: Evaluation of Symptoms, Including Pain	0960-AB41
531	Disclosure of Personal Information to Law Enforcement Agencies and Courts (Prerulemaking Activity)	0960-AB66
532	Aid to Families with Dependent Children Program; Food Stamp Program; Policy Consistency	0960-AB71
533	Aid to Families with Dependent Children Program; Administrative Improvement in the AFDC Program	0960-AB72
534	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Adjudication of Social Security Disability Claims (Pre-Rulemaking Activities)	0960-AB73
535	Old Age, Survivors, and Disability Insurance; Black Lung; and Supplemental Security Income Programs; Basis for Disqualification of Claimant Representative	0960-AB76
536	Old Age, Survivors, and Disability Insurance Programs; Waiver of Adjustment or Recovery of Overpayments, and Liability of a Certifying Officer Against Equity and Good Conscience; Defined	0960-AB77
537	Old Age, Survivors, and Disability Insurance Programs; Overpayments, Underpayments, Waiver of Adjustment or Recovery of Overpayments, and Liability of a Certifying Officer--ETC	0960-AB78
538	Supplemental Security Income Program; Treatment of Property Held in Trust or Other Similar Legal Devices When the Property is Available for a Beneficiary's Support and Maintenance	0960-AB79
539	Old Age, Survivors, and Disability Insurance Programs; Amended Exceptions to Reduction Where Spouse is Receiving a Government Pension; Decreased Amount of Reduction	0960-AB80
540	Old Age, Survivors, and Disability Insurance Programs; Period of Disability--When You May Not be Entitled to Benefits	0960-AB82
541	Old-Age, Survivors, and Disability Insurance Programs; Determining First Month of Entitlement Based on One-Half Support	0960-AB83
542	Supplemental Security Income Program; Treatment of Alaska Native and Regional Village Corporation Dividend Distribution	0960-AB86
543	Old-Age, Survivors, and Disability Insurance Program; Reduction Because of Entitlements to Other Benefits	0960-AB87
544	Old Age, Survivors, and Disability Insurance, Supplemental Security Income & Black Lung Programs--Own Motion Review of Fee Determination	0960-AB89
545	Old Age, Survivors, and Disability Insurance; Black Lung; Supplemental Security Income Programs; Component Recommendation that the Appeals Council Review ALJ Decisions	0960-AB90
546	Aid to Families with Dependent Children Program; General Administration -- Public Assistance Program--Quality Control System	0960-AB91
547	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Use of Work Evaluations to Evaluate Individuals with Mental Impairments	0960-AB92
548	Old-Age, Survivors, and Disability Insurance Program; Listing of Impairments--Appendix 2--Medical - Vocational Guidelines, Illiteracy and Inability to Communicate in English	0960-AB94
549	Supplemental Security Income Program; Spousal Deeming Computation Involving State Supplementation	0960-AB95
550	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Mental Impairments - Childhood Listings	0960-AB96
551	Old-Age, Survivors, and Disability Insurance, Black Lung, and Supplemental Security Income Programs; Rotation of ALJs Appointment to Hear and Decide Cases; Exceptions to Appointing	0960-AB97
552	Supplemental Security Income Program; Eliminating the Concept of Considering a Rental Subsidy as Unearned Income	0960-AB98
553	Supplemental Security Income Program; Treatment of Proceeds from Home Equity Conversion (HEC) Plans as Income	0960-AC00
554	Old-Age, Survivors, and Disability Insurance Programs; Notice of Revised Determination or Decision	0960-AC04
555	Old-Age, Survivors, and Disability Insurance Program; Medical Evaluation Criteria for Acquired Immune Deficiency Syndrome (AIDS)	0960-AC06
556	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Decisions by Administrative Law Judges in Cases Remanded by Courts	0960-AC07
557	Supplemental Security Income Program; Prohibition on Direct Payment of Fees to Representatives	0960-AC08

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Social Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
558	Supplemental Security Income Program; Effective Date of Application and Proration of Initial SSI Benefit Payment	0960-AA03
559	Supplemental Security Income Programs; Mandatory Pass Through Under State Supplementation Provisions	0960-AA05
560	General Administration-Public Assistance Programs; AFDC; Federal Financial Participation in the Cost of a Statewide Mechanized Claims Processing System	0960-AA16
561	Supplemental Security Income Program; Age 18 and Alien Deeming	0960-AA26
562	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Future Effect of Applications and Related Changes in Appeals Council Procedures	0960-AA28
563	Aid to Families With Dependent Children Program; Computing a Supplemental Payment in States Required to Do So by Section 402(a)(28) of the Social Security Act	0960-AA33
564	Aid to Families With Dependent Children Program; Least Costly Approach	0960-AA43
565	Old-Age, Survivors, and Disability Insurance Program; Provision for Inferring a Person Is Dead	0960-AA54
566	Old-Age, Survivors, and Disability Insurance Program; Benefits for Divorced Spouses Before Entitlement of Insured Worker	0960-AA60
567	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; New Benefit Computations for Cost-of- Living Adjustment, for Delayed Retirement Credit, and for ETC	0960-AA62
568	Old-Age, Survivors, and Disability Insurance Program; Elimination of Windfall Benefits for Persons Receiving Pensions From Noncovered Employment	0960-AA65
569	Aid to Families With Dependent Children and Supplemental Security Income Programs; Disregarding of Support and Maintenance Assistance Based on Need	0960-AA71
570	Supplemental Security Income Program; Resource Limits for Conditional SSI Payments	0960-AA75
571	Old-Age, Survivors, and Disability Insurance Program; Indexing for Widow(er)'s Benefits; Effect of Remarriage on Widow(er)'s Entitlement; Reduction of Disabled Widow(er)'s Benefits; ETC	0960-AA77
572	Supplemental Security Income Program; Presumptive Disability and Presumptive Blindness; Categories of Impairments-AIDS	0960-AA79
573	Aid to Families With Dependent Children; Reduction of Federal Funds for Unreported Child Support Collections	0960-AA83
574	Aid to Families With Dependent Children; Definition of Permissible State Practice-Quality Control	0960-AA85
575	Aid to Families With Dependent Children Program; Income and Eligibility Verification Systems	0960-AB07
576	Aid to Families With Dependent Children Program; Implementation of the Deficit Reduction Act of 1984	0960-AB08
577	Supplemental Security Income Program; Resources; Exclusion of Underpayments	0960-AB11
578	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Personal Appearance Demonstration Projects	0960-AB20
579	Old Age Survivors Disability Insurance and Supplemental Security Income Program; Frequency of Periodic Reviews	0960-AB21
580	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Qualifications of Medical Professionals Evaluating Mental Impairments	0960-AB31
581	Old Age, Survivors, Disability Insurance and Supplemental Security Income Programs; Determining Disability and Blindness; Multiple Impairments	0960-AB39
582	Refugee Resettlement Program; Refugee Cash and Assistance; Requirements for Job Search, Employment Services, and Employment; Refugee Medical Assistance; and Refugee Support Services	0960-AB74
583	Old Age, Survivors, and Disability Insurance Programs; Unlimited Reopening for Insured Status	0960-AB81
584	Old Age, Survivors, and Disability Insurance Programs; Withdrawal of an Application	0960-AB84
585	Organizations and Procedures; Availability of Information and Records to the Public--Social Security Rulings--Acquiescence Series	0960-AB85
586	Old Age, Survivors, and Disability Insurance Programs; Extension and Reextension Agreements for Assessment, Credit or Refund of Amounts Due or Overpaid by a State	0960-AB88
587	Supplemental Security Income Program; In-Kind Support and Maintenance -- Rental Subsidies	0960-AC01
588	Supplemental Security Income Program; Liquid and Nonliquid Resources and Resources Determinations	0960-AC02
589	Supplemental Security Income Program; Pension Funds for Deeming Purposes and Grandfathering Provisions	0960-AC03
590	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Continued Payment of Benefits to Persons in Vocational Rehabilitation Programs	0960-AC05

Social Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
591	Supplemental Security Income Program; Eligibility, Amount of Benefits, Income, Resources, State Supplementary Provisions, Agreements, Payments	0960-AA27
592	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Revised Medical Criteria for Determination of Disability	0960-AA41
593	Old-Age, Survivors, and Disability Insurance Program and Supplemental Security Income Program; Disability Hearings at the Reconsideration Level	0960-AA49

HHS

Social Security Administration—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
594	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Payment of Certain Travel Expenses	0960-AA61
595	Supplemental Security Income Program; Temporary Residents of Emergency Shelters for the Homeless	0960-AA70
596	Supplemental Security Income Program; The Automobile, Property Essential to Self-Support, the Home	0960-AA92
597	Aid to Families With Dependent Children Program, Treatment of Assigned Support Payments Received Directly and Retained by AFDC Applicants or Recipients	0960-AB02
598	Aid to Families With Dependent Children Program; Office of Management and Budget Control Numbers for Information Collection Requirements Contained in AFDC Regulations	0960-AB04
599	Supplemental Security Income Program; Increase in Dollar Limitation Under Assets Test	0960-AB23
600	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Standard of Review for Termination of Disability Benefits and Periods of Disability	0960-AB25
601	Supplemental Security Income Programs; Eligibility; Continuation of Benefits and Eligibility for Certain Severely Impaired Recipients Who Work	0960-AB35

Office of Child Support Enforcement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
602	Interstate Child Support Enforcement	0992-AA17
603	Medical Support Enforcement #2	0992-AA18
604	Prohibition of Federal Funding of Costs of Incarceration and Counsel for Indigent Absent Parents	0992-AA19

Office of Child Support Enforcement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
605	Disregard of Child Support Payments; Regulations Implementing the Deficit Reduction Act of 1984	0992-AA20

Office of Child Support Enforcement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
606	Medical Support Enforcement	0992-AA12
607	OMB Control Numbers for Information Collection Requirements Contained in OCSE Regulations	0992-AA15

Public Health Service—Office of Assistant Secretary for Health (OASH)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
608	Grants for Adolescent Pregnancy and Family Life Projects	0905-AA24

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Public Health Service—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
609	Obligated Service for Mental Health Traineeships	0905-AB48

Public Health Service—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
610	Confidentiality of Alcohol and Drug Abuse Patient Records	0905-AA26

Public Health Service—Centers for Disease Control (CDC)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
611	Project Grants for Health Programs for Refugees	0905-AB43
612	Distribution of Reference Biological Standards and Biological Preparations	0905-AB49
613	Improve Standards for Respirator Devices	0905-AB58
614	Medical Examination of Aliens	0905-AB96

Public Health Service—Centers for Disease Control (CDC)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
615	Specifications for Medical Examinations of Underground Coal Miners	0905-AB51

Public Health Service—Food and Drug Administration (FDA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
616	Medical Device Amendments: Implementation Improvement	0905-AB54
617	Clinical Testing for New Drugs	0905-AB61

Public Health Service—Food and Drug Administration (FDA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
618	Over-the-Counter (OTC) Drug Review	0905-AA06
619	Risk Assessment Policy for Regulating Carcinogenic Impurities in Food and Color Additives	0905-AA12
620	Current Good Manufacturing Practice for Finished Pharmaceuticals; Retrospective Review	0905-AA73
621	Current Good Manufacturing Practice (CGMP) for Blood and Blood Components; Retrospective Review	0905-AA75
622	Reporting Requirements for Marketed Animal Drugs	0905-AB06
623	Adverse Drug Experience Reporting Requirements for Marketed Prescription Drugs Without Approved New Drug or Abbreviated New Drug Applications	0905-AB53
624	Proposed Rule to Implement the Orphan Drug Amendments to the Federal Food, Drug, and Cosmetic Act	0905-AB55
625	Implementation of Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984" (Title I)	0905-AB63
626	Patent Term Restoration of Regulated Products (Title II of "Drug Price Competition and Patent Term Restoration Act of 1984")	0905-AB65

HHS

Public Health Service—Food and Drug Administration (FDA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
627	Food Labeling Information Regarding Good Nutrition and Health	0905-AB67
628	Food Labeling; Label Claims for Foods on the Basis of Cholesterol Content	0905-AB68
629	Abbreviated New Animal Drug Applications for Post-1962 Animal Drugs	0905-AB72

Public Health Service—Food and Drug Administration (FDA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
630	Premarket Approval Application (PMA) Procedures	0905-AA19
631	Current Good Manufacturing Practice for Human Food	0905-AA72
632	Good Laboratory Practice for Nonclinical Laboratory Studies	0905-AA84
633	Irradiation in the Production, Processing, and Handling of Food	0905-AA88
634	Availability of Bulk New Animal Drug Substances for Use By Licensed Veterinarians	0905-AB01
635	Animal Drug Safety Policy	0905-AB04
636	IND Regulations Revision	0905-AB09
637	Sulfiting Agents; Labeling in Drugs for Human Use	0905-AB38
638	Labeling of Drug Products for Over-the-Counter Human Use (Exclusivity Policy)	0905-AB40
639	Food Labeling and Uses of Sulfiting Agents	0905-AB52
640	Proposed User Charge; New Drug Applications, Abbreviated New Drug Applications, and Antibiotic Applications Review	0905-AB56
641	Provisionally Listed Color Additives	0905-AB60
642	Antibody Test for HTLV-III; General Biological Products Stds.; Additional Standards for Human Blood and Blood Products; Serological Test for Human T-Lymphotropic Virus, Type III	0905-AB62
643	Methylene Chloride	0905-AC00

Public Health Service—Food and Drug Administration (FDA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
644	Revised Procedures Regarding Medicated Feed Applications	0905-AA15
645	Exempt Infant Formula	0905-AA85
646	New Animal Drug Approval Process; Review of NADA Rules	0905-AA96
647	Current Good Manufacturing Practice for Blood and Blood Components; Uniform Blood Labeling	0905-AB30
648	Nutrient Requirements for Infant Formula	0905-AB37
649	Labeling for Oral Aspirin-Containing Drug Products; Reye Syndrome	0905-AB97

Public Health Service—Health Resources and Services Administration (HRSA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
650	General Review and Revision of Public Law 93-638 Program and Contracting Regulations	0905-AB98

Public Health Service—Health Resources and Services Administration (HRSA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
651	Limitation on Federal Participation for Capital Expenditures Review Program Under Section 1122 of the Social Security Act	0905-AA39
652	Program Grants for Migrant Health Services	0905-AA62

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Public Health Service—Health Resources and Services Administration (HRSA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
653	Project Grants and Loans For Home Health Services and Training	0905-AB11
654	Primary Care Block Grant Program	0905-AB12
655	Indian Health Service, 42 CFR Part 36 Subpart I, Contracts Under the Indian Self-Determination Act: Amendments	0905-AB31
656	Grants for Nurse Anesthetists Traineeships	0905-AB33
657	Reasonable Volume of Uncompensated Services to Persons Unable to Pay (Hill-Burton)	0905-AB35
658	Health Education Assistance Loan (HEAL) Program: Program Management	0905-AB46
659	Grants for Residency Training and Faculty Development in General Internal Medicine or General Pediatrics	0905-AB50
660	Indian Eligibility	0905-AB89
661	Health Professions Student Loan (HPSL) Program-Improved Program Management Regulations	0905-AB93
662	Nursing Student Loan (NSL) Program - Improved Program Management Regulations	0905-AB95
663	Changes in Public Law 93-638 Regulations to Add a Review Process for Declination Appeals	0905-AB99
664	Grants for Community Health Centers	0905-AC01
665	Health Maintenance Organizations; Employer Contributions to the HMO Option	0905-AC03
666	Charging Fees for Health Maintenance Organization Qualification Applications	0905-AC04
667	Charging Fees for Hill-Burton Direct and Guaranteed Loan Modification Requests	0905-AC05
668	Grants for Nurse Practitioner and Nurse Midwife Training Programs	0905-AC11
669	Programs for the Training of Physician Assistants	0905-AC15
670	Nursing Special Project Grants: Demonstration Projects	0905-AC21

Public Health Service—Health Resources and Services Administration (HRSA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
671	Grants for Nurse Practitioner Traineeship Programs	0905-AA47
672	Grants for Residency Training in Preventive Medicine	0905-AA50
673	National Health Service Corps (NHSC); Private Practice Option (PPO) Loans to Individuals	0905-AA57
674	Reasonable Volume of Uncompensated Services to Persons Unable to Pay - Hill-Burton (Public Facilities)	0905-AB75
675	Health Professions Student Loan (HPSL) Program: Deferment Revisions	0905-AC06
676	Health Education Assistance Loan (HEAL) Program: Deferment Revisions	0905-AC07
677	Grants for Various Health Professions: Interdisciplinary Training and Curriculum Development	0905-AC08
678	Health Education Assistance Loan (HEAL) Program: Provisions of the Law (Pub. L. 99-129)	0905-AC09
679	Nursing Student Loan (NSL) Program: Provisions of the Law (Pub. L. 99-92)	0905-AC10
680	Grants for Graduate Programs in Health Administration	0905-AC12
681	Health Professions Student Loan (HPSL) Program: Provisions of the Law (Pub.L. 99-129)	0905-AC13
682	Capitation Grants for Schools of Public Health	0905-AC14
683	Advanced Nurse Education Programs	0905-AC16
684	Educational Assistance to Individuals from Disadvantaged Backgrounds	0905-AC17
685	Nursing Special Project Grants	0905-AC18
686	Stipends for Disadvantaged Health Professions Students	0905-AC19
687	Grants for Residency Training in the General Practice of Dentistry	0905-AC20
688	Area Health Education Centers (AHEC)	0905-AC22

Public Health Service—Health Resources and Services Administration (HRSA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
689	Grants for Maternal and Child Health Services Federal Set-Aside Program	0905-AA61
690	Nursing Student Loan Program (NSL); Debt Management: Delinquency Rates	0905-AB80
691	Grants for Hospital Construction and Modernization Federal Right of Recovery and Waiver of Recovery	0905-AB81

HHS

Public Health Service—National Institutes of Health (NIH)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
692	Misconduct in Science	0905-AB91
693	Changes in NIH Program Regulations Necessitated by the Provisions of the Health Research Extension Act of 1985 (P.L. 99-158)	0905-AC02

Public Health Service—National Institutes of Health (NIH)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
694	National Library of Medicine Programs. Revision of General Rules for the National Library of Medicine and National Library of Medicine Grants	0905-AA66

Public Health Service—National Institutes of Health (NIH)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
695	National Institutes of Health Center Grants 42 CFR 52a	0905-AA68

Health Care Financing Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
696	Amending Cost Reports and Reopening Intermediary Payment Determinations and Administrative Review Decisions	0938-AA33
697	Medicaid Eligibility	0938-AA58
698	MMIS: Definition of "Mechanized Claims Processing and Information Retrieval System" and of "Information"	0938-AA63
699	Benefit Period Determinations and Drug Regimen Reviews	0938-AB03
700	Miscellaneous Medicare and Medicaid Amendments	0938-AB05
701	Changes to the Lesser of Costs or Charges Provisions	0938-AB29
702	Payment for Clinical Diagnostic Laboratory Services	0938-AB50
703	Waiver of Certain Membership Requirements for Certain Health Maintenance Organizations (HMOs) and State Option for Disenrollment Restrictions for Certain HMOs Under Medicaid	0938-AB54
704	Physician Certification and Plan of Care Requirements and Inspection of Care Reviews	0938-AB55
705	Medicare: Health Maintenance Organizations and Competitive Medical Plans: Coordinated Open Enrollment	0938-AB57
706	Hospice "Core" Services; Nursing	0938-AB58
707	Indirect Part B Payment Procedure	0938-AB59
708	Hospital Insurance Entitlement and Supplementary Medical Insurance Enrollment, Entitlement, and Premiums	0938-AB60
709	Payment for the Services of Physicians Furnished in Teaching Settings and Other Providers	0938-AB61
710	Medicare/Medicaid Revaluation of Assets	0938-AB64
711	ESRD Network Area Designation Procedures	0938-AB65
712	OMB Review of Information Collection and Recordkeeping Requirements for Home Health Agencies, Independent Laboratories, and Providers of Outpatient, Physical Therapy and/or (cont)	0938-AB68
713	Clarification of Policy on Adjusting the Hospital-Specific Portion of the Prospective Payment Rate	0938-AB71
714	Payment Adjustments for Sole Community Hospitals	0938-AB72
715	Revision of Medicaid Eligibility Quality Control (MEQC) Program Requirements	0938-AB85
716	Medicaid: Identification of Third Party Liability Resources for Medical Assistance	0938-AB88
717	Conditions of Participation for Home Health Agencies	0938-AB93
718	Revision of Medicaid Drug Reimbursement Requirements	0938-AB97
719	Medicare Recovery Against Third Parties and Medicare Secondary Payor	0938-AC05
720	Miscellaneous Conforming Amendments	0938-AC06
721	Medicare Coverage of Hepatitis B Vaccine for High and Intermediate Risk Individuals, Hemophilia Clotting and Certain X-Ray Services	0938-AC07
722	Changes to the Inpatient Hospital Prospective Payment System and Fiscal Year 1987 Rates	0938-AC11
723	Refinement of Reasonable Charge Methodology	0938-AC14

HHS

Health Care Financing Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
724	Schedule of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning On or After July 1, 1986 But Before July 1, 1987	0938-AC15
725	Lowest Charge Levels (LCL) for Medical Services, Supplies and Equipment	0938-AC16
726	End Stage Renal Disease Program: Composite Rate Update	0938-AC17
727	Monthly Capitation Payment for Physicians Outpatient Dialysis Services	0938-AC18
728	Second Surgical Opinion Requirement for Medicaid Recipients	0938-AC19
729	Assignment and Reassignment of Provider-Based Home Health Agencies and Hospices to Designated Regional Intermediaries	0938-AC20
730	Review of Information Collection and Recordkeeping Requirements for Suppliers of End-Stage Renal Disease Services	0938-AC26
731	Changes in Medicare Payments for Direct Medical Education Costs	0938-AC27
732	Fire Safety Standards for Hospitals, Skilled Nursing Facilities, Intermediate Care Facilities and Ambulatory Surgical Centers	0938-AC28
733	Cost Limits for Hospital Medicare Part B Clinical Laboratory Services	0938-AC30
734	Medicaid: Eligibility Determinations Based on Disability; Medically Needy Income Levels for Individuals	0938-AC31
735	Funding for Medicaid Eligibility Determination Systems	0938-AC33
736	Medicare Economic Index	0938-AC35

Health Care Financing Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
737	Home Health Agencies: Financial Security Requirements	0938-AA13
738	Conditions of Participation for Hospitals	0938-AA23
739	Recognition of State Reimbursement Control Systems	0938-AA34
740	Survey and Certification Procedures	0938-AA38
741	Physician Certification and Plan of Treatment Requirements	0938-AA46
742	Intermediate Sanction of Long-Term Care Facilities	0938-AA60
743	Mental Retardation--Definition of "Persons with Related Conditions"	0938-AA78
744	Payments to Institutions	0938-AB00
745	Deduction of Incurred Medical Expenses (Spenddown)	0938-AB07
746	Relations with Other Agencies, Miscellaneous Medicaid Definitions and Third Party Liability Quality Control	0938-AB21
747	Adjustment of Federal Share for Uncashed or for Cancelled (Voided) Medicaid Checks	0938-AB35
748	Revisions to Medicaid Payment for Hospital and Long-Term Care Facility Services	0938-AB40
749	FFP for LTC Facilities after Termination of Provider Agreement	0938-AB42
750	Revisions in Reporting and Recordkeeping Requirements	0938-AB46
751	Treatment of Social Security Cost of Living Increases for Individuals Who Lose SSI Eligibility	0938-AB62
752	Schedule of Limits for Skilled Nursing Facility Inpatient Routine Service Costs (Effective 04/01/86)	0938-AB86
753	Schedule of Limits on Skilled Nursing Facility Inpatient Routine Service Costs	0938-AB99
754	Payment for Costs of Malpractice Insurance	0938-AC00
755	Medicaid Coverage of Qualified Pregnant Women and Children and Newborn Children	0938-AC02
756	Payment to Health Maintenance Organizations and Competitive Medical Plans	0938-AC03
757	Determination of Reasonable Charges for Physician and Other Medical Services	0938-AC04
758	Long Term Care Survey	0938-AC10
759	List of Covered Surgical Procedures for Ambulatory Surgical Centers	0938-AC21
760	OMB Control Numbers for Collection of Information Requirements Contained in HCFA Regulations	0938-AC22
761	Office of Management and Budget Request for Review of Collection of Information Requirements	0938-AC23
762	Payment for Indirect Medical Education Costs	0938-AC24
763	Fire Safety Standards for ICFs/MR	0938-AC25
764	Medicare Economic Index for Reasonable Charges (Effective 10/01/86)	0938-AC29
765	Part A Premium for Uninsured Aged For 12-Month Period Beginning 01/01/87	0938-AC32
766	Part B Premium for 12-Month Period Beginning 01/01/87	0938-AC34
767	Inpatient Hospital Deductible Beginning 01/01/87	0938-AC36

HHS

Health Care Financing Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
768	Medicaid Overpayment Reporting Requirements	0938-AA04
769	Limitation on Payment for Services Furnished to Employed Aged, Their Spouses, and Spouses of Younger Employees	0938-AA31
770	Third Party Liability (TPL), Premium FFP Rates, Mandatory Assignment of Rights to Payments; Sources of State Fund	0938-AA65
771	Procedures for Determining Whether Providers, Practitioners, or Other Suppliers of Services are Liable for Certain Noncovered Services	0938-AB33
772	Forms Used for Claiming Payment	0938-AB34
773	Changes to Return on Equity Capital and the Elimination of the Exception from the Cost Limits for New HHAs	0938-AB70
774	Income and Eligibility Verification	0938-AB73
775	Standards for Intermediate Care Facilities for the Mentally Retarded	0938-AB76
776	Monthly Actuarial Rates and Part B Premium Rates Beginning 01/01/86	0938-AB80
777	Part A Premium for 12-Month Period Beginning 01/01/86	0938-AB81
778	Assignment and Reassignment of Home Health Agencies to Designated Regional Intermediaries	0938-AB84
779	Limitations on the Reimbursement of Nonphysician Medical Services	0938-AB91
780	ESRD Councils	0938-AB98
781	Reasonable Charge Limitations	0938-AC08
782	Processing of Claims by Electronic Means as a Condition of Qualification for the Periodic Interim Payment Method of Reimbursement	0938-AC09
783	Grouper Changes	0938-AC12
784	Exclusion of New Alcohol/Drug Hospitals and Units from the Prospective Payment System	0938-AC13

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Proposed Rule Stage

Office of the Secretary (OS)

472. NONDISCRIMINATION REQUIREMENT APPLICABLE TO BLOCK GRANTS AND COMMUNITY ECONOMIC DEVELOPMENT AND HEAD START PROGRAMS - INCLUDING NONDISCRIMINATION ON THE BASES OF SEX AND RELIGION

Legal Authority: 42 USC 9906; 42 USC 300w-7; 42 USC 300x-7; 42 USC 300y-9; 42 USC 728; 42 USC 8625; 42 USC 9821; 42 USC 9849

CFR Citation: 45 CFR 92

Legal Deadline: None

Abstract: To implement the nondiscrimination requirements applicable to block grants and the Community Economic Development and Head Start Programs 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

Small Entity: No

Additional Information: New CFR Subpart to be assigned.

Agency Contact: Marcella Haynes, Director, Policy and Special Projects Div., Department of Health and Human Services, Office of the Secretary, Div of PSP, Off of Mgmt & Pol, OCR, Rm. 5410, HHS North Bldg, 330 Independence Ave, SW, Washington, DC 20201, 202 245-6671

RIN: 0991-AA02

473. PUBLIC INFORMATION REGULATION

Legal Authority: 5 USC 552

CFR Citation: 45 CFR 5

Legal Deadline: None

Abstract: This will be the first complete update since August 1974 of the Department's Public Information Regulation implementing the Freedom of Information Act. It will facilitate public access to information by making necessary revisions, clarifying, and promulgating at one time all the subparts of the regulation. It will also help Departmental personnel processing FOIA requests by providing them with an integrated regulation that is compatible with current procedures for processing FOIA requests and assessing search and copy fees that reflect the increased cost of such services. The only alternative to this complete update is to continue to operate with a regulation that in the past has been revised on a piecemeal basis.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Russell M. Roberts, Director, FOI/Priv Div, Department of Health and Human Services, Office of the Secretary, Off of Pub Affairs, Rm 410B, Humphrey Bldg, 200 Independence Ave, SW, Washington, DC 20201, 202 472-7453

RIN: 0991-AA07

474. PRIVACY ACT REGULATION

Legal Authority: 5 USC 552a

CFR Citation: 45 CFR 5b

Legal Deadline: None

Abstract: This will be the first complete update since 1975 of the Department's Privacy Act Regulation implementing the Privacy Act of 1974. It will facilitate

individuals' access to information and records that the Department maintains about them in more than 400 designated Privacy Act Systems of Records, clarifying and promulgating at one time all the subparts of the regulation. It will also help Departmental personnel processing Privacy Act requests by providing them with an integrated regulation that is compatible with current procedures for processing such requests. The only alternative to this complete update is to continue to operate with a regulation that in the past has been revised on a piecemeal basis.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Russell M. Roberts, Director, FOI/Priv Div, Department of Health and Human Services, Office of the Secretary, Off of Pub Affairs, Rm 410B, HHH Bldg, 200 Independence Avenue, SW, Washington, DC 20201, 202 472-7453

RIN: 0991-AA11

475. PRINCIPLES FOR DETERMINING COSTS AND COST ALLOCATION PROCEDURES APPLICABLE TO GRANTS, CONTRACTS, AND OTHER AGREEMENTS FOR WORK PERFORMED BY HOSPITALS

Legal Authority: 5 USC 501

CFR Citation: 45 CFR 74, Appendix E; 45 CFR 78

Legal Deadline: None

Abstract: This action will revise the Department's current cost principles for research and development activities under grants and contracts with hospitals to make them clearer, more specific, and compatible with cost principles issued by OMB for educational institutions and nonprofit organizations. The revision will also broaden the coverage of the principles to include all grants, contracts and other agreements with hospitals (except the Medicare & Medicaid programs).

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Henry G. Kirschenmann, Jr., Deputy Assistant Secretary, Department of Health and Human Services, Office of the Secretary, Office of Procurement, Assist & Logistics, Rm 513D, HHH Bldg, 200 Independence Ave. SW, Washington, DC 20201, 202 245-6370

RIN: 0991-AA12

476. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Significance: Agency Priority

Legal Authority: 29 USC 794

CFR Citation: 45 CFR 85.1-62

Legal Deadline: None

Abstract: Implements the amendment made to Sec. 504 of the Rehabilitation Act of 1973 by Pub.L. 95-602 in 1978, which extended Sec. 504 to the Federal sector. The proposed Part 85 is modeled on Part 84 which implements Sec. 504 with respect to recipients of Federal financial assistance.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Federal

Agency Contact: Frank E.G. Weil, Policy Branch, Department of Health and Human Services, Office of the Secretary, Office for Civil Rights, 330 Independence Avenue SW, Room 5416, Washington, DC 20201, 202 245-6671

RIN: 0991-AA17

477. REVISION TO OIG'S SANCTION AUTHORITIES

Significance: Agency Priority

Legal Authority: PL 98-369, Sec 2333; 42 USC 1395yd; 42 USC 1320a7; 42 USC 1302; 42 USC 1395cc; 42 USC 1395hh; 42 USC 1396a; 42 USC 1396b

CFR Citation: 42 CFR 405; 42 CFR 420; 42 CFR 455; 42 CFR 474; 42 CFR 489

Legal Deadline: None

Abstract: This regulation will incorporate Section 2333 of P.L. 98-369 which provides authority to exclude entities that employees practitioners convicted of Medicare or Medicaid related offenses in key management positions or where an individual convicted of Medicare or Medicaid offenses has a five percent or more ownership interest. NPRM will also make substantive revision and clarify certain legal issues in the existing OIG sanction regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Yes

Agency Contact: James Patton, Director, Health Care Admin. Sanctions Div., Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 1849 Gwynn Oak Avenue, Baltimore, MD 21207, 301 594-3957

RIN: 0991-AA21

478. BLOCK GRANT PROGRAMS

Significance: Regulatory Program

Legal Authority: 42 USC 9901; 42 USC 300w; 42 USC 8621; 42 USC 300x

CFR Citation: 45 CFR 96

Legal Deadline: None

Abstract: In a prior session of Congress, four of the Department's block grants were reauthorized and certain requirements imposed on the States and other recipients were changed. The block grants include those for Alcohol and Drug Abuse and Mental Health Services; Preventive Health and Health Services; Low-Income Energy Assistance and Community Services. In addition, Congress enacted the Single Audit Act of 1984 which substantially changes the Federal audit requirements imposed upon State and local governments and modifies Federal agency responsibility for oversight of those audits. These legislative changes necessitate changes in the Department's block grant regulation issued July 6, 1982. Alternative measures for addressing the problem are not being considered. None of the proposed legislative changes will involve substantial cost.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	07/00/86	

Small Entity: No

Agency Contact: Robert C. Raymond, Deputy Director, Program Systems, Department of Health and Human Services, Office of the Secretary, Room 447-D, Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201, 202 245-7316

RIN: 0991-AA25

479. ADMINISTRATION OF GRANTS - IMPLEMENTATION OF OMB CIRCULAR A-102

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74

Legal Deadline: None

Abstract: This action will implement revised OMB Circular No. A-102 "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." The current HHS regulation codified at 45 CFR Part 74 was written by HHS to implement both Circular No. A-102 and a companion Circular A-110 which governs grants and cooperative agreements to recipients other than governments. Revised Circular A-102 will require us to adopt essentially verbatim a common regulation drafted by OMB and affecting governmental grantees only.

Timetable:

Action	Date	FR Cite
Notice of Proposed Revision of Circular A-102 published by OMB	06/18/84	49 FR 24958
NPRM	07/00/86	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Joel B. Feinglass, Director, Office of Assistance & Cost Policy, Department of Health and Human Services, Office of the Secretary, Room 513-D, Hubert H. Humphrey Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-7565

RIN: 0991-AA27

480. ● DEPARTMENTAL GRANTS ADMINISTRATION MANUAL

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: This action will implement a recommendation by the Office of Science and Technology Policy that all Federal agencies adopt the National Science Foundation's practices for the award and payment of the indirect cost rates of most grantees as predetermined. The combined amount awarded for direct and indirect costs of a grant would be a ceiling no longer subject to upward adjustment based on changing indirect cost rates or base amounts. These changes would reduce both government and grantee administrative effort and would result in annual savings of about $7 million of current obligational authority and $28 million of obligations against lapsed appropriations. Finally, adoption of the OSTP recommendation will require elimination of the current practice whereby PHS peer review panels are not provided with the indirect cost portion of proposed grant budgets. However, it has not been decided whether this elimination will be done as part of this action or as a separate action to be taken by PHS.

Timetable:

Action	Date	FR Cite
Notice for Public Comment	05/00/86	

Small Entity: No

Agency Contact: Joel B. Feinglass, Director, Office of Assistance and Cost Policy, Department of Health and Human Services, Office of the Secretary, 200 Independence Avenue, SW, Room 513D Hubert H. Humphrey Building, Washington, DC 20201, 202 245-7565

RIN: 0991-AA33

481. ● AUTOMATIC DATA PROCESSING EQUIPMENT AND SERVICES; CONDITIONS FOR FEDERAL FINANCIAL PARTICIPATION II

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 95.601; 45 CFR 95.605; 45 CFR 95.611; 45 CFR 95.612; 45 CFR 95.613; 45 CFR 95.615; 45 CFR 95.617; 45 CFR 95.619; 45 CFR 95.621; 45 CFR 95.623; 45 CFR 95.624; 45 CFR 95.625; 45 CFR 95.631; 45 CFR 95.633; 45 CFR 95.641

Legal Deadline: None

Abstract: This NPRM will propose new regulations of 45 CFR 95.600, et seq., to reduce the amount of time necessary to review and respond to State and local agency requests for FFP. The reduction in process time will be accomplished by streamlining the review process and requiring fewer points of prior approval by the Department.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Ron Lentz, Division of State Data Systems, Department of Health and Human Services, Office of the Secretary, Room 542F HHH Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-7354

RIN: 0991-AA34

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Office of the Secretary (OS)

482. AUTOMATIC DATA PROCESSING EQUIPMENT AND SERVICES -- CONDITIONS FOR FEDERAL FINANCIAL PARTICIPATION

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 95.600; 45 CFR 95.601; 45 CFR 95.605; 45 CFR 95.611; 45 CFR 95.613; 45 CFR 95.615; 45 CFR 95.617; 45 CFR 95.619; 45 CFR 95.621; 45 CFR 95.623; 45 CFR 95.625; 45 CFR 95.631; 45 CFR 95.633; 45 CFR 95.641; 45 CFR 95.624, (New)

Legal Deadline: None

Abstract: This regulation is issued to simplify and make these regulations consistent with those regulations that govern availability of FFP at the enhanced matching rate for computerized systems for programs under titles IV-A, IV-D and XIX of the Social Security Act, to allow States more flexibility in implementing small systems, and to reduce paperwork.

Timetable:

Action	Date	FR Cite
NPRM	11/19/84	49 FR 45617
NPRM Comment Period End	01/18/85	49 FR 45617
Final Action	06/00/86	

Small Entity: No

Additional Information: The basic requirements of this proposed rule have been in effect for some time. This rulemaking is made to reduce regulatory requirements.

Agency Contact: Ron Lentz, Management Analyst, Department of Health and Human Services, Office of the Secretary, Room 542F HHH Bldg., 200 Independence Ave., SW, Washington, DC 20201, **202 245-7354**

RIN: 0991-AA14

483. MEDICARE PHYSICIAN FEE FREEZE SANCTIONS

Significance: Agency Priority

Legal Authority: PL 98-369, Sec 2306

CFR Citation: 42 CFR 420; 45 CFR 101

Legal Deadline: Statutory

Abstract: This rule sets forth OIG procedures for imposing civil money penalties and Medicare program exclusions on physicians who choose not to be participating physicians and who raise charges to Medicare beneficiaries in violation of the freeze on such fees contained in PL 98-369, Sec. 2306. The rule also modifies existing regulations to permit the OIG to impose civil money penalties and assessments on those who choose to be participating physicians under Medicare and who violate their participation agreements as set forth under Sec. 2306.

Timetable:

Action	Date	FR Cite
NPRM	09/13/85	50 FR 37386
NPRM Comment Period End	10/13/85	
Final Action	04/00/86	

Small Entity: Yes

Additional Information: Provisions dealing with two technical amendments to OIG's fraud and abuse authorities - PL 98-369, Sections 2348 and 2370 - as well as conforming rule changes to reflect the redelegation of the Medicare/Medicaid fraud and abuse authorities to the OIG have been separated out into an interim final rule with comment period.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Federal

Agency Contact: James Patton, Director, Health Care Admin. Sanctions Div., Department of Health and Human Services, Office of the Secretary, Office of Inspector Gen., 1849 Gwynn Oak Avenue, Baltimore, MD 21207, **301 594-3957**

RIN: 0991-AA20

484. EQUAL OPPORTUNITY IN EMPLOYMENT: PUBLIC BROADCASTING, PUBLIC RADIO AND PUBLIC TELECOMMUNICATIONS ENTITIES RECEIVING FEDERAL FUNDS FROM THE CORPORATION FOR PUBLIC BROADCASTING

Legal Authority: 47 USC 2405

CFR Citation: 45 CFR 87.1-40

Legal Deadline: None

Abstract: Implements the Equal Opportunity in Employment Provisions of the Public Telecommunications Financing Act of 1978, PUB. L. 95-267, 47 U.S.C. 398(b)(1). This provision requires that equal opportunity in employment be afforded to all persons and that no person shall be subjected to discrimination in employment on the grounds of race, color, religion, national origin, or sex by the Public Broadcasting Service, National Public Radio, and public telecommunications entitles receiving Federal funds from the Corporation for Public Broadcasting.

Timetable:

Action	Date	FR Cite
ANPRM	03/13/79	
NPRM	12/21/79	44 FR 75676
Final Action	04/00/86	

Small Entity: No

Public Compliance Cost: Yearly Recurring Cost: $6,000

Government Levels Affected: Local, State

Agency Contact: Frank E. G. Weil, Policy Branch, Department of Health and Human Services, Office of the Secretary, Office for Civil Rights, 330 Independence Avenue, SW, Room 5416, Washington, DC 20201, **202 245-6671**

RIN: 0991-AA22

485. ADMINISTRATION OF GRANTS-IMPLEMENTATION OF OMB CIRCULAR A-88

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74.62(b), (Revised)

Legal Deadline: None

Abstract: This action will implement revised OMB Circular A-88 which is expected to be issued sometime this year. The Circular will provide governmentwide standards for non-Federal audits of college and university recipients of Federal grants and contracts. The Circular and these amendments will replace the audit requirements currently contained in OMB Circular A-110.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Additional Information: It is expected that OMB will publish a draft of its Circular in the Federal Register and obtain public comments. The specific form and nature of our action is expected to be mandated by OMB.

HHS—OS

Final Rule Stage

Agency Contact: Joel B. Feinglass, Director, Office of Assistance & Cost Policy, Department of Health and Human Services, Office of the Secretary, Room 513D, Hubert H. Humphrey Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-7565

RIN: 0991-AA29

486. ADMINISTRATION OF GRANTS-SINGLE AUDIT ACT OF 1984

Significance: Agency Priority

Legal Authority: 5 USC 301; 31 USC 7505; PL 98-502, Sec 7505 Single Audit Act of 1984

CFR Citation: 45 CFR 74.62(a), (Revised); 45 CFR 74, Appendix I; 45 CFR 74, Appendix J

Legal Deadline: None

Abstract: This action implements the Single Audit Act of 1984 and OMB Circular A-128 by requiring recipients that are governments to comply with Circular A-129. That Circular provides governmentwide standards for implementing the Act. The Act, Circular and these amendments replace Attachment P to Circular A-102. Attachment P contained the previous Federal policy on non-Federal audits of governmental recipients of Federal grants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/06/85	50 FR 31715
Final Action Effective	09/00/86	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Joel B. Feinglass, Director, Office of Assistance & Cost Policy, Department of Health and Human Services, Office of the Secretary, Room 513D, Hubert H. Humphrey Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-7565

RIN: 0991-AA30

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of the Secretary (OS)

Completed Actions

487. INCOME AND ELIGIBILITY VERIFICATION PROCEDURES

Significance: Agency Priority

CFR Citation: 45 CFR 205; 45 CFR 206; 45 CFR 232; 42 CFR 431; 42 CFR 435

Completed:

Reason	Date	FR Cite
Final Action	02/28/86	51 FR 7178

Small Entity: No

Agency Contact: Sheldon Shalit 202 245-7488

RIN: 0991-AA28

488. MEDICARE AND MEDICAID FRAUD AND ABUSE TECHNICAL AMENDMENTS

Significance: Agency Priority

CFR Citation: 42 CFR 420; 42 CFR 455; 42 CFR 489; 45 CFR 101

Completed:

Reason	Date	FR Cite
Final Action	09/13/85	50 FR 37370
Final Action Effective	10/13/85	

Small Entity: No

Agency Contact: James Patton 301 594-3957

RIN: 0991-AA31

489. ●AUTOMATIC DATA PROCESSING EQUIPMENT AND SERVICES; CONDITIONS FOR FEDERAL FINANCIAL PARTICIPATION--WAIVER OF PRIOR APPROVAL

Significance: Agency Priority

CFR Citation: 45 CFR 95.623; 45 CFR 95.624

Completed:

Reason	Date	FR Cite
Final Action	01/27/86	51 FR 3337
Final Action Effective	01/27/86	51 FR 3337

Small Entity: No

Agency Contact: Ron Lentz 202 245-7354

RIN: 0991-AA32

[FR Doc. 86-5772 Filed 04-18-86; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Departmental Management (HHSDM)

Final Rule Stage

490. CLAIMS COLLECTION

Legal Authority: PL 97-365; 31 USC 3711; 31 USC 3716 to 3718; 5 USC 5514; 5 USC 552a

CFR Citation: 45 CFR 30, (Revision)

Legal Deadline: None

Abstract: The proposed rule amends the Department's regulation for collecting debts. Principally, the amendments implement the Debt Collection Act of 1982 (P.L. 97-365), which amended the Federal Claims Collection Act of 1966 (31 U.S.C. 3711, 3716-3718) to authorize, among other things, the charging of interest, penalties and administrative costs, and the use of administrative offset, private collection agencies and credit reporting agencies by the Government. The amendments also implement government-wide regulations issued by the Department of Justice and GAO (49 F.R. 8889) and OPM (49 F.R. 27470).

Timetable:

Action	Date	FR Cite
NPRM	05/02/85	50 FR 18694
NPRM Comment Period End	07/01/85	50 FR 18694

HHS—HHSDM **Final Rule Stage**

Action	Date	FR Cite
Final Action	05/00/86	

Small Entity: No

Agency Contact: Sarah Hertz, Chief, Litigation and Claims Branch, Department of Health and Human Services, Departmental Management, Room 5362 HHS North, 330 Independence Ave., SW, Washington, DC 20201, 202 475-0155

RIN: 0990-AA00

491. GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 201.66, (Revision)

Legal Deadline: None

Abstract: The proposed rule amends 45 CFR 201.66 by removing paragraph (b)(8). Section 201.66 governs States' repayment by installments of debts to the Department arising from audit disallowances under Titles I, IV-A, X, XIV, XVI (AABD) or XIX of the Social Security Act (42 U.S.C. 201 et seq). Paragraph (b)(8) provides that States will not be charged interest on those repayments unless mandated by court order. Paragraph (b)(8) is being removed to conform to the Department's interest policy set forth in the proposed amendments to 45 CFR Part 30, the Claims Collection Regulation. The provision is inconsistent with the Department's policy of charging interest on outstanding debts.

Timetable:

Action	Date	FR Cite
NPRM	05/02/85	50 FR 18704
NPRM Comment Period End	07/01/85	50 FR 18705
Final Action	05/00/86	

Small Entity: No

Agency Contact: Sarah Hertz, Chief, Litigation and Claims Branch, Department of Health and Human Services, Departmental Management, Room 5362 HHS North, 330 Independence Ave., SW, Washington, DC 20201, 202 475-0155

RIN: 0990-AA01

[FR Doc. 86-5772 Filed 04-18-86; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Prerule Stage

Office of Human Development Services (HDSO)

492. HEAD START PROGRAM-PRERULEMAKING ACTION

Significance: Regulatory Program

Legal Authority: 42 USC 9831 et seq Head Start Act, Title VI, Subc B of PL 97-35

CFR Citation: 45 CFR 1301; 45 CFR 1302; 45 CFR 1303; 45 CFR 1304; 45 CFR 1305

Legal Deadline: None

Abstract: The existing Head Start program regulations will be examined to determine whether rulemaking procedures should be initiated to update, clarify or remove unnecessary provisions from the Code of Federal Regulations. All Head Start program issuances will be reviewed and will be updated, clarified, consolidated, rescinded or included in revised proposed regulations as necessary.

Timetable:

Action	Date	FR Cite
End Review	03/00/86	
NPRM	09/00/86	

Small Entity: No

Agency Contact: Mr. Clennie H. Murphy, Jr., Acting Associate Commissioner, Department of Health and Human Services, Office of Human Development Services, Administration for Children, Youth and Families, Head Start Bureau, OHDS P.O. Box 1182, Washington, DC 20013, 202 755-7782

RIN: 0980-AA15

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Proposed Rule Stage

Office of Human Development Services (HDSO)

493. FOSTER CARE MAINTENANCE PAYMENTS, ADOPTION ASSISTANCE, AND CHILD WELFARE SERVICES -- NOTICE OF PROPOSED RULEMAKING

Legal Authority: 42 USC 670 et seq; Federal Payment for Foster Care and Adoption Assistance; 42 USC 620 et seq Child Welfare Services; 42 USC 1320 Rules and Regulations

CFR Citation: 45 CFR 1356; 45 CFR 1357

Legal Deadline: None

Abstract: This NPRM will propose criteria the Department will use to verify that a State has met statutory requirements and is eligible to receive additional funds under Section 427 of the Social Security Act as amended by the Adoption Assistance and Child Welfare Act of 1980 (Pub. L. 96-272). The proposed rule will contain the specific criteria by which State performance in meeting the requirements of Section 427 is determined, the percentage levels and other standards for case record compliance, and procedures for conducting compliance reviews.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Casimer R. Wichlacz, Deputy Associate Commissioner, Children's Bureau, ACYF, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, D.C. 20201, 202 755-7418

RIN: 0980-AA08

494. RUNAWAY AND HOMELESS YOUTH PROGRAM--NOTICE OF PROPOSED RULEMAKING

Legal Authority: 42 USC 5701 Note The Runaway and Homeless Youth Act, as amended

CFR Citation: 45 CFR 1351

Legal Deadline: None

HHS—HDSO

Proposed Rule Stage

Abstract: These rules will make technical changes to modify 45 CFR 1351 to conform to changes in legislation that: (1) provide for making grants to any eligible entity and no longer restrict grants to nonprofit entities; and (2) refer to "family" or "families" in place of "parent," "parents," and/or "legal guardian(s)."

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Dominic J. Mastrapasqua, Acting Associate Commissioner, Department of Health and Human Services, Office of Human Development Services, Family and Youth Services Bureau, ACYF/HDS, PO Box 1182, Washington, DC 20013, **202 755-7766**

RIN: 0980-AA11

495. DEVELOPMENTAL DISABILITIES PROGRAM--NOTICE OF PROPOSED RULEMAKING

Legal Authority: 42 USC 6000 et seq

CFR Citation: 45 CFR 1385; 45 CFR 1386; 45 CFR 1387; 45 CFR 1388

Legal Deadline: None

Abstract: The proposed regulations revise Part 1388 to establish new program criteria for University Affiliated Facilities which include criteria for measuring achievement and identifying areas needing special attention. They also implement the requirement for recovery of construction funds and include procedures to allow a State to redesignate a new agency to administer the protection and advocacy system for good cause. They delete Part 1387, Special Projects, and make editorial and technical changes as required by statute.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Ms. Elsbeth Wyatt, Department of Health and Human Services, Office of Human Development Services, Administration on Developmental Disabilities, OHDS/HHS, Rm 336-E HHH Bldg, 200 Independence Ave SW, Wash., DC 20201, **202 245-2897**

RIN: 0980-AA12

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Human Development Services (HDSO)

Final Rule Stage

496. WORK INCENTIVE PROGRAM FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT--FINAL RULES

Legal Authority: 42 USC 602 (a) (19); 42 USC 630 to 644; 42 USC 1302; 42 USC 614

CFR Citation: 29 CFR 56; 45 CFR 224

Legal Deadline: None

Abstract: These rules implement three provisions of the Deficit Reduction Act of 1984 (PL 98-369) regarding the WIN program. These changes: (1) add a new exemption for women from the WIN work requirements beginning with the sixth month of pregnancy; (2) permit, under the protective payment requirement, a sanctioned caretaker relative (one who refused to participate in WIN or accept employment without good cause) to receive the AFDC payment on behalf of the assistance unit if a suitable protective payee cannot be located; and (3) exempt AFDC recipients from the work program requirements if they are participating in a Work Supplementation Program operated by a State.

Timetable:

Action	Date	FR Cite
Final Rule Effective	07/18/84	
Final Rule Effective	10/01/84	50 FR 6164
Final Rule with Comment Period	02/14/85	50 FR 6164
Final Rule Comment Period Begins	02/14/85	50 FR 6164
Final Rule Comment Period Ends	04/15/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: William Kacvinsky, Executive Director, Department of Health and Human Services, Office of Human Development Services, Work Incentive Program, Rm 8422 Patrick Henry Bldg, 601 D St, NW, Washington, DC 20213, **202 376-6890**

RIN: 0980-AA09

497. HEAD START PROGRAM--FINAL RULE

Significance: Regulatory Program

Legal Authority: 42 USC 9831 et seq Head Start Act, Title VI,; Subchapter B of PL 97-35, as amended

CFR Citation: 45 CFR 1301

Legal Deadline: None

Abstract: This rule would amend existing regulations governing the recruitment and selection of Head Start staff. The proposed rule would emphasize the importance of careful screening of employees in Head Start programs by requiring that Head Start programs have formal personnel policies and procedures in place that will provide safeguards against the possibility of abuse and neglect, including sexual abuse, occurring in the Head Start program.

Timetable:

Action	Date	FR Cite
NPRM	04/03/85	50 FR 13253
NPRM Comment Period End	06/03/85	50 FR 13253
Final Action	05/00/86	

Small Entity: No

HHS—HDSO **Final Rule Stage**

Agency Contact: Ms. Terry A. Lewis, Department of Health and Human Services, Office of Human Development Services, Head Start Bureau, Administration for Children, Youth and Families, HDS/HHS, PO Box 1182, Washington, DC 20013, 202 755-8208

RIN: 0980-AA10

498. CHILD ABUSE & NEGLECT PREVENTION & TREATMENT PROGRAM--FINAL RULES

Significance: Regulatory Program

Legal Authority: 42 USC 5101 et seq

CFR Citation: 45 CFR 1340

Legal Deadline: None

Abstract: This final rule will modify existing regulations to comport with the statutory changes made in the Child Abuse Amendments of 1984 (P.L. 98-457) and allow States to authorize, by statute, disclosure of confidential information in the State's child abuse registry to additional persons or agencies for employment and related purposes with the aim of further preventing child abuse and neglect.

Timetable:

Action	Date	FR Cite
NPRM	04/24/85	50 FR 16105
NPRM Comment Period End	06/24/85	50 FR 16105
Final Action	05/00/86	

Small Entity: No

Agency Contact: Jay Olson, Department of Health and Human Services, Office of Human Development Services, National Center on Child Abuse and Neglect, HDS/HHS, PO Box 1182, Washington, DC 20013, 202 245-2859

RIN: 0980-AA14

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Completed Actions

Office of Human Development Services (HDSO)

499. GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING; GRANTS TO INDIAN TRIBES FOR SUPPORTIVE & NUTRITION SERVICES--FINAL RULES

CFR Citation: 45 CFR 1321; 45 CFR 1328

Completed:

Reason	Date	FR Cite
Final Action	10/11/85	50 FR 41514
Final Action Effective	05/01/85	50 FR 12942

Small Entity: No

Agency Contact: Donald Smith or Frederik Luhmann 202 472-3057

RIN: 0980-AA02

[FR Doc. 86-5772 Filed 04-18-86; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Prerule Stage

Social Security Administration (SSA)

500. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; BLACK LUNG PROGRAM; AND SUPPLEMENTAL SECURITY INCOME PROGRAM; OFFICE OF MANAGEMENT & BUDGET CONTROL NUMBERS FOR APPROVED INFORMATION ETC

Legal Authority: 44 USC 3507(f)

CFR Citation: 20 CFR 404; 20 CFR 410.240; 20 CFR 416

Legal Deadline: None

Abstract: To comply with the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and with regulations implementing the Act published by OMB on 3/31/83 (48 FR 13666), we are publishing, as part of our regulations, the OMB control number for all reporting or recordkeeping requirements currently approved by OMB that are imposed by 20 CFR Parts 401, 404, 410, 416, and 422 of existing regulations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: TITLE CONT: Collection Requirements Imposed by Social Security Administration Regulations

Agency Contact: Cliff Terry, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 594-7519

RIN: 0960-AA97

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Proposed Rule Stage

Social Security Administration (SSA)

501. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; COVERAGE OF EMPLOYEES OF STATE AND LOCAL GOVERNMENTS

Legal Authority: 42 USC 418; 42 USC 1302; PL 98-21, Sec 103; PL 98-21, Sec 342

CFR Citation: 20 CFR 404, Subpart M

Legal Deadline: None

Abstract: This proposed regulation reflects policies and procedures concerning agreements between States and the Secretary for Social Security coverage of State and local employees, payment of Social Security contributions, filing of wage reports by States, charging interest for late payments, etc. The current rules need to be organized into a logical sequence and to be updated to reflect many

policies which SSA has followed for many years. In preparing this regulation, we reviewed all policies to assess their impact on the trust funds and to reduce recordkeeping burdens. We also added the provisions of sections 103 and 342 of Pub. L. 98-21. Sec. 103 prohibits termination of existing coverage under the States' agreements. Sec. 342 changes payment of Social Security contributions from once a month to twice a month. Other than these two statutory changes, which leave no room for administrative discretion, the only policy change in this proposed regulation that will result in any significant program or administrative cost or saving is to require States to pay their contributions by electronic transfer of funds. We estimate this will result in $8-9 million additional (cont)

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	09/28/79	44 FR 55899
Notice of Available Working Draft	09/26/80	45 FR 63868
NPRM	05/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: income to the trust funds per year.

Agency Contact: **Cliff Terry**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7519**

RIN: 0960-AA13

502. SUPPLEMENTAL SECURITY INCOME PROGRAM; REDUCTIONS, SUSPENSIONS AND TERMINATIONS

Legal Authority: 42 USC 1302; 42 USC 1382; 42 USC 1382c; 42 USC 1382d; 42 USC 1383

CFR Citation: 20 CFR 416, Subpart M

Legal Deadline: None

Abstract: This regulation reorganizes, revises, and clarifies the rules on withholding, reducing, suspending, and terminating an SSI beneficiary's benefits. These regulations include changes in the present rules that are required by recent statutory enactments and, additionally, make the rules easier to read and understand. This regulation will have no impact on SSA programs and administrative costs.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	06/19/79	44 FR 35241
NPRM	04/00/86	

Small Entity: No

Agency Contact: **Charles H. Campbell**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 597-3408**

RIN: 0960-AA22

503. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; WAGE COVERAGE UNDER SOCIAL SECURITY

Legal Authority: 42 USC 405; 42 USC 1302; PL 98-21, Sec 327; PL 96-342, Sec 1002(a); PL 97-306, Sec 408; PL 96-499, Sec 1141

CFR Citation: 20 CFR 404.1043; 20 CFR 404.1055; 20 CFR 404.1059; 20 CFR 404.1060; 20 CFR 404.1341

Legal Deadline: None

Abstract: This regulation consists of amendments to 5 rules on wage coverage under Social Security. These amendments are: (1) The value of the meals and lodging furnished for the convenience of the employer must be excluded from the employee's gross income; (2) With only limited exceptions, an employer may no longer exclude from an employee's wages, his or her payment of the employee's FICA tax; (3) Payments by an employer to an employee after the calendar year of the employee's entitlement to disability insurance benefits are not wages if paid in a period the employee did not work; (4) The scope of the entitlement to the deemed wages provided to internees of the camps for Japanese-Americans during World War II period is being broadened; (5) The scope of the entitlement to the deemed wages provided to members of the uniformed services is being narrowed. Only two regulations will have a cost impact. Amendment (1) above will reduce the Social Security benefits paid the affected employees but not by $100 million in any year. Amendment (2) will increase taxes paid by employers and employees but these increases are required by the statutory provisions and the Secretary has (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: no discretion in implementing them.

Agency Contact: **C.H. Campbell**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 597-3408**

RIN: 0960-AA55

504. SUPPLEMENTAL SECURITY INCOME PROGRAM; REOPENING AND REVISING SUPPLEMENTAL SECURITY INCOME DETERMINATIONS AND DECISIONS WITHIN FOUR YEARS OF THE NOTICE OF THE INITIAL DETERMINATION

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 416.1488

Legal Deadline: None

Abstract: The proposed rules provide for the reopening and revising of Supplemental Security Income determinations within four years of the notice of the initial determination if we discover an error affecting a claimant's eligibility or benefit amount during this period through the use of information exchange and data gathering involving either our records or our records and those of other Federal or State agencies. This rule is being proposed because the two-year period in which we may reopen and revise a determination based on new and material evidence we acquire through data and exchange is often too short and often expires before the determination to correct errors revealed by the data can be made. The budgetary impact has not yet been determined.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7452**

RIN: 0960-AA59

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505. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; SIMPLIFIED FEE PROCESS FOR REPRESENTATIVES OF CLAIMANTS

Significance: Regulatory Program

Legal Authority: 42 USC 406(a); 42 USC 1383(d)(2); 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404, Subpart R; 20 CFR 416, Subpart O

Legal Deadline: None

Abstract: The proposed regulation will revise the method for setting fees for representation. The current procedure has been criticized as too subjective and as resulting in excessively high fees. Also, Social Security Rulings on escrow accounts and third party payments would be incorporated in the proposed regulation. Additionally, conditions under which law firms or other representative entities would be recognized would be included; currently, SSA only recognizes individuals.

The regulations will result in a negligible administrative savings to SSA. There would also be a reduction in the amount of fees paid by beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	
Final Action	07/00/87	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-6785**

RIN: 0960-AA64

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506. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; RESIDENCY REQUIREMENT FOR PAYING BENEFITS TO NON-RESIDENT ALIENS

Legal Authority: 42 USC 405; 42 USC 1302; PL 98-21, Sec 340

CFR Citation: 20 CFR 404.460(b)

Legal Deadline: None

Abstract: These regulations implement Sec. 340 of Pub. L. 98-21--The Social Security Amendments of 1983--which provides a U.S. residence requirement that the dependent or survivor beneficiary must now meet if he or she is an alien outside the U.S. These provisions do not apply to the alien who is an old-age or disability beneficiary who is residing outside the U.S. for more than 6 months. The dependent or survivor beneficiary, however, who is an alien outside the U.S. will not be paid benefits effective January 1, 1985 unless he or she satisfies these new residence requirements. These provisions will effect negligible budget savings, i.e., $50 million for the period 1983-89.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: C.H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 597-3408**

RIN: 0960-AA76

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507. AID TO FAMILIES WITH DEPENDENT CHILDREN; CONSIDERATION OF UTILITY PAYMENTS MADE BY TENANTS IN HOUSING AND URBAN DEVELOPMENT ASSISTED HOUSING

Legal Authority: PL 98-181; 42 USC 602; 42 USC 1302

CFR Citation: 45 CFR 233

Legal Deadline: None

Abstract: The proposed rule will provide that Housing and Urban Development Assisted Aid to Families With Dependent Children tenants who pay utilities but no rent to landlord will have their utilities considered rent by a State IV-A agency in computing the Aid to Families With Dependent Children grant.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, Office of Intergovernmental Comm., 2100 Second St., SW, Washington, DC 20201, **202 245-2637**

RIN: 0960-AA87

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508. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; COVERAGE OF CERTAIN NEWLY HIRED FEDERAL EMPLOYEES; COVERAGE OF EARNINGS OF FEDERAL JUDGES

Legal Authority: PL 98-21, Sec 101; PL 98-118, Sec 4

CFR Citation: 20 CFR 404.1018; 20 CFR 404.1061

Legal Deadline: None

Abstract: The proposed regulations would codify section 101 of Pub. L. 98-21, as amended by section 4 of Pub. L. 118, which generally provides Social Security coverage for certain Federal employees and covers certain payments to retired Federal judges after 1985. Estimated increased revenues (resulting from this legislation) for 1984-1989 are $9.4 billion. Long-range savings are estimated at .28 percent of taxable payroll.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Steve Siff, Chief, IRR Branch, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-6697**

RIN: 0960-AA89

509. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS TREATMENT OF OASDI LUMP SUM AND MONTHLY PAYMENTS IN THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383(a)

CFR Citation: 20 CFR 404, Subpart U; 20 CFR 416, Subpart F

Legal Deadline: None

Abstract: These proposed rules would revise 20 CFR 404.2040, which stipulates the use of benefit payments by a representative payee, explaining that retroactive title II benefits received by a representative payee who is a member of an Aid to Families with Dependent Children (AFDC) assistance unit, on behalf of a child in the same unit, may be considered available to meet the needs of that AFDC assistance unit. If the representative payee is not a member of the assistance unit, title II benefits would be counted as available income for AFDC purposes only to the extent that the payee provides these funds to the AFDC household for the beneficiary's maintenance. Potential costs and benefits are not available at this time. We are also proposing direct payment to a beneficiary under age 18 if the beneficiary is within 7 months of attaining age 18 and is initially filing an application for benefits. This proposed revision represents a policy change and is an extension of the 4-month period in our current regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7452**

RIN: 0960-AA90

510. PUBLIC ASSISTANCE PROGRAMS, DUPLICATE ASSISTANCE PAYMENTS

Legal Authority: 42 USC 1302; 42 USC 603

CFR Citation: 45 CFR 201.70

Legal Deadline: None

Abstract: This proposed regulation will require States to report on their quarterly statement of expenditures the Federal share of previously claimed assistance checks which are determined to be: (1) replacements of checks cashed by eligible recipients, or (2) original checks cashed by persons other than the authorized payee. This rule will also clarify procedures for claiming Federal Financial Participation for duplicate checks.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, Office of Intergovernmental Comm., 2100 Second St., SW, Washington, DC 20201, **202 245-2637**

RIN: 0960-AA96

511. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; CARDIOVASCULAR SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.1500ff Appendix 1, Part A

Legal Deadline: None

Abstract: Section 4.00 of Appendix 1 of the Disability regulations (404.1501 through 404.159) describes cardiovascular impairments considered severe enough to prevent an individual from doing any gainful activity. We are reviewing this section of the Listing of Impairments and are anticipating the need for revising the criteria to bring them more up to date with current medical technologies and practice in this area of medicine which is advancing rapidly.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Hugh A. Meade, Jr., Dir of Medical and Vocational Policy, Department of Health and Human Services, Social Security Administration, Office of Disability, 6401 Security Blvd., Baltimore, MD 21235, **301 594-3352**

RIN: 0960-AA99

512. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; RESPIRATORY SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.1500ff, Appendix 1, Part A

Legal Deadline: None

Abstract: Section 3.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describes those respiratory impairments which are considered severe enough to prevent a person from engaging in any gainful activity. We are proposing comprehensive revision to that section to require consideration of the nature and clinical manifestations of respiratory disorders, as well as consideration of the degree of limitations such disorders may impose on an individual's ability to work.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Hugh A. Meade, Jr., Dir of Div of Medical and Vocational Policy, Department of Health and Human Services, Social Security Administration, Office of Disability, 6401 Security Blvd., Baltimore, MD 21235, **301 594-3352**

RIN:

0960-AB00

513. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MUSCULOSKELETAL SYSTEM

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 405

CFR Citation: 20 CFR 404.1500ff, Appendix 1, Part A

Legal Deadline: None

Abstract: Section 1.00 of Appendix 1 to the Disability Regulations 404.1501 through 404.1599 describes those musculoskeletal impairments which are considered severe enough to prevent a person from doing any gainful activity. We are proposing comprehensive revisions to that section to ensure that the medical evaluation criteria are up to date and consistent with the latest advances in medicine. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age Survivors, and Disability Insurance program. The budgetary impact is unknown at this time.

Timetable:

Action	Date	FR Cite
NPRM	11/00/86	
Final Action	05/00/87	

Small Entity: No

Agency Contact: Hugh A. Meade, Jr., Dir of Div of Medical and Vocation Policy, Department of Health and Human Services, Social Security Administration, Office of Disability, 6401 Security Blvd., Baltimore, MD 21235, **301 594-3352**

RIN: 0960-AB01

514. BLACK LUNG PROGRAM; ESTABLISHING DEPENDENCY OF SURVIVING DIVORCED WIFE AND COMPUTATION OF BASIC RATE

Legal Authority: 30 USC 801

CFR Citation: 20 CFR 410

Legal Deadline: None

Abstract: These proposed regulations correct several errors in our regulations relating to the Black Lung Benefits Program, update the formula for determining the monthly black lung benefit amount, and change the heading of 20 CFR 410 to "Federal Mine Safety and Health Act of 1977."

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 597-3409**

RIN: 0960-AB05

515. AID TO FAMILIES WITH DEPENDENT CHILDREN; APPLICATION OF FEDERAL FINANCIAL PARTICIPATION OF RECOVERED INCORRECT PAYMENTS TO QUALITY CONTROL DISALLOWANCES

Legal Authority: 42 USC 1203; 42 USC 603

CFR Citation: 45 CFR 201.69

Legal Deadline: None

Abstract: This proposed rule would reduce the Federal dollar amount of Quality Control Disallowances assessed on States for incorrect assistance payments (payments to ineligibles and overpayments to eligible individuals) made in the Aid to Families With Dependent Children program by a percentage of the recoveries of incorrect payments made.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Barbara Levering, Director, Office of Intergovernmental Comm., Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second St., SW, Washington, DC 20201, **202 245-2637**

RIN: 0960-AB06

516. SUPPLEMENTAL SECURITY INCOME PROGRAM; INCOME; BILLS PAID FOR YOU

Legal Authority: 42 USC 1382(a)

CFR Citation: 20 CFR 416.1103(g); 20 CFR 416.1103(a) to (b)

Legal Deadline: None

Abstract: Federally funded needs based payments are counted dollar for dollar as income for SSI purposes regardless of the manner in which they are paid (e.g., directly to a vendor). Bills paid by "someone else" (e.g., a relative or friend) are not income. Regulations need clarification that "someone else" does not mean another federally funded needs based program. Also, cash provided by a governmental medical or social services agency is not income. Regulations will restrict this to cash which is either repayment for, or restricted to the future purchase of, a program-approved service.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 597-3409**

RIN: 0960-AB09

517. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; BLACK LUNG PROGRAM; OPPORTUNITY FOR ORAL HEARING BEFORE BENEFIT RECOVERY

Significance: Agency Priority

Legal Authority: 42 USC 404; 42 USC 405; 42 USC 427; 42 USC 1302; 30 USC 921; 30 USC 922(a); 30 USC 922(b); 30 USC 936(a); 30 USC 952; 31 USC 957

CFR Citation: 20 CFR 404.902a; 20 CFR 404.907; 20 CFR 404.930; 20 CFR 410.561; 20 CFR 410.623; 20 CFR 410.630

Legal Deadline: None

Abstract: These regulations reflect the Supreme Court's decision in Califano v. Yamasaki that SSA must provide the person who is requesting that SSA waive recovery of an overpayment with an opportunity for an oral hearing before action is taken to recover the overpayment.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Charles H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 597-3408**

RIN: 0960-AB17

518. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; STANDARDS FOR CONSULTATIVE EXAMINATIONS; MEDICAL EVIDENCE

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 9; 42 USC 465; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1512; 20 CFR 416.912; 20 CFR 404.1519; 20 CFR 416.919; 20 CFR 404.1502; 20 CFR 416.920; 20 CFR 404.1593; 20 CFR 416.993; 20 CFR 416.902; 20 CFR 404.1513; 20 CFR 416.913; 20 CFR 404.1520; 20 CFR 404.1545; 20 CFR 416.945; 20 CFR 404.1546

Legal Deadline: Statutory, April 7, 1985

Abstract: The proposed regulations include standards for obtaining consultative examinations, the types of consultative examination referrals to be made, and monitoring procedures for consultative examinations and the referral process. The proposed regulations also provide for evaluating medical evidence of record and a 12-month medical history where appropriate. The requirement that a medical assessment in work-related terms be included in medical reports is being eliminated. The changes will not have any significant impact on either administrative or program costs.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	11/00/86	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7415**

RIN: 0960-AB22

519. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; PERMANENT RESIDENCE UNDER COLOR-OF-LAW

Legal Authority: Berger v. Schweiker No. 76c 1420 (E.D.N.Y. July 31, 1984); Berger v. Heckler 771 F. 2d 1556 (1985); Section 1614(a)(1)(B) of the Social Security Act

CFR Citation: 20 CFR 416.1618

Legal Deadline: None

Abstract: The proposed rule implements Berger which defines color of law for SSI purposes and sets out categories of aliens who are to be considered permanently residing in the U.S. under color of law. This will enable additional aliens to qualify for Supplemental Security Income benefits. Our preliminary estimates are that the proposed regulations could result in Federal SSI costs of between $17 million and $135 million in fiscal year (FY) 1986, between $7 million and $285 million in FY 1987 and between $9 million and $280 million in FY 1988. Our maximal estimated Medicaid costs for FY 1986 are $155 million Federal and $130 million State, for FY 1987, $370 million Federal and $295 million State, and for FY 1988, $420 million Federal and $355 million State.

Timetable:

Action	Date	FR Cite
NPRM	03/19/86	51 FR 09462
Final Action	11/00/86	

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7460**

RIN: 0960-AB24

520. SUPPLEMENTAL SECURITY INCOME PROGRAMS; ASSIGNMENT OF RIGHTS TO THIRD-PARTY MEDICAL PAYMENTS TO STATE

Legal Authority: 42 USC 1383c; 42 USC 1396k

CFR Citation: 20 CFR 416.2101 to 416.2119

Legal Deadline: None

Abstract: Our current regulations implementing section 1634 of the Social Security Act provide that SSA will make determinations for the State on whether aged, blind, or disabled people are eligible for Medicaid if the State's Medicaid requirements for these people are the same as SSI eligibility requirements. Sec. 2367 of Pub. L. 98-369 mandates that States require, as a condition of Medicaid eligibility, that a person assign to the State his or her rights to any medical care support available under an order of a court or an administrative agency and any third-party payments for medical care (except Medicare). This is a Medicaid requirement that is different from SSI requirements. We plan to amend our regulations to provide that in making the Medicaid eligibility determination under a section 1634 agreement, SSA will also determine that the new assignment requirement has been met. The resulting cost for SSA is estimated as less than $1 million a year, of which States would pay half. We are also rewriting and reorganizing our regulations for making Medicaid determinations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Cliff Terry, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7519**

RIN: 0960-AB28

521. SUPPLEMENTAL SECURITY INCOME PROGRAM; HOW WE COUNT UNEARNED INCOME

Legal Authority: 42 USC 1302; 42 USC 1382a

CFR Citation: 20 CFR 416.1123(b)

Legal Deadline: None

Abstract: The issue is whether amounts otherwise due an individual assigned to repay a legal obligation should continue to be included in income under the Supplemental Security Income (SSI) program. The proposed regulation will clarify that we count such amounts as income. Because this clarification only

will reflect current operating policy, no costs/savings are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, 301 594-3409

RIN: 0960-AB29

522. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CONTINUATION OF BENEFITS DURING APPEAL

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404, Subpart P; 20 CFR 416, Subpart I

Legal Deadline: None

Abstract: These proposed rules which implement section 2 of Pub. L. 97-455, section 2 of Pub. L. 98-118 and section 7 of Pub. L. 98-460 provide the following groups with the option to elect to continue receiving benefits/payments pending reconsideration and/or a hearing before an administrative law judge on a medical cessation determination; recipients of disability insurance; adult child's, disabled widow's, disabled widower's, mother's and father's, or spouse's benefits based on having in care a disabled adult child; recipients of benefits based on having in care, a child under age 18 but over age 15, who is disabled and receiving child's benefits; recipients of SSI benefits based on disability or blindness. Any continued payments are subject to recovery as overpayments, subject to the same waiver provisions now in current law and regulations where the medical cessation decision is upheld on appeal. The estimated additional costs not already funded are FY 1985--$80.1 million, FY 1986--$112.6 million.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	10/00/86	

Small Entity: No

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7459

RIN: 0960-AB30

523. SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF OVERPAYMENTS WHEN RECIPIENT'S COUNTABLE ASSETS EXCEED LIMITS IN CERTAIN CASES

Legal Authority: PL 98-369, Sec 2613

CFR Citation: 20 CFR 416

Legal Deadline: None

Abstract: This proposed regulation reflects the provisions of section 2613 of P.L. 98-369 which provides for waiving recovery of an overpayment that is attributable solely to excess resources if the amount of the excess is $50 or less unless the overpaid recipient (and spouse if any) knowingly and willfully failed to report the value of his/her resources accurately and timely.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 594-7459

RIN: 0960-AB32

524. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; EXTENSION OF MEDICAID ELIGIBILITY WHEN SUPPORT COLLECTIONS RESULT IN TERMINATION OF AFDC ELIGIBILITY

Legal Authority: 42 USC 606; 42 USC 1302; PL 98-378, Sec 20

CFR Citation: 45 CFR 233

Legal Deadline: None

Abstract: This interim final rule, which implements section 20 of the Child Support Enforcement Amendments of 1984 (Pub. L. 98-378) specifies that in any case where the collection or increased collection of support under title IV-D of the Social Security Act contributes wholly or partly to a family's ineligibility for AFDC, the family is deemed, but only for the purpose of Medicaid eligibility, to be receiving AFDC for a period of four calendar months after the last month of AFDC eligibility. This applies only to families who receive AFDC in three of the six months immediately preceding the month of ineligibility. "Received" includes those individuals denied an AFDC payment solely because the payment amount is under $10 or because the payment is determined to be zero as a result of rounding. The estimated costs are: FY 1985--$53 million, FY 1986--$58 million, FY 1987--$62 million, and FY 1988--$68 million.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-6629

RIN: 0960-AB33

525. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM REOPENING AND REVISING DETERMINATIONS AND DECISIONS WHERE THERE IS CLEAR ERROR OR NEW AND MATERIAL EVIDENCE

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302; 30 USC 923(b); 30 USC 936(a); 30 USC 956; 30 USC 957

CFR Citation: 20 CFR 404, Subpart J; 20 CFR 410, Subpart F

Legal Deadline: None

Abstract: These proposed rules would make two changes on when a determination or decision affecting someone's rights may be reopened and revised. These changes would permit reopening more than 4 years after the date of the notice of the initial determination so that we can correct clerical errors or errors on the face of the evidence considered in making the determination or decision. We are proposing to make these changes so that we can correct erroneous determinations or decisions discovered more than 4 years after the date of the initial determination. In addition, the proposed rules would establish a new

administrative action called a "non-action finding." A "non-action finding" occurs when we fail to act on a report by a beneficiary and as a result fail to make an adverse change in the individual's benefits. A "non-action finding" is final and binding on both us and the beneficiary, subject to special rules on reopening and revising that action. We are proposing to make this change so that a beneficiary is protected under rules covering the reopening and revising of determinations and decisions against the retroactive effect of a (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	01/00/87	

Small Entity: No

Additional Information: TITLE CONT: Adjudicative Non-Action.

ABSTRACT CONT: determination made more than 4 years later based on that report. Expansion of the time limits - Saving of $78.6 million in benefit payments per year; "Non-action finding"-Cost of $400,000 a year in benefit payments.

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 594-7452

RIN: 0960-AB34

526. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; COMPLIANCE WITH FEDERAL LAW

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 421; 42 USC 1302; PL 98-460, Sec 17

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None

Abstract: The regulations deal with the operation of State agencies which make disability determinations for the Social Security Disability Benefits program and the Supplemental Security Income for the Aged, Blind, and Disabled program under regulations and other written SSA guidelines. The regulations implement recently enacted law which requires the Secretary to take definitive steps within specific time frames to assure the compliance of State agencies with SSA regulations and other written guidelines or proceed to determine their participation in the SSA administered programs. The regulations also make other changes to improve the disability determination process and to clarify and update other administrative requirements. Costs/savings cannot be estimated at this time.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	12/00/86	

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 597-3409

RIN: 0960-AB36

527. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; PAYMENT OF COSTS OF REHABILITATION SERVICES

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 11; 42 USC 405; 42 USC 422; 42 USC 1302; 42 USC 1382(d)

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None

Abstract: Public Law 98-460 created 2 new provisions under which SSA will pay vocational rehabilitation (VR) agencies for the costs of services provided to disabled or blind social security beneficiaries or SSI recipients. Under the first new provision, SSA will allow payment to VRA's for the costs of VR services provided to individuals continuing to receive payment because they are participating in a VR program after their period of disability has ceased due to their unexpected medical recovery. The second new provision allows payment to VRA's for the costs of VR services provided to beneficiaries/recipients who refuse without good cause to continue or to cooperate in a VR program in such a way as to preclude their successful rehabilitation with such refusal resulting in the nonpayment of their disability or blindness payments. It is estimated that the first year costs of this program will be less than 1 million dollars.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
Final Action	01/00/87	

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulation, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7460

RIN: 0960-AB37

528. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ADJUSTMENTS IN SSI BENEFITS ON ACCOUNT OF RETROACTIVE BENEFITS UNDER TITLE II

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1320a-6; 42 USC 1302; 42 USC 1383; PL 98-369, Sec 2615; 42 USC 1383b

CFR Citation: 20 CFR 404.408b; 20 CFR 416.1123

Legal Deadline: None

Abstract: Sec. 2615 of Pub. L. 98-369 amended sec. 1127 of the Social Security Act to eliminate loopholes that permitted some people who were paid Old-Age, Survivors and Disability Insurance (OASDI) and Supplemental Security Income (SSI) benefits retroactively to receive more in total benefits for the same period than if they had been paid the benefits when regularly due. The two main changes are: (1) Retroactive SSI benefits will be reduced where retroactive OASDI benefits for the same period 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 retroactively upon reinstatement following a period of suspension or termination will be reduced by the amount of SSI benefits that would not have been paid if the OASDI benefits had been paid when regularly due. We will amend our regulations to conform to the statutory changes. The program savings to SSA are estimated as $5 million a year.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	01/00/87	

Small Entity: No

Agency Contact: Cliff Terry, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7519**

RIN: 0960-AB38

529. SUPPLEMENTAL SECURITY INCOME PROGRAM; LIMITATION ON RECOUPMENT RATE IN CASE OF OVERPAYMENT

Legal Authority: 42 USC 1302; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382c; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 416, Subpart E

Legal Deadline: None

Abstract: These proposed rules which implement section 2612 of Pub. L. 98-369 will limit the rate at which an overpayment may be recovered from an individual still receiving benefits (SSI or federally administered supplementary payments, or both) to 10 percent of the recipient's total income (countable income plus SSI and State supplementary payments) or the recipient's payment for the month, whichever is less. They will apply the 10 percent requirement only to recipients in current payment status. However, recovery of an overpayment by withholding from SSI payments due will be suspended when a recipient is subject to the $25 payment limitation (living arrangement D). The 10 percent limit will not apply in situations involving installment agreements, recovery by refund, cross program adjustment for individuals not in SSI current pay or where it is determined that the overpayment occurred because of recipient fraud or willful misrepresentation. They will, in negotiated cases, set a rate of withholding that is appropriate for the financial condition of the overpaid person after factual evaluation. Such cases will also be considered initial determinations for (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: which the recipient has appeal rights. Estimated costs are FY 1986--$2 million, FY 1987--$2 million, FY 1988--$2 million, FY 1989--$2 million.

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7459**

RIN: 0960-AB40

530. OLD-AGE, SURVIVORS, DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS: EVALUATION OF SYMPTOMS, INCLUDING PAIN

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 3; 42 USC 205; 42 USC 423 (d) (5); 42 USC 1302; 42 USC 138

CFR Citation: 20 CFR 404, Subpart P; 20 CFR 416, Subpart I

Legal Deadline: None

Abstract: These proposed regulations reflect a temporary statutory standard (through December 31, 1986) for evaluating cases involving pain or other symptoms. This standard reflects SSA's current policy for evaluating symptoms, including pain.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	12/00/86	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd, Baltimore, Maryland 21235, **301 594-7415**

RIN: 0960-AB41

531. DISCLOSURE OF PERSONAL INFORMATION TO LAW ENFORCEMENT AGENCIES AND COURTS (PRERULEMAKING ACTIVITY)

Significance: Regulatory Program

Legal Authority: 5 USC 552; 5 USC 552a; 5 USC 1306; 26 USC 6103

CFR Citation: 20 CFR 401

Legal Deadline: None

Abstract: Under present rules, disclosure to a law enforcement agency is allowed only when a violent crime has been committed and the subject of the information has been either indicted or convicted of that crime. These rules severely restrict permissible disclosures, since most subjects, once indicted or convicted, are already in custody or otherwise accounted for. SSA is considering a change in policy that will expand the circumstances in which information can be disclosed.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Pete Benson, Social Insurance Specialist, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-5622**

RIN: 0960-AB66

532. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; FOOD STAMP PROGRAM; POLICY CONSISTENCY

Significance: Regulatory Program

Legal Authority: 42 USC 1302

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: We are seeking ways to develop greater consistency in eligibility policies and procedures between the AFDC and Food Stamp programs, within existing statutory requirements. We are particularly interested in how we can make similar requirements in the two programs identical and streamline processes. The aim is to improve and simplify program administration and ease the burden placed upon the individuals applying for assistance.

Timetable:

Action	Date	FR Cite
ANPRM	02/19/85	50 FR 6970
ANPRM Comment Period End	04/22/85	50 FR 6970

NPRM 00/00/00

Small Entity: Undetermined

Agency Contact: Natalie Dethloff, Director, DLRP, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20201, 202 245-3284

RIN: 0960-AB71

533. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; ADMINISTRATIVE IMPROVEMENT IN THE AFDC PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 602; 42 USC 603; 42 USC 606; 42 USC 607; 42 USC 1302

CFR Citation: 45 CFR 201; 45 CFR 205; 45 CFR 206; 45 CFR 225; 45 CFR 232; 45 CFR 233; 45 CFR 234; 45 CFR 237

Legal Deadline: None

Abstract: The proposed rule will organize and codify those administrative changes which will better target program resources, reduce administrative cost, or increase State flexibility.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Natalie Dethloff, Director, DLRP, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20201, 202 245-3284

RIN: 0960-AB72

534. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ADJUDICATION OF SOCIAL SECURITY DISABILITY CLAIMS (PRE-RULEMAKING ACTIVITIES)

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 10

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None

Abstract: The Disability Program is a dynamic program that is subject to ongoing review and change. It is essential that certain actions be taken that ensure the rules under which the program operates (a) reflect legislative changes, (b) reflect chronological changes, and (c) are complete. In addition, the public must have an opportunity to comment on these rules. More specifically our goals are as follows: (A) To implement PL 98-460, the Disability Benefits Reform Act of 1984, in a way that is consistent with legislative interest and administrative effectiveness. (B) To develop disability guidelines, procedures, and policies which can be consistently interpreted and applied throughout all lines of the disability process and are in compliance with PL 98-460, section 10, which requires that all major disability policies be published as regulations. (C) To assure that disability program policies and adjudicative criteria are consistent with the latest advances in medicine and vocational assessment and realistic in relationship to measurements available for assessing disability.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: This entry does not describe one regulation but is descriptive of a number of regulations which may result from our review of disability rulings as required by section 10 of PL 98-460.

Agency Contact: Nancy J. Dapper, Department of Health and Human Services, Social Security Administration, 100 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-2740

RIN: 0960-AB73

535. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE; BLACK LUNG; AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; BASIS FOR DISQUALIFICATION OF CLAIMANT REPRESENTATIVE

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; 30 USC 923

CFR Citation: 20 CFR 404; 20 CFR 410; 20 CFR 416

Legal Deadline: None

Abstract: The proposal changes the regulatory basis for the suspension or disqualification of claimant representatives. There has been an increase in the number of concerns about the conduct of some representatives. The complaints concern conduct and behavior which are inconsistent with the role and responsibilities representatives take, but such conduct and practices do not constitute grounds for suspension or disqualification under current regulations. The proposed additional bases for suspension or disqualification will give us the regulatory authority to suspend or disqualify in these situations.

The proposed changes will result in negligible program or administrative costs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7452

RIN: 0960-AB76

536. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; WAIVER OF ADJUSTMENT OR RECOVERY OF OVERPAYMENTS, AND LIABILITY OF A CERTIFYING OFFICER AGAINST EQUITY AND GOOD CONSCIENCE; DEFINED

Legal Authority: 42 USC 404; 42 USC 405; 42 USC 427; 42 USC 1302

CFR Citation: 20 CFR 404.509

Legal Deadline: None

Abstract: The proposed change would allow us to grant waiver of recovery of the overpayment to such contingently liable individuals who are without fault and living in a separate household at the time of the overpayment.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-6629

RIN: 0960-AB77

HHS—SSA

Proposed Rule Stage

537. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; OVERPAYMENTS, UNDERPAYMENTS, WAIVER OF ADJUSTMENT OR RECOVERY OF OVERPAYMENTS, AND LIABILITY OF A CERTIFYING OFFICER--ETC

Legal Authority: 42 USC 404; 42 USC 405; 42 USC 427; 42 USC 1302

CFR Citation: 20 CFR 404.501; 20 CFR 404.502

Legal Deadline: None

Abstract: These proposed amendments to the regulations amend the definition of overpayment as it appears in the regulations to make it clear that the term "overpayment" includes not only checks sent directly to a payee but payments made to a financial institution either by means of a check or through electronic fund transfer. They also incorporate into the regulations longstanding policies concerning the circumstances under which individuals other than the overpaid persons themselves are liable for repayment of an overpayment. No increased program or administrative costs are anticipated as these rules make no changes in our policies.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: TITLE CONT: Overpayments.

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-6629

RIN: 0960-AB78

538. SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF PROPERTY HELD IN TRUST OR OTHER SIMILAR LEGAL DEVICES WHEN THE PROPERTY IS AVAILABLE FOR A BENEFICIARY'S SUPPORT AND MAINTENANCE

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c(f); 42 USC 1383

CFR Citation: 20 CFR 416.1201

Legal Deadline: None

Abstract: This proposed regulation provides that assets held in any revocable or irrevocable trust or any other similar legal device including but not limited to gifts made in accordance with the Uniform Gifts to Minors Act, if available for the beneficiary's support and maintenance, will be a countable resource. It would include as countable assets those that will not be disbursed either at the discretion of the trustees or at the direction of the trustor because such disbursement would adversely affect the beneficiary's eligibility for Supplemental Security Income benefits.

Timetable:

Action	Date	FR Cite
NPRM	02/00/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Henry D. Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7463

RIN: 0960-AB79

539. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; AMENDED EXCEPTIONS TO REDUCTION WHERE SPOUSE IS RECEIVING A GOVERNMENT PENSION; DECREASED AMOUNT OF REDUCTION

Legal Authority: 42 USC (b); 42 USC (c); 42 USC (e); 42 USC (f)

CFR Citation: 20 CFR 404.408a

Legal Deadline: None

Abstract: In these regulations, we are amending our rules on reducing the Social Security benefit amounts of spouses who are receiving Government pensions. The amendments, which implement section 2 of Pub. L. 98-617, provide that, for beneficiaries subject to this reduction, the benefit reduction in all cases will be two-thirds (instead of 100 percent) the amount of the spouse's Government pension. The amendments also extend by one month the periods for meeting the existing exceptions to reduction in cases where an employee's pension eligibility was delayed by one month solely because of a requirement which postponed eligibility for the pension until the month after the month in which all other requirements were met. The changes are effective for benefits payable for December 1984 and later months. These regulations will cost the Social Security trust funds $10 million per year in increased benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	50 FR 53340
NPRM Comment Period End	03/03/86	
Final Action	08/00/86	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-6785

RIN: 0960-AB80

540. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; PERIOD OF DISABILITY--WHEN YOU MAY NOT BE ENTITLED TO BENEFITS

Legal Authority: 42 USC 402; 42 USC 405; 42 USC 416; 42 USC 423; 42 USC 428; 42 USC 1302

CFR Citation: 20 CFR 404

Legal Deadline: None

Abstract: This proposed regulation would prohibit an individual from receiving any underpayment due a beneficiary other than the worker, if the individual requesting the underpayment due the beneficiary intentionally killed that beneficiary.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7459

RIN: 0960-AB82

541. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; DETERMINING FIRST MONTH OF ENTITLEMENT BASED ON ONE-HALF SUPPORT

Legal Authority: 42 USC 402(b)(4)

CFR Citation: 20 CFR 404.366(b)

Legal Deadline: None

Abstract: Under present regulations, an insured person can be found to be providing one-half support to a claimant if he or she makes regular contributions for support and the amount exceeds one-half of the claimant's ordinary living costs. The usual approach for determining one-half support is to compare the amount of the insured's contributions with the total income of the claimant.

The proposed regulations change would more accurately reflect that the claimant's total income for support purposes is always considered in the support determination. The change would more specifically address the situation where a claimant elects to invest or otherwise segregate his or her own income and claim one-half support from the insured person. This situation will most frequently arise in cases involving Government pension offset. There would be no significant costs/savings since the policy is already being interpreted in this manner.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7460**

RIN: 0960-AB83

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542. SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF ALASKA NATIVE AND REGIONAL VILLAGE CORPORATION DIVIDEND DISTRIBUTION

Legal Authority: 42 USC 1382a

CFR Citation: 20 CFR 416, Subpart K, Appendix

Legal Deadline: None

Abstract: This proposed regulation would clarify that payments received under the Alaska Native Claims Settlement Act are only excluded as income to the extent they are exempt from taxation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Irv Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 597-3409**

RIN: 0960-AB86

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543. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REDUCTION BECAUSE OF ENTITLEMENTS TO OTHER BENEFITS

Legal Authority: 42 USC 405; 42 USC 407; 42 USC 1302

CFR Citation: 20 CFR 404.407, (Revision); 20 CFR 404.612

Legal Deadline: None

Abstract: Section 202(k)(4) of the Social Security Act discusses simultaneous entitlement to retirement and disability insurance benefits (RIB/DIB) and provides that SSA will pay the higher benefit unless the claimant elects to be paid the lower. Section 223(a)(1) explains that an application for DIB may be filed by someone other than the number holder (NH) within 3 months after the month of the NH's death. Strict interpretation had been made of section 202(k)(4) so that no one other than the NH (or proper applicant on behalf of a living NH) could make the election described in section 202(k)(4). In section 404.612(d) of the CFR, the explanation of section 223(a)(1) is given. We have recently published new operating policy which explains that the same person who files an application pursuant to CFR section 404.612(d) may make the election described in CFR 404.407(c).

We are proposing to change CFR 404.407(c) to clarify that the person described in section 404.612(d) may make the election discussed in section 202(k)(4).

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Additional Information: We considered changing the requirements in CFR 404.640 for withdrawing an application to enable the individual who filed a DIB application pursuant to CFR 404.612(d) to withdraw the application. However, the change would only apply to disability applications filed after the death of the NH and would not have affected RIB/DIB applications filed by NH's who die prior to making the election described in 404.407(c). The proposed change, therefore, will be more equitable. We foresee minimal costs from this change since the number of potentially affected beneficiaries is small and the period of time during which they will receive the higher family maximum amount (based on the RIB) will only be for the months during which the deceased NH is simultaneously entitled to DIB. Also, this cost will be offset by administrative savings since overpayments will not be created and have to be recovered in situations where NH's die prior to the DIB determination where RIB has been paid.

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7459**

RIN: 0960-AB87

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544. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE, SUPPLEMENTAL SECURITY INCOME & BLACK LUNG PROGRAMS—OWN MOTION REVIEW OF FEE DETERMINATION

Legal Authority: 42 USC 405; 42 USC 406; 42 USC 1302; 30 USC 923(b); 30 USC 936(a); 30 USC 956; 30 USC 957; 42 USC 1383

CFR Citation: 20 CFR 404.1720; 20 CFR 410.686; 20 CFR 416.1520

Legal Deadline: None

Abstract: We propose to revise our regulation on review of attorney fee determinations approved for services before the Social Security Administration (SSA) under titles II and XVI of the Social Security Act and under title IV of the Federal Mine Safety and Health Act. These revised rules, if adopted, will allow SSA on its own motion to review and revise attorney fee determinations which are clearly based on improper application of the law and regulations, or on an error of fact. This change extends authority to SSA for reopening fee determinations; an initiative by regulation which is now only applicable

to an attorney or his/her client. The savings from this regulation are negligible.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-6629**

RIN: 0960-AB89

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545. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE; BLACK LUNG; SUPPLEMENTAL SECURITY INCOME PROGRAMS; COMPONENT RECOMMENDATION THAT THE APPEALS COUNCIL REVIEW ALJ DECISIONS

Legal Authority: 42 USC 405; 42 USC 406; 42 USC 408; 42 USC 1302; 42 USC 1383; 42 USC 1383a; 30 USC 923

CFR Citation: 20 CFR 404; 20 CFR 410; 20 CFR 416

Legal Deadline: None

Abstract: These proposed regulations add to our regulations procedures under which a Social Security component responsible for carrying out an administrative law judge hearing decision may recommend to the Appeals Council that the Appeals Council review the decision. Also, we are revising our regulations to make it clear that the Social Security Administration may reopen a final determination or decision on its own initiative. We are adding these rules to our regulations to make the public aware of these procedures and clarify any questionable issues.

The proposed changes will result in negligible program or administrative costs or savings.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7452**

RIN: 0960-AB90

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546. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; GENERAL ADMINISTRATION -- PUBLIC ASSISTANCE PROGRAM--QUALITY CONTROL SYSTEM

Legal Authority: 42 USC 1302; PL 97-248; PL 96-123

CFR Citation: 45 CFR 205.42; 45 CFR 205.44

Legal Deadline: None

Abstract: These proposed rules amend the QC regulations under the AFDC program by introducing two primary changes. The first establishes a new performance-based threshold to determine whether or not States that failed to meet the statutory error standards can, in fact, be considered for a waiver. The revision replaces the provision at 45 CFR 205.42(g)(2)(v) regarding a timely developed and implemented corrective action plan, as well as the requirement at 45 CFR 205.44(g)(2)(iv) relating to a demonstrated error reduction from the last assessment period. The second, which generally pertains to those States which are eligible to be considered for a waiver by virtue of having met the threshold, establishes more definitive criteria to be used in determining whether waivers will be granted.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Barbara M. Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20201, **202 245-2637**

RIN: 0960-AB91

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547. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; USE OF WORK EVALUATIONS TO EVALUATE INDIVIDUALS WITH MENTAL IMPAIRMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404.1547, (New); 20 CFR 416.947, (New)

Legal Deadline: None

Abstract: The regulations that we are proposing provide the necessary guidelines for the disability determination services when it is necessary to refer individuals with mental impairments for a work evaluation. Work evaluations are needed in certain disability cases (both title II and title XVI) when it is necessary to evaluate the individual's ability to perform past work or other work available in the economy.

Timetable:

Action	Date	FR Cite
Notice	03/11/85	50 FR 9770
NPRM	10/00/86	
Final Action	04/00/87	

Small Entity: Undetermined

Agency Contact: Hugh A. Meade, Jr., Director, Division of Medical & Vocational, Policy, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-3352**

RIN: 0960-AB92

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548. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; LISTING OF IMPAIRMENTS--APPENDIX 2--MEDICAL - VOCATIONAL GUIDELINES, ILLITERACY AND INABILITY TO COMMUNICATE IN ENGLISH

Legal Authority: 42 USC 405

CFR Citation: 20 CFR 404P, Appendix 2

Legal Deadline: None

Abstract: The proposed changes will clarify the meanings of the terms "illiteracy" and "inability to communicate in the English language" as they are used in the disability

adjudication regulations. The new rules will show that inability to communicate in English is a more adverse factor than being only illiterate in English. Since only the Secretary of the Department of Health and Human Services and his or her delegates are empowered to administer the title II and title XVI disability and blindness programs these changes must be made on a Federal level. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program. The budgetary impact is unknown at the time.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: No

Agency Contact: Hugh A. Meade, Jr., Director, Division of Medical & Vocational Policy, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-3352**

RIN: 0960-AB94

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549. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; SPOUSAL DEEMING COMPUTATION INVOLVING STATE SUPPLEMENTATION

Legal Authority: Bouchard v. Secretary, USDC (Mass) Civil No. 78-0632-F; 42 USC 1382e

CFR Citation: 20 CFR 416.2025(b)

Legal Deadline: None

Abstract: This proposed rule would use the Bouchard decision as the basis for a nationwide policy providing that for purposes of calculating State supplementary payments an optional State supplementary rate for a couple would be used instead of the rate for an individual in spousal deeming cases.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7460**

RIN: 0960-AB95

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550. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MENTAL IMPAIRMENTS - CHILDHOOD LISTINGS

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404P, Appendix 1, Part B

Legal Deadline: None

Abstract: Section 112.00 of Appendix 1 to the Old-Age, Survivors, and Disability Insurance Disability Regulations 404.1501 through 404.1599 describe those mental impairments that apply only to the evaluation of impairments of persons under age 18. We are proposing comprehensive revisions to that section to ensure that the medical evaluation criteria are up to date and consistent with the latest advances in medicine. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program. The budgetary impact is unknown at this time.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	
Final Action	04/00/87	

Small Entity: No

Agency Contact: Hugh A. Meade, Jr., Director of Division of Medical &, Vocational Policy, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-3352**

RIN: 0960-AB96

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551. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE, BLACK LUNG, AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ROTATION OF ALJS APPOINTMENT TO HEAR AND DECIDE CASES; EXCEPTIONS TO APPOINTING

Significance: Regulatory Program

Legal Authority: 5 USC 3105; 5 USC 554(d)

CFR Citation: 20 CFR 404.929; 20 CFR 416.1429; 20 CFR 410.630

Legal Deadline: None

Abstract: The current regulations on appointing ALJ's to hear and decide cases do not discuss (1) the appointment of ALJ's in rotation to hear and decide cases; or (2) the exceptions to appointing ALJ's in rotation. In addition, the current regulations provide that once an ALJ has been appointed to conduct a hearing, the case may be assigned to another ALJ "if circumstances warrant." The regulations do not discuss the circumstances which would warrant (1) assigning another ALJ to conduct the hearing; or (2) assigning another ALJ to decide a case after the original ALJ has conducted the hearing. The regulatory changes will address concerns about timeliness of hearings and decisions raised by Congress, the public, and the courts. This will result in faster hearings and decisions in many cases, and the overall result will be a lowered cost per case processed. In addition, they will address the agency's public relations and litigation problems caused by the delayed processing of cases.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	
Final Action	07/00/87	

Small Entity: No

Agency Contact: Eugene R. Larkin, Social Insurance Policy Analyst, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-1810**

RIN: 0960-AB97

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552. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; ELIMINATING THE CONCEPT OF CONSIDERING A RENTAL SUBSIDY AS UNEARNED INCOME

Significance: Regulatory Program

Legal Authority: 42 USC 1382a

CFR Citation: 20 CFR 416.1130(b)

Legal Deadline: None

Abstract: Proposed change will reduce complexity and administrative burdens in determining the receipt of in-kind support and maintenance in the supplemental security income program. No alternative proposals are under consideration. The regulatory change will result in Federal program costs of $6 million offset by administrative savings of $1.2 million annually.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7460**

RIN: 0960-AB98

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553. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF PROCEEDS FROM HOME EQUITY CONVERSION (HEC) PLANS AS INCOME

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1382a; 42 USC 1383

CFR Citation: 20 CFR 416.1103; 20 CFR 416.1120; 20 CFR 416.1121

Legal Deadline: None

Abstract: Under current policy, payments received by a person as a result of a Home Equity Conversion (HEC) (e.g., reverse mortgage, sale lease back, etc.) are not considered income. The change in regulations would result in these payments being considered income. This change is being made in the realization that HEC's generate cash available for food, clothing, or shelter and meet the definition of income in 20 CFR 416.1102. Program costs and savings are considered insignificant.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 597-3409**

RIN: 0960-AC00

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554. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; NOTICE OF REVISED DETERMINATION OR DECISION

Legal Authority: 42 USC 405

CFR Citation: 20 CFR 404.992(a)

Legal Deadline: None

Abstract: The proposed regulation will make the next level of appeal a reconsideration, instead of a hearing, where a reconsideration is reopened and revised. Current policy has led to errors as to the appropriate level of appeal. The change will eliminate these errors. To the extent the number of hearings is reduced, there will be some savings (since reconsiderations are less costly); but the estimated savings are negligible.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: No

Agency Contact: Steve Siff, Chief, Individual Rights & Procedures Br., Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-6697**

RIN: 0960-AC04

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555. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; MEDICAL EVALUATION CRITERIA FOR ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404P, Appendix 1

Legal Deadline: None

Abstract: Section 10.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describes multiple body system impairments which are severe enough to prevent a person from doing any gainful activity. We are proposing to add the criteria for evaluation of AIDS to this section. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program. The budgetary impact is unknown at this time.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Hugh A. Meade, Jr., Director, Division of Medical & Vocational Policy, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-3352**

RIN: 0960-AC06

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556. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DECISIONS BY ADMINISTRATIVE LAW JUDGES IN CASES REMANDED BY COURTS

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 404.953; 20 CFR 404.985; 20 CFR 404.984; 20 CFR 416.1453; 20 CFR 416.1483; 20 CFR 416.1484

Legal Deadline: None

Abstract: If the court remands a case and the SSA Appeals Council remands it to an administrative law judge (ALJ), under current regulations the ALJ can make only a recommended decision on the case, which does not become a final decision until the Appeals Council takes some action on it. This can involve delay. The proposed regulation would permit the ALJ to make a decision which would become final unless, within 60 days, either the claimant files exceptions or the Appeals Council takes jurisdiction. The change will permit prompter final decisions and some administrative saving. It will not affect program cost.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: No

HHS—SSA

Proposed Rule Stage

Agency Contact: Cliff Terry, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7519

RIN: 0960-AC07

557. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; PROHIBITION ON DIRECT PAYMENT OF FEES TO REPRESENTATIVES

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.1520; 20 CFR 416.1528

Legal Deadline: None

Abstract: In these proposed rules, we will state explicitly our policy of not withholding money from a claimant's retroactive SSI benefits to pay a fee directly to the claimant's representative. We believe such withholding is prohibited by the assignment provisions of section 207 of the Social Security Act. We expect no costs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, 301 594-6785

RIN: 0960-AC08

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Final Rule Stage

558. SUPPLEMENTAL SECURITY INCOME PROGRAM; EFFECTIVE DATE OF APPLICATION AND PRORATION OF INITIAL SSI BENEFIT PAYMENT

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1382; 42 USC 1382(c); 42 USC 1382f; 42 USC 1383

CFR Citation: 20 CFR 416, Subpart B; 20 CFR 416, Subpart C; 20 CFR 416, Subpart M; 20 CFR 416, Subpart R

Legal Deadline: None

Abstract: These regulations will enable SSI benefits in the month of application to be prorated from the date of application or the date of eligibility, whichever is later. The regulations will also apply to months in which the individual reapplies after a period of ineligibility.

Timetable:

Action	Date	FR Cite
NPRM	09/05/85	50 FR 36108
Final Action	04/00/86	

Small Entity: No

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7463

RIN: 0960-AA03

559. SUPPLEMENTAL SECURITY INCOME PROGRAMS; MANDATORY PASS THROUGH UNDER STATE SUPPLEMENTATION PROVISIONS

Significance: Agency Priority

Legal Authority: 42 USC 1382g(c); PL 97-377, Sec 147; PL 98-21, Sec 402

CFR Citation: 20 CFR 416, Subpart T

Legal Deadline: None

Abstract: These rules reflect changes in the law which enable States effective for the 12-month period ending 6/82, to switch from the "maintaining of total expenditures" method of compliance with mandatory pass through provisions to the "maintaining of payment levels" method without first having to pass through to all current SSI recipients all the Federal cost-of-living benefit increases which have occurred since 12/76. States can meet the pass through requirements by maintaining the payment levels in effect in December of the latest preceding total expenditures period. The concept of "State Supplementary payment level" is changed to a concept of combined supplementary and SSI payment levels applicable to months after 3/83. Also, a State is permitted to reduce its 3/83 State Supplementary payment levels by an amount up to the difference between the amount of the 7/83 general increase in the Federal benefits in 7/83. Also reflected in the rules is a special method of compliance for States meeting the passalong requirements by the total annual expenditures test for the period 7/1/80 through 6/30/81. The total expenditures for that period need only equal or exceed the total (cont)

Timetable:

Action	Date	FR Cite
NPRM	02/25/85	50 FR 07607

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: expenditures for 7/1/76 through 6/30/77, rather than the total expenditures for the preceding 12-month period.

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7460

RIN: 0960-AA05

560. GENERAL ADMINISTRATION-PUBLIC ASSISTANCE PROGRAMS; AFDC; FEDERAL FINANCIAL PARTICIPATION IN THE COST OF A STATEWIDE MECHANIZED CLAIMS PROCESSING SYSTEM

Legal Authority: 42 USC 602(a); 42 USC 603(a)(3); 42 USC 613; PL 96-265, Sec 406

CFR Citation: 45 CFR 205.35; 45 CFR 205.36; 45 CFR 205.37; 45 CFR 205.38

Legal Deadline: None

Abstract: The regulation will make available, at State option, 90 percent matching funds for the planning, design, development, and installation of a statewide claims processing and information retrieval system for the AFDC program. The 90 percent matching includes the purchase or rental of computer equipment and

software used for the operation of this system. The regulation will result in short-run administrative costs, but is expected to result in greater long-run program savings through increased accuracy of processing. The regulation also provides for the disallowance of incentive funds that exceed the normal administrative FFP rate (50 percent) back to the beginning date of development should SSA suspend approval of an approved APD or should a State voluntarily withdraw its approved APD.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/81	46 FR 47784
Final Action	04/00/86	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20201, **202 245-2637**

RIN: 0960-AA16

561. SUPPLEMENTAL SECURITY INCOME PROGRAM; AGE 18 AND ALIEN DEEMING

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1382j; 42 USC 1383; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c(f); 42 USC 1383(d)

CFR Citation: 20 CFR 416, Subpart K

Legal Deadline: None

Abstract: This regulation provides that deeming of parental income and resources to an eligible child ends when a child reaches age 18 and that a sponsor's income and resources are deemed to an alien for a period of three years after admission for aliens who first apply for SSI benefits after September 30, 1980. The regulation eliminates different treatment of children aged 18 to 21 depending on status as students, and assumes that sponsors will support aliens and sets more rigid rules for the sponsor to alien deeming than apply to other deeming categories.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	11/14/80	45 FR 75225
NPRM	12/10/81	46 FR 60470
Final Action	05/00/86	

Small Entity: No

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7463**

RIN: 0960-AA26

562. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; FUTURE EFFECT OF APPLICATIONS AND RELATED CHANGES IN APPEALS COUNCIL PROCEDURES

Legal Authority: 42 USC 402; 42 USC 416; 42 USC 423(b); 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404, Subpart G; 20 CFR 404, Subpart J; 20 CFR 416, Subpart C; 20 CFR 416, Subpart N

Legal Deadline: None

Abstract: These rules should promote final resolution of cases at the hearing stage and help to reserve appeals council review for cases of a genuinely appellate nature. These rules specify that if a person files an application for benefits before the first month he or she meets all requirements for entitlement, we will allow the claim only if he or she meets all requirements before a hearing decision is issued (if a hearing is held) or if no hearing is held, before a final determination is made. These rules will generate program savings and administrative costs and savings.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	09/16/80	45 FR 61315
NPRM	05/16/83	48 FR 21967
NPRM Comment Period End	07/15/83	
Final Action	06/00/86	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7452**

RIN: 0960-AA28

563. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; COMPUTING A SUPPLEMENTAL PAYMENT IN STATES REQUIRED TO DO SO BY SECTION 402(A)(28) OF THE SOCIAL SECURITY ACT

Legal Authority: 42 USC 602; 42 USC 1302

CFR Citation: 45 CFR 232.21; 45 CFR 233.20; 45 CFR 232.20

Legal Deadline: None

Abstract: This regulation will require that eligibility be based on the current month's reported support payments, and each month's supplemental payment be based on the largest part of the amount collected in the current month that would not cause ineligibility. It will provide uniform and equitable redeterminations of eligibility and payment amounts. This regulation will result in minimal costs.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	05/18/79	44 FR 29122
NPRM	02/15/80	45 FR 8322
Final Action	05/00/86	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second St., SW, Washington, DC 20024, **202 245-2637**

RIN: 0960-AA33

564. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; LEAST COSTLY APPROACH

Significance: Regulatory Program

Legal Authority: 42 USC 602; 42 USC 603; 42 USC 606; 42 USC 607; 42 USC 1302

CFR Citation: 45 CFR 201; 45 CFR 205; 45 CFR 206; 45 CFR 225; 45 CFR 232; 45 CFR 233; 45 CFR 234; 45 CFR 235; 45 CFR 237

Legal Deadline: None

Abstract: This regulation will affect a number of provisions of the AFDC program. It will result in savings to State and Federal governments and will ease the paperwork burden of the States. The changes may include provisions on restricted payments, hearings, redeterminations, issuances of replacement checks and others that will result in a "least costly" approach to the administration of AFDC. This regulation will result in dollar savings and the relief of administrative burdens that we expect to accrue.

Timetable:

Action	Date	FR Cite
NPRM	11/16/84	49 FR 45558
NPRM Comment Period End	01/15/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Natalie Dethloff, Director, DLRP, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20201, 202 245-3284

RIN: 0960-AA43

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565. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; PROVISION FOR INFERRING A PERSON IS DEAD

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404, Subpart H

Legal Deadline: None

Abstract: The proposed regulations revise SSA policy to provide that absent evidence to the contrary, we will consider a State or local court determination of death as sufficient evidence to presume the death of a missing insured person. If this presumption cannot be made, we will consider a life insurance settlement for the death of the insured person to be persuasive evidence for an inference of death. We will also infer the death of the insured person after a 7-year absence if, following the disappearance, a diligent search failed to locate the insured person and there are no known circumstances to reasonably explain the absence. The proposed changes will result in negligible program or administrative costs or savings.

Timetable:

Action	Date	FR Cite
NPRM	02/29/84	49 FR 07405
NPRM Comment Period End	04/30/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 594-7452

RIN: 0960-AA54

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566. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; BENEFITS FOR DIVORCED SPOUSES BEFORE ENTITLEMENT OF INSURED WORKER

Legal Authority: PL 98-21, Sec 132; PL 98-21, Sec 301

CFR Citation: 20 CFR 404, Subpart D; 20 CFR 404, Subpart E

Legal Deadline: None

Abstract: This proposed regulation provides that a divorced spouse of a worker who is eligible for old-age benefits can receive wife's or husband's benefits if the divorced spouse is otherwise eligible for them and the parties have been divorced for at least 2 years, even if the worker has not applied for benefits or if the worker's current earnings are too high to permit payment of the worker's old-age benefits. Total program cost is estimated as under $100 million through 1989.

Timetable:

Action	Date	FR Cite
NPRM	02/07/85	50 FR 05264
Final Action	04/00/86	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 594-6785

RIN: 0960-AA60

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567. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; NEW BENEFIT COMPUTATIONS FOR COST-OF-LIVING ADJUSTMENT, FOR DELAYED RETIREMENT CREDIT, AND FOR ETC

Legal Authority: 42 USC 402(w); 42 USC 403(a),(b); 42 USC 415(i); 42 USC 1382(f)

CFR Citation: 20 CFR 404, Subpart C; 20 CFR 404, Subpart D; 20 CFR 404, Subpart E; 20 CFR 416, Subpart D

Legal Deadline: None

Abstract: This regulation will state that beginning with 1983, the annual cost-of-living adjustment will be effective in December and paid in January rather than being effective in June and paid in July. This revised schedule affects both OASDI and SSI. Additionally, the adjustment will be based on the lower of wages or price increases when the OASDI trust fund ratio of assets to estimated outgo falls below a given percentage. This regulation will also explain that the combined family maximum, where there is entitlement on two workers' records, will be increased only on the basis of cost-of-living adjustments. Finally, this regulation will explain the gradual increases in the delayed retirement credit. Shifting the cost-of-living adjustment will reduce program expenditures by $39.4 billion for 1983-89. The other provisions of this regulation package will have negligible program costs.

Timetable:

Action	Date	FR Cite
NPRM	07/05/85	50 FR 27615
NPRM Comment Period End	09/03/85	
Final Action	05/00/86	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 594-6785

RIN: 0960-AA62

568. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; ELIMINATION OF WINDFALL BENEFITS FOR PERSONS RECEIVING PENSIONS FROM NONCOVERED EMPLOYMENT

Significance: Regulatory Program

Legal Authority: PL 98-21, Sec 113

CFR Citation: 20 CFR 404, Subpart C

Legal Deadline: None

Abstract: The provision of section 113 of Pub. L. 98-21 (the Social Security Amendments of 1983) eliminates the windfall that occurs when the heavy weighting in the benefit formula that is intended for workers with low wages goes instead to workers who spent many years in noncovered employment and worked only a few years in covered employment. This will be accomplished by modifying the benefit computation formula to consider a worker's pension from noncovered employment. This provision will decrease program costs by $1 million for 1983-89.

Timetable:

Action	Date	FR Cite
NPRM	12/03/85	50 FR 49558
NPRM Comment Period End	02/03/86	
Final Action	08/00/86	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-6785**

RIN: 0960-AA65

569. AID TO FAMILIES WITH DEPENDENT CHILDREN AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DISREGARDING OF SUPPORT AND MAINTENANCE ASSISTANCE BASED ON NEED

Significance: Agency Priority

Legal Authority: 42 USC 602; 42 USC 1382a; 42 USC 1302; PL 98-369

CFR Citation: 20 CFR 416, Subpart K; 20 CFR 416, Subpart L; 45 CFR 233.20

Legal Deadline: None

Abstract: These regulations implement section 2639 of Pub. L. 98-369 which that certain support and maintenance assistance is not to be counted when determining an individual's eligibility for and the amount of his or her Supplemental Security Income (SSI) benefits or at the State's option, his or her Aid to Families with Dependent Children (AFDC) payments. Section 2639 is effective October 1, 1984 through September 30, 1987.

Timetable:

Action	Date	FR Cite
NPRM	05/24/85	50 FR 21457
NPRM Comment Period End	07/23/85	50 FR 21472
Final Action	06/00/86	

Small Entity: No

Agency Contact: Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 594-7337**

RIN: 0960-AA71

570. SUPPLEMENTAL SECURITY INCOME PROGRAM; RESOURCE LIMITS FOR CONDITIONAL SSI PAYMENTS

Legal Authority: 42 USC 1302; 42 USC 1382b(b); 42 USC 1383(d)

CFR Citation: 20 CFR 416, Subpart L

Legal Deadline: None

Abstract: Current regulations for the Supplemental Security Income program provide that if total excess resources (liquid and nonliquid) do not exceed certain limits, an individual may receive conditional SSI payments while disposing of the excess resources. This regulation will eliminate the limit on total resources and also revise "bona fide effort to sell" policy for disposing of excess resources.

Timetable:

Action	Date	FR Cite
NPRM	11/13/85	50 FR 46778
NPRM Comment Period End	01/13/86	
Final Action	09/00/86	

Small Entity: No

Agency Contact: Henry D. Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 594-7463**

RIN: 0960-AA75

571. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; INDEXING FOR WIDOW(ER)'S BENEFITS; EFFECT OF REMARRIAGE ON WIDOW(ER)'S ENTITLEMENT; REDUCTION OF DISABLED WIDOW(ER)'S BENEFITS; ETC

Legal Authority: PL 98-21, Sec 131; PL 98-21, Sec 133; PL 98-21, Sec 134; PL 98-21, Sec 334; 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404, Subpart C; 20 CFR 404, Subpart D; 20 CFR 404, Subpart E; 20 CFR 404, Subpart G

Legal Deadline: None

Abstract: These final rules will explain: (1) that in many situations remarriage will no longer affect a widow(er)'s entitlement to benefits on the earnings record of a deceased insured worker; (2) that benefit amounts for a widow(er) will be larger because the worker's earnings will be indexed based on the surviving spouse's eligibility rather than on the worker's year of death; (3) that benefits to a widow(er) who becomes entitled before age 60 (based on disability) will no longer be further reduced for months before age 60; (4) that, as an exception to limited retroactivity, a widow(er) age 60 or 61 may choose to have benefits begin effective with the month of death even though he or she did not apply until the next month. Budgetary information is unavailable at this time.

Timetable:

Action	Date	FR Cite
NPRM	05/29/84	49 FR 22340
NPRM Comment Period End	07/30/84	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-6785**

RIN: 0960-AA77

572. SUPPLEMENTAL SECURITY INCOME PROGRAM; PRESUMPTIVE DISABILITY AND PRESUMPTIVE BLINDNESS; CATEGORIES OF IMPAIRMENTS-AIDS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.934

Legal Deadline: None

Abstract: Section 1631(a)(B) of the Social Security Act provides for the payment of benefits to persons applying for supplemental security income benefits on the basis of disability or blindness before making a formal determination when available information indicates a high probability that disability exists. These presumptive disability and blindness decisions may be made at the Social Security district offices in a limited number of impairment categories. We are adding AIDS to these categories.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/11/85	50 FR 5573
Final Action	12/00/86	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 594-7415

RIN: 0960-AA79

573. AID TO FAMILIES WITH DEPENDENT CHILDREN; REDUCTION OF FEDERAL FUNDS FOR UNREPORTED CHILD SUPPORT COLLECTIONS

Legal Authority: 42 USC 1302; 42 USC 603

CFR Citation: 45 CFR 201.5

Legal Deadline: None

Abstract: This final rule makes a technical amendment to 45 CFR 201.5 based on section 407 of Public Law 96-265, the Social Security Disability Amendments of 1980. The rule requires the Department of Health and Human Services to reduce a State's title IV-A grant award for failure to include appropriate child support collections on its statement of expenditures.

Timetable:

Action	Date	FR Cite
NPRM	08/21/85	50 FR 33783
NPRM Comment Period End	10/21/85	
Final Action	07/00/86	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, Office of Intergovernmental Comm., 2100 Second St., SW, Washington, DC 20201, 202 245-2637

RIN: 0960-AA83

574. AID TO FAMILIES WITH DEPENDENT CHILDREN; DEFINITION OF PERMISSIBLE STATE PRACTICE-QUALITY CONTROL

Legal Authority: 42 USC 1302; 42 USC 602

CFR Citation: 45 CFR 205.40

Legal Deadline: None

Abstract: This rule will amend the definition of "Permissible State Practice." The rule will enable quality control to review against Federal requirements when a State plan is not amended to reflect new Federal rules, or when a State plan is submitted which is inconsistent with Federal rules and has not yet been disapproved.

Timetable:

Action	Date	FR Cite
NPRM	06/18/85	50 FR 25269
NPRM Comment Period End	08/19/85	
Final Action	09/00/86	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, Office of Intergovernmental Comm., 2100 Second St., SW, Washington, DC 20201, 202 245-2637

RIN: 0960-AA85

575. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; INCOME AND ELIGIBILITY VERIFICATION SYSTEMS

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 205.50; 45 CFR 205.51; 45 CFR 205.56; 45 CFR 205.57; 45 CFR 205.58; 45 CFR 205.60; 45 CFR 206.10; 45 CFR 205.52; 45 CFR 205.55; 45 CFR 205.62; 45 CFR 205.40

Legal Deadline: None

Abstract: The proposed regulations describe State agency requirements to access and use of income and eligibility information in the administration of the AFDC program.

Timetable:

Action	Date	FR Cite
NPRM	03/14/85	50 FR 10450
NPRM Comment Period End	04/29/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second St., SW, Washington, DC 20201, 202 245-2637

RIN: 0960-AB07

576. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; IMPLEMENTATION OF THE DEFICIT REDUCTION ACT OF 1984

Significance: Agency Priority

Legal Authority: 42 USC 1302; PL 98-369 The Deficit Reduction Act of 1984

CFR Citation: 45 CFR 205.50; 45 CFR 206.10; 45 CFR 233.52; 45 CFR 239; 45 CFR 233.20; 45 CFR 233.31; 45 CFR 233.51; 45 CFR 233.38; 45 CFR 234.60; 45 CFR 238; 45 CFR 240.22; 45 CFR 233.10; 45 CFR 233.90; 45 CFR 232.20; 45 CFR 233.35

Legal Deadline: None

Abstract: The interim regulations implement changes made to the Aid to Families With Dependent Children (AFDC) program by the Deficit Reduction Act of 1984. These changes affect eligibility requirements, countable income and resources, work programs and program administration.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/10/84	49 FR 35536
Final Action	04/00/86	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second St., SW, Washington, DC 20201, 202 245-2637

RIN: 0960-AB08

577. SUPPLEMENTAL SECURITY INCOME PROGRAM; RESOURCES; EXCLUSION OF UNDERPAYMENTS

Legal Authority: PL 98-369, Deficit Reduction Act of 1984

CFR Citation: 20 CFR 416.1210

Legal Deadline: None

Abstract: The proposed regulations implement legislation requiring the exclusion from resources of supplemental security income and title II underpayments for 6 months following the month of payment.

Timetable:

Action	Date	FR Cite
NPRM	08/28/85	50 FR 34862
NPRM Comment Period End	10/28/85	
Final Action	07/00/86	

Small Entity: No

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7453

RIN: 0960-AB11

578. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; PERSONAL APPEARANCE DEMONSTRATION PROJECTS

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; PL 98-460

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None

Abstract: Sec. 6 of Pub. L. 98-460 requires SSA to carry on demonstration projects that provide an opportunity for a personal appearance with the decisionmaker before an unfavorable determination about disability is made. The sample of cases is to include disability cases under title II of the Social Security Act (the Act) as well as disability cases in the Supplemental Security Income program under title XVI of the Act. It is to include people who have applied for benefits but have not received an initial determination about their eligibility and people who have been receiving benefits but whose condition is being reviewed to determine whether they are still disabled or blind. The purpose is to test whether a personal appearance with the decisionmaker at this stage of the decisionmaking process will permit the decisionmaker to better evaluate the person's condition and simplify and expedite the decision process. We plan to issue regulations to implement the demonstration projects. The cost to SSA is not yet determined.

Timetable:

Action	Date	FR Cite
NPRM	12/27/85	50 FR 53120
NPRM Comment Period End	01/27/86	
Final Action	07/00/86	

Small Entity: No

Agency Contact: Cliff Terry, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 594-7519

RIN: 0960-AB20

579. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAM; FREQUENCY OF PERIODIC REVIEWS

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 15; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416; 20 CFR 404

Legal Deadline: Statutory, April 7, 1985

Abstract: The regulation will implement Sec. 15 of PL 98-460 by establishing the standards to be used in determining the frequency of periodic eligibility reviews. Until final regulations are issued, no individual's eligibility may be reviewed under periodic review more than once.

Timetable:

Action	Date	FR Cite
NPRM	06/18/85	50 FR 25400
NPRM Comment Period End	08/02/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7337

RIN: 0960-AB21

580. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; QUALIFICATIONS OF MEDICAL PROFESSIONALS EVALUATING MENTAL IMPAIRMENTS

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 8; 42 USC 405; 42 USC 421; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1503; 20 CFR 404.1526; 20 CFR 404.1546; 20 CFR 404.1615; 20 CFR 404.1616; 20 CFR 404.1617; 20 CFR 416.903; 20 CFR 416.926; 20 CFR 416.946; 20 CFR 416.1015; 20 CFR 414.1016; 20 CFR 416.1017

Legal Deadline: None

Abstract: The proposed regulations reflect the provisions of section 8 of PL 98-460 by requiring that we make every reasonable effort to have a qualified psychiatrist or psychologist to complete the medical portion of the case review and any residual functional capacity assessment in unfavorable determinations in mental impairment cases. We are also explaining the qualifications necessary to be considered as reasonable effort to obtain the services of a qualified psychiatrist or psychologist. SSA must now make every reasonable effort to see that the services of qualified psychiatrists and psychologists are obtained through proper State administration including, where necessary, raising State fee schedules to provide compensation at the prevailing rates in the community. SSA may also contract directly for these services when the State is unable to provide them due to inadequate compensation or other impediments at the State level. Costs will increase by $7.2 million in 1986. These figures were derived from the number of additional physician hours needed for State agency medical consultants.

Timetable:

Action	Date	FR Cite
NPRM	12/13/85	50 FR 50920
NPRM Comment Period End	02/11/86	
Final Action	07/00/86	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7415

RIN: 0960-AB31

HHS—SSA

Final Rule Stage

581. OLD AGE, SURVIVORS, DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINING DISABILITY AND BLINDNESS; MULTIPLE IMPAIRMENTS

Legal Authority: PL 98-460, Sec 4; 42 USC 405; 42 USC 423; 42 USC 1302; 42 USC 1382

CFR Citation: 20 CFR 404.1520; 20 CFR 404.1521; 20 CFR 404.1522; 20 CFR 404.1523; 20 CFR 416.920; 20 CFR 416.921; 20 CFR 416.922; 20 CFR 416.923

Legal Deadline: None

Abstract: This provision of the law requires us to consider the combined effect of all of a person's impairments in determining disability regardless of whether any single impairment, if considered separately, would be of sufficient severity. If we do find a medically severe combination of impairments, the combined impact of the impairments must be considered throughout the disability determination process. We are revising regulations which explain how we evaluate multiple severe impairments to reflect that we will now consider the combined effect of impairments to determine severity. When the combined effect is found to be severe, that the person's impairments are evaluated under the full sequential evaluation process. Current cost estimates for fiscal years 1985 and 1986 are as follows: Additional title II benefits: less than $5 million per year. Additional SSI benefits: FY 1985-negligible; FY 1986- $1 million.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/05/85	50 FR 8726
Final Action	05/00/86	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7337**

RIN: 0960-AB39

582. REFUGEE RESETTLEMENT PROGRAM; REFUGEE CASH AND ASSISTANCE; REQUIREMENTS FOR JOB SEARCH, EMPLOYMENT SERVICES, AND EMPLOYMENT; REFUGEE MEDICAL ASSISTANCE; AND REFUGEE SUPPORT SERVICES

Significance: Regulatory Program

Legal Authority: 8 USC 1522(a)(9)

CFR Citation: 45 CFR 400

Legal Deadline: None

Abstract: This regulation will establish requirements governing refugee cash assistance; job search, employability services, and employment on the part of applicants for, and recipients of, refugee cash assistance; refugee medical assistance; and refugee support (social) services.

Timetable:

Action	Date	FR Cite
NPRM	01/30/86	51 FR 03918
Final Action	10/00/86	

Small Entity: No

Agency Contact: A. Christine Cohagen, Program Analyst Div. of Policy & Analysis, Department of Health and Human Services, Social Security Administration, Rm 1229, 330 C Street, SW, Washington, DC 20201, **202 245-1027**

RIN: 0960-AB74

583. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; UNLIMITED REOPENING FOR INSURED STATUS

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404

Legal Deadline: None

Abstract: It is our policy that a determination or decision which finds that the claimant did not have insured status at the time of the determination may be reopened only in certain situations where the Act permits a correction in the earnings credited to the individual's earnings record and where the evidence of earnings was in the possession of the Railroad Retirement Board or the Social Security Administration prior to the date of notice of disallowance or denial. The current regulations do not contain specific references to the particular sections of the Act concerning the correction of earnings. The regulations contain specific references to the particular sections of the Act which will permit unlimited reopening and revision of an unfavorable determination or decision concerning insured status.

The changes will result in negligible administrative costs or savings. They have no effect on program costs or savings because the changes represent long standing established policy.

Timetable:

Action	Date	FR Cite
NPRM	11/20/85	50 FR 47758
NPRM Comment Period End	01/21/86	
Final Action	09/00/86	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7452**

RIN: 0960-AB81

584. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; WITHDRAWAL OF AN APPLICATION

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404

Legal Deadline: None

Abstract: This regulation will restore the intended meaning of 20 CFR 404.640(b)(2) which was inadvertently altered during a recodification. The regulation will state that an application may be withdrawn after a determination has been made on it if "any other person whose entitlement would be rendered erroneous because of the withdrawal consents in writing to it."

Timetable:

Action	Date	FR Cite
NPRM	12/18/85	50 FR 51550
NPRM Comment Period End	02/18/86	
Final Action	10/00/86	

Small Entity: No

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7459**

RIN: 0960-AB84

585. ORGANIZATIONS AND PROCEDURES; AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC--SOCIAL SECURITY RULINGS--ACQUIESCENCE SERIES

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1395; 42 USC 1395(a)(2); 42 USC 1395hh; 5 USC 552

CFR Citation: 20 CFR 422

Legal Deadline: None

Abstract: These interim regulations describe a new type of Social Security Ruling which will be available to the public and which will be applied at certain levels of the Social Security Administration's adjudicative process. These regulations will result in negligible program or administrative costs or savings.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7452**

RIN: 0960-AB85

586. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; EXTENSION AND REEXTENSION AGREEMENTS FOR ASSESSMENT, CREDIT OR REFUND OF AMOUNTS DUE OR OVERPAID BY A STATE

Legal Authority: 42 USC 418(q); 42 USC 418(r)

CFR Citation: 20 CFR 404.1281; 20 CFR 404.1286

Legal Deadline: None

Abstract: In these regulations, we are revising our rules on agreeing to extensions of the periods during which we may assess a State for amounts due and in which a State may file its claim for refund of, or credit for, overpayments under its coverage agreement with the Secretary of Health and Human Services. (Coverage of Services performed by State and local governmental employees is by agreement under Section 218 of the Social Security Act (the Act). We will agree to extend or reextend the time limit for no more than 6 months at a time and, further, will enter into reextension agreements only if certain conditions are met. With these revisions of the rules, we believe we will be more closely complying with the intent of Section 218(q) and (r) of the Act. Costs are expected to be negligible.

Timetable:

Action	Date	FR Cite
NPRM	12/02/85	50 FR 49397
NPRM Comment Period End	01/31/86	
Final Action	08/00/86	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-6785**

RIN: 0960-AB88

587. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; IN-KIND SUPPORT AND MAINTENANCE -- RENTAL SUBSIDIES

Legal Authority: Jackson v. Schweiker 683F.2d 1076 (7th Cir 1982); Jackson v. Heckler No. S79-213 (N.D. In., 1985)

CFR Citation: 20 CFR 416.1130

Legal Deadline: None

Abstract: This Final rule implements Jackson to provide that, in determining eligibility for, and amount of, SSI benefits, in Indiana, a claimant will be considered not receiving in-kind support and maintenance in the form of a rental subsidy if the amount of rent that must be paid is equal to or greater than the presumed maximum value derived under the presumed value rule. Program and administrative costs are negligible.

Timetable:

Action	Date	FR Cite
Final Action	04/00/86	

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7460**

RIN: 0960-AC01

588. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; LIQUID AND NONLIQUID RESOURCES AND RESOURCES DETERMINATIONS

Legal Authority: 42 USC 1302; 42 USC 1382b; 42 USC 1383

CFR Citation: 20 CFR 416.1201; 20 CFR 416.1207, (New)

Legal Deadline: None

Abstract: SSA is amending its regulations to include a 20-day rule for distinguishing between liquid and nonliquid resources, a first-of-the-month rule as it applies to changes in the value of resources within a month, and a rule on when income becomes a resource. These policies were published in an NPRM reorganizing and rewriting the entire Subpart L on Resources. We do not plan at this time to publish the entire NPRM as a final rule. We are publishing final regulations on several significant policies which are being divided into two final regulations packages. We are finalizing these two rules at this time since they are needed for clarification. Costs concerning these clarified rules will be minimal.

Timetable:

Action	Date	FR Cite
NPRM	11/08/82	47 FR 50511
NPRM Comment Period End	01/07/83	
Final Action	06/00/86	

Small Entity: No

Agency Contact: Henry D. Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7463**

RIN: 0960-AC02

589. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; PENSION FUNDS FOR DEEMING PURPOSES AND GRANDFATHERING PROVISIONS

Legal Authority: 42 USC 1302; 42 USC 1382b; 42 USC 1383

CFR Citation: 20 CFR 416.1202; 20 CFR 416.1260

Legal Deadline: None

HHS—SSA

Final Rule Stage

Abstract: SSA is amending its regulations to include a rule that pension funds are not counted as resources for deeming purposes and a provision in its grandfathering rules that an "SSI benefit" means a Federal benefit only and does not include any State supplement. These rules were published in the Federal Register as an NPRM reorganizing and rewriting the entire Subpart L on Resources. We do not plan at this time to publish the entire NPRM as a final rule. We are publishing several significant policies which are being divided into two final regulations packages. Costs concerning the pension funds rule will be minimal since we estimate less than 25 cases a year.

Timetable:

Action	Date	FR Cite
NPRM	11/08/82	47 FR 50511
NPRM Comment Period End	01/07/83	
Final Action	07/00/86	

Small Entity: No

Agency Contact: Henry D. Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7463**

RIN: 0960-AC03

590. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CONTINUED PAYMENT OF BENEFITS TO PERSONS IN VOCATIONAL REHABILITATION PROGRAMS

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1382

CFR Citation: 20 CFR 404.316; 20 CFR 404.337; 20 CFR 404.352; 20 CFR 404.1586; 20 CFR 404.1596; 20 CFR 404.1597; 20 CFR 416.1321; 20 CFR 416.1338

Legal Deadline: None

Abstract: The purpose of these regulation changes is to allow for consideration for continued payment of disability benefits to persons who medically recover while participating in a vocational rehabilitation (VR) program, without regard to whether the person was expected at the onset of the VR program to medically recover before the scheduled completion date of the program. Current regulations restrict continuing payment to persons who, at the time their VR programs began, were not expected to medically recover prior to the scheduled completion date of their VR programs. These changes bring the regulations into conformity with several recent court decisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/86	
Final Action	09/00/86	

Small Entity: No

Agency Contact: Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7337**

RIN: 0960-AC05

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Completed Actions

591. SUPPLEMENTAL SECURITY INCOME PROGRAM; ELIGIBILITY, AMOUNT OF BENEFITS, INCOME, RESOURCES, STATE SUPPLEMENTARY PROVISIONS, AGREEMENTS, PAYMENTS

Significance: Agency Priority

CFR Citation: 20 CFR 416, Subpart B; 20 CFR 416, Subpart D; 20 CFR 416, Subpart K; 20 CFR 416, Subpart L; 20 CFR 416, Subpart T

Completed:

Reason	Date	FR Cite
Final Action	11/26/85	50 FR 48563

Small Entity: No

Agency Contact: Henry Lerner 301 594-7463

RIN: 0960-AA27

592. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY

CFR Citation: 20 CFR 404, Subpart P

Completed:

Reason	Date	FR Cite
Final Action	12/06/85	50 FR 50068
Final Action Effective	01/06/86	

Small Entity: No

Agency Contact: William J. Ziegler 301 594-7415

RIN: 0960-AA41

593. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM AND SUPPLEMENTAL SECURITY INCOME PROGRAM; DISABILITY HEARINGS AT THE RECONSIDERATION LEVEL

Significance: Regulatory Program

CFR Citation: 20 CFR 404; 20 CFR 416; 20 CFR 422

Completed:

Reason	Date	FR Cite
Final Action	01/03/86	51 FR 00288

Small Entity: No

Agency Contact: Anita Dunn 301 597-0367

RIN: 0960-AA49

594. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; PAYMENT OF CERTAIN TRAVEL EXPENSES

Significance: Agency Priority

CFR Citation: 20 CFR 404, Subpart J; 20 CFR 416, Subpart N

Completed:

Reason	Date	FR Cite
Interim Final Rule	03/14/86	51 FR 08805

Small Entity: No

Agency Contact: Cliff Terry 301 594-7519

RIN: 0960-AA61

595. SUPPLEMENTAL SECURITY INCOME PROGRAM; TEMPORARY RESIDENTS OF EMERGENCY SHELTERS FOR THE HOMELESS

Significance: Agency Priority

CFR Citation: 20 CFR 416, Subpart B; 20 CFR 416, Subpart M

Completed:

Reason	Date	FR Cite
Final Action	12/18/85	50 FR 51514

Small Entity: No

Agency Contact: Harry J. Short 301 594-7337

RIN: 0960-AA70

596. SUPPLEMENTAL SECURITY INCOME PROGRAM; THE AUTOMOBILE, PROPERTY ESSENTIAL TO SELF-SUPPORT, THE HOME

Significance: Agency Priority

CFR Citation: 20 CFR 416.1212; 20 CFR 416.1218; 20 CFR 416.1220; 20 CFR 416.1222; 20 CFR 416.1224; 20 CFR 416.1225; 20 CFR 416.1226; 20 CFR 416.1227

Completed:

Reason	Date	FR Cite
Final Action	10/22/85	50 FR 42683

Small Entity: No

Agency Contact: Henry Lerner 301 594-7463

RIN: 0960-AA92

597. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM, TREATMENT OF ASSIGNED SUPPORT PAYMENTS RECEIVED DIRECTLY AND RETAINED BY AFDC APPLICANTS OR RECIPIENTS

CFR Citation: 45 CFR 232.12; 45 CFR 233.20; 45 CFR 302.31; 45 CFR 303.80

Completed:

Reason	Date	FR Cite
Final Action	08/27/85	50 FR 34693

Small Entity: No

Agency Contact: Barbara Levering 202 245-2637

RIN: 0960-AB02

598. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; OFFICE OF MANAGEMENT AND BUDGET CONTROL NUMBERS FOR INFORMATION COLLECTION REQUIREMENTS CONTAINED IN AFDC REGULATIONS

CFR Citation: 45 CFR 200

Completed:

Reason	Date	FR Cite
Deferred	01/00/86	

Small Entity: No

Agency Contact: Cliff Terry 301 594-7519

RIN: 0960-AB04

599. SUPPLEMENTAL SECURITY INCOME PROGRAM; INCREASE IN DOLLAR LIMITATION UNDER ASSETS TEST

Significance: Agency Priority

CFR Citation: 20 CFR 416.1202; 20 CFR 416.1205; 20 CFR 416.1244; 20 CFR 416.1246; 20 CFR 416.1324

Completed:

Reason	Date	FR Cite
Final Action	09/26/85	50 FR 38981

Small Entity: No

Agency Contact: Henry Lerner 301 594-7463

RIN: 0960-AB23

600. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; STANDARD OF REVIEW FOR TERMINATION OF DISABILITY BENEFITS AND PERIODS OF DISABILITY

Significance: Regulatory Program

CFR Citation: 20 CFR 404; 20 CFR 416

Completed:

Reason	Date	FR Cite
Final Action	12/06/85	50 FR 50118

Small Entity: No

Agency Contact: Harry Short 301 594-7337

RIN: 0960-AB25

601. SUPPLEMENTAL SECURITY INCOME PROGRAMS; ELIGIBILITY; CONTINUATION OF BENEFITS AND ELIGIBILITY FOR CERTAIN SEVERELY IMPAIRED RECIPIENTS WHO WORK

CFR Citation: 20 CFR 416.260; 20 CFR 416.261; 20 CFR 416.262; 20 CFR 416.263; 20 CFR 416.264; 20 CFR 416.265; 20 CFR 416.266; 20 CFR 416.267; 20 CFR 416.268; 20 CFR 416.269

Completed:

Reason	Date	FR Cite
Final Action	11/13/85	50 FR 46760

Small Entity: No

Agency Contact: Fred Miranda 301 594-7341

RIN: 0960-AB35

[FR Doc. 86-5772 Filed 04-18-86; 8:45 am]
BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of Child Support Enforcement (OCSE)

Proposed Rule Stage

602. INTERSTATE CHILD SUPPORT ENFORCEMENT

Significance: Regulatory Program

Legal Authority: 42 USC 654(9); 42 USC 1302

CFR Citation: 45 CFR 302.36; 45 CFR 303.7; 45 CFR 303.52; 45 CFR 305.20; 45 CFR 305.32

Legal Deadline: None

Abstract: These proposed regulations would revise existing regulations governing interstate cooperation to require States to adopt uniform procedures for working interstate child support enforcement cases. These procedures would address such issues as: notice and information requirements, time frames, who pays for IV-D services provided, and information exchange between initiating and responding States.

HHS—OCSE

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Interim Final Rule	11/00/86	

Small Entity: No

Agency Contact: Joyce Linder or Betsy Matheson, Program Specialists, Department of Health and Human Services, Office of Child Support Enforcement, 6110 Executive Boulevard, Rockville, Maryland 20852, **301 443-5350**

RIN: 0992–AA17

603. MEDICAL SUPPORT ENFORCEMENT #2

Significance: Regulatory Program

Legal Authority: 42 USC 652(f); 42 USC 1302

CFR Citation: 45 CFR 306

Legal Deadline: None

Abstract: These proposed regulations would revise existing requirements governing cooperative agreements between Medicaid and IV-D agencies to provide medical support enforcement services and require enhanced State IV-D agency efforts in medical support enforcement.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	11/00/86	

Small Entity: No

Additional Information: Related to RIN 0992-AA12 - Medical Support Enforcement.

Agency Contact: Mary Brogan, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, 6110 Executive Boulevard, Rockville, Maryland 20852, **301 443-5350**

RIN: 0992–AA18

604. PROHIBITION OF FEDERAL FUNDING OF COSTS OF INCARCERATION AND COUNSEL FOR INDIGENT ABSENT PARENTS

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 304.23; 45 CFR 304.27

Legal Deadline: None

Abstract: This proposed rule would prohibit Federal funding under the Child Support Enforcement program for expenditures resulting from incarceration of absent parents in child support enforcement cases and costs of counsel for indigent absent parents in IV-D actions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Joyce Linder or Betsy Matheson, Program Specialists, Department of Health and Human Services, Office of Child Support Enforcement, 6110 Executive Boulevard, Room 1010, Rockville, Maryland 20852, **301 443-5350**

RIN: 0992–AA19

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of Child Support Enforcement (OCSE)

Final Rule Stage

605. DISREGARD OF CHILD SUPPORT PAYMENTS; REGULATIONS IMPLEMENTING THE DEFICIT REDUCTION ACT OF 1984

Legal Authority: 42 USC 1302; 42 USC 657(b)(1)

CFR Citation: 45 CFR 302.51

Legal Deadline: None

Abstract: This interim final rule implements the Deficit Reduction Act of 1984 which amends the Social Security Act to require that the first $50 collected on a monthly support obligation be paid to the Aid to Families with Dependent Children (AFDC) family. This amount does not affect the family's AFDC eligibility or the amount of assistance to which they were entitled.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/10/84	49 FR 35586
Final Action	00/00/00	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Carol Jordan, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, 6110 Executive Boulevard, Room 1010, Rockville, Maryland 20852, **301 443-5350**

RIN: 0992–AA20

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of Child Support Enforcement (OCSE)

Completed Actions

606. MEDICAL SUPPORT ENFORCEMENT

CFR Citation: 45 CFR 304.20; 45 CFR 304.23; 45 CFR 306.50; 45 CFR 306.51; 45 CFR 302.80; 45 CFR 306.0

Completed:

Reason	Date	FR Cite
Final Action	10/16/85	50 FR 41887

Small Entity: No

Agency Contact: Carol Jordan 301 443-5350

RIN: 0992–AA12

HHS—OCSE

Completed Actions

607. OMB CONTROL NUMBERS FOR INFORMATION COLLECTION REQUIREMENTS CONTAINED IN OCSE REGULATIONS

CFR Citation: 45 CFR 300, (New)

Completed:

Reason	Date	FR Cite
Withdrawn no further action anticipated this year	02/00/86	

Small Entity: No

Agency Contact: Gail Blatt 301 443-5350

RIN: 0992-AA15

[FR Doc. 86-5772 Filed 04-18-86; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)

Office of Assistant Secretary for Health (OASH)

608. GRANTS FOR ADOLESCENT PREGNANCY AND FAMILY LIFE PROJECTS

Legal Authority: 42 USC 300z et seq Public Health Service Act

CFR Citation: 42 CFR 59

Legal Deadline: None

Abstract: The proposed rule would establish the requirements for grants for demonstration projects funded under Title XX of the Public Health Service Act. The title authorizes the Department of Health and Human Services to make grants to projects that will provide health, social and education services to pregnant and nonpregnant adolescents, adolescent parents, and their families.

Timetable:

Action	Date	FR Cite
NPRM	05/20/83	48 FR 22750
NPRM Comment Period End	07/19/83	48 FR 22750
Final Action	00/00/00	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: Given the size of the appropriation anticipated, the number of grants for demonstration projects that can be funded is not expected to result in this regulation's having a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: Donald Underwood, Grants Management Officer, Department of Health and Human Services, Public Health Service, Office of Population Affairs, Room 736E, HHH Bldg., 200 Independence Ave., Washington, DC 20201, 202 245-0146

RIN: 0905-AA24

[FR Doc. 86-5772 Filed 04-18-86; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Public Health Service (PHS)

Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)

609. OBLIGATED SERVICE FOR MENTAL HEALTH TRAINEESHIPS

Legal Authority: 42 USC 242a

CFR Citation: 42 CFR 64a

Legal Deadline: None

Abstract: This rule implements statutory service payback obligations of recipients of clinical traineeships in psychology, psychiatry, social work, or nursing. The NPRM would revise 42 CFR 64a to establish a uniform rate of interest for all individuals who receive clinical traineeships, clarify that funds owed to the government become a debt when the trainee fails to complete the obligation, require that training institutions conduct entrance and exit interviews with trainees to inform them of the seriousness of their service obligations, and provide guidelines for hardship deferrals. The option in existing regulations is to continue the potential for 50 different interest rates with disputes ensuing over what the maximum rate is within each jurisdiction. In addition the existing rule permits a 5-year interest-free period which the NPRM would reduce to 2 years. The NPRM will reduce costs to the government by reducing the interest-free period and by avoiding the expense of settling disputes concerning the correct interest rate for payback obligations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Not Applicable

Agency Contact: Joan Jenkins, Office of Policy Analysis and Coordination, Department of Health and Human Services, Alcohol, Drug Abuse, and Mental Health Administration, Room 17C-05, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-3476

RIN: 0905-AB48

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)

Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)

610. CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE PATIENT RECORDS

Significance: Agency Priority

Legal Authority: 42 USC 290ee-3; 42 USC 290dd-3

CFR Citation: 42 CFR 2

Legal Deadline: None

Abstract: Federal law requires that certain alcohol and drug abuse patient records be kept confidential. A comprehensive rewrite of implementing regulations proposed in the NPRM simplifies and substantially shortens existing rules and proposes major substantive changes including: (1) Limiting applicability to specialized alcohol and drug abuse programs, (2) Requiring notice to patients of Federal

HHS—PHS

Final Rule Stage

Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)

confidentiality requirements. (3) Including a sample consent form. (4) Eliminating the impediment to a patient's access to her/his own records. (5) Eliminating most sections restricting disclosures based on patient consent.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	01/02/80	45 FR 53
NPRM	08/25/83	48 FR 38758
NPRM Comment Period End	10/24/83	
Final Action	04/00/86	

Small Entity: No

Additional Information: The location of the confidentiality provisions for alcohol and drug abuse patient records has been transferred from one public law to another and has been changed in the United States Code. P.L. 98-24, the Alcohol and Drug Abuse Amendments of 1983, consolidates alcohol, drug abuse, and mental health authorities in Title V of the Public Health Service Act. Section 408 of the Drug Abuse Prevention, Treatment and Rehabilitation Act (21 U.S.C. 1175) is transferred to section 527 of the Public Health Service Act and is now codified at 42 U.S.C. 290ee-3. Section 333 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (42 U.S.C. 4582) is transferred to section 523 of the Public Health Service Act and is now codified at 42 U.S.C. 290dd-3.

Agency Contact: Judith T. Galloway, Regulations Officer, Department of Health and Human Services, Alcohol, Drug Abuse, and Mental Health Administration, Room 13C-06, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-3200**

RIN: 0905-AA26

[FR Doc. 86-5772 Filed 04-18-86; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)

Proposed Rule Stage

Centers for Disease Control (CDC)

611. PROJECT GRANTS FOR HEALTH PROGRAMS FOR REFUGEES

Legal Authority: 8 USC 1522(b) Section 412(b)(5) Immigration and Nationality Act; PL 96-212 Refugee Act of 1980; PL 97-363 Refugee Assistance Amendments of 1982

CFR Citation: 42 CFR 51e

Legal Deadline: None

Abstract: Regulations are required by Department policy for this project grant program administered by the Centers for Disease Control (CDC) under an intra-agency agreement with the Office of Refugee Resettlement (ORR). The project grants are awarded to State and local health agencies to assist them in providing initial health assessments to arriving refugees. These health assessments specifically address conditions of public health concerns, like tuberculosis, and also identify personal health problems that could impair the effective resettlement of the refugee. CDC has established the program requirements, guidelines, and standards for evaluation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Additional Information: FTS 236-1802

Agency Contact: Anthony M. Scardaci, Associate Dir., Ctr. for Prevention Services, Department of Health and Human Services, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, GA 30333, **404 329-1802**

RIN: 0905-AB43

612. DISTRIBUTION OF REFERENCE BIOLOGICAL STANDARDS AND BIOLOGICAL PREPARATIONS

Significance: Regulatory Program

Legal Authority: 31 USC 9701 Independent Offices Appropriation Act of 1952; 42 USC 216 Sec 215, 58 Stat. 690, as amended; 42 USC 263 Sec 352 of the Public Health Service Act, as amended

CFR Citation: 42 CFR 7, (New)

Legal Deadline: None

Abstract: This proposal initiates a program that would impose a user charge upon a private agency which requests reference biological standards or biological preparations for their own comparative performance tests to cover the cost to the Centers for Disease Control (CDC) of developing and distributing the products. CDC is proposing to impose an average user charge of $24 per unit distributed. The cost will vary, depending upon the type of preparation requested. CDC is not proposing to impose a user charge for State and local health departments, the World Health Organization, or international governments because these materials are provided to those agencies for public health reasons and not for the benefit of the requesters.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	08/00/86	

Small Entity: No

Public Compliance Cost: Initial Cost: $95,000; Yearly Recurring Cost: $95,000; Base Year for Dollar Estimates: 1984

Affected Sectors: Multiple

Agency Contact: William K. Harrell, PH.D., Director, Biological Products Program, Department of Health and Human Services, Centers for Disease Control, Center for Infectious Diseases, 1600 Clifton Road, N.E., Atlanta, GA 30333, **404 329-3353**

RIN: 0905-AB49

613. IMPROVE STANDARDS FOR RESPIRATOR DEVICES

Significance: Regulatory Program

Legal Authority: 30 USC 801

CFR Citation: 30 CFR 11

Legal Deadline: None

Abstract: There are three major problems that the proposed regulatory action is intended to solve. First, the current regulatory provisions in 30 CFR 11 in some instances date back almost fifty years. As a result the provisions are not current with many of the extensive changes in respirator technology. Second, the current regulations do not provide for testing of respirators under either actual or simulated use conditions prior to

HHS—PHS

Proposed Rule Stage

Centers for Disease Control (CDC)

certification. Third, the resources required to conduct routine respirator certification testing has made it difficult for NOISH to keep respirator performance standards current with advances in respirator technology and with new knowledge on respirator performance characteristics. Alternatives considered: (1) the Federal government could relinquish the field entirely to the private sector. (2) The Federal government could promulgate performance standards but not be involved in assuring compliance with those standards. (3) The Federal government could continue to be the certifier of respirators but have manufacturers conduct testing. (4) The Federal government could continue its present role of total operation of the respirator system. NIOSH (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: selected alternative number (3). Cost is yet to be determined.

Agency Contact: **Glendal J. Provost,** Science Advisor, Department of Health and Human Services, Public Health Service, Office of the Director, NIOSH, Centers for Disease Control, **404 236-3343**

RIN: 0905-AB58

614. ● MEDICAL EXAMINATION OF ALIENS

Significance: Agency Priority

Legal Authority: Sec 215 58 STAT 690; Sec 234 66 STAT 198; 42 USC 216; 8 USC 1224; Sec 322 58 STAT 696; Sec 325 58 STAT 696 to 697; Sec 212 66 STAT 182; Sec 326 66 STAT 182; 42 USC 249; 42 USC 252; 8 USC 1182; 8 USC 1226

CFR Citation: 42 CFR 34(b)(8), (New)

Legal Deadline: None

Abstract: Dangerous contagious diseases, as defined under subsection 34.2(b), includes chancroid, gonorrhea, granuloma inquinale, lymphogranuloma venereum, infectious syphilis, infectious leprosy, and active tuberculosis. The proposed revision would add acquired immunodeficiency syndrome (AIDS) as the eighth disease on this list. It is proposed to add AIDS since it would be anomalous to have diseases such as the other sexually transmitted diseases (STD) on the list and not include AIDS. AIDS is a recently defined STD of significant public health importance.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: **Laurence S. Farer, M.D.,** Director, Division of Quarantine, CPS, Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, GA 30333, **404 235-1286**

RIN: 0905-AB96

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)

Final Rule Stage

Centers for Disease Control (CDC)

615. SPECIFICATIONS FOR MEDICAL EXAMINATIONS OF UNDERGROUND COAL MINERS

Legal Authority: 30 USC 843 Federal Mine Safety and Health Act of 1977

CFR Citation: 42 CFR 37, (Revision)

Legal Deadline: None

Abstract: The National Institute for Occupational Safety and Health (NIOSH) administers an X-ray examination program for coal miners as mandated by the Federal Mine Safety and Health Act of 1977. The proposed amendment will provide additional specifications to enable X-ray readers in the Department's medical surveillance program for underground coal miners to interpret miners' chest X-rays more accurately to classify any existing or developing pneumoconiosis. The proposed changes are based on recommendations by NIOSH, the Mine Health Research Advisory Committee to NIOSH, and the American College or Radiology Task Force on Pneumoconiosis. The proposed rule will expand the specification for X-ray film size, specify film/screen combinations and speeds which can be used, and specify the method for obtaining a definitive interpretation of chest X-rays when two readers' interpretations do not agree.

Timetable:

Action	Date	FR Cite
NPRM	08/27/85	50 FR 34723
NPRM Comment Period End	09/26/85	50 FR 34723
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Ms. Mitzie Martin,** Chief, Receiving Center Section, Department of Health and Human Services, Centers for Disease Control, Examinatns Proc Br, Div of Resp Dis Studies, NIOSH, 944 Chestnut Ridge Rd., Morgantown, WV 26505, **304 291-4301**

RIN: 0905-AB51

[FR Doc. 86-5772 Filed 04-18-86; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)

Prerule Stage

Food and Drug Administration (FDA)

616. MEDICAL DEVICE AMENDMENTS: IMPLEMENTATION IMPROVEMENT

Significance: Regulatory Program

Legal Authority: PL 94-295 Medical Device Amendments of 1976

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Various groups have criticized the provisions of the amendments and/or the Agency's implementation of them. Agency task forces were established to analyze and

HHS—PHS

Prerule Stage

Food and Drug Administration (FDA)

to explore/develop alternatives or solutions respecting premarket notification, premarket approval, clinical investigations, reclassification, current good manufacturing practice, education, definitions, small business impact, and the repair, replacement, or refund provisions of the amendments and the Agency's regulations thereunder. The task forces have preliminarily identified aspects of the criticisms that are amenable to solution by the Federal government, e.g., revision of existing Agency regulations and initiation of legislative changes. Other solutions may be amenable to cooperative efforts between the Federal government and society as a whole--e.g., education of device users; specific alternatives have not yet been identified. Regulatory priorities/options will be established during the development of any rulemaking activity that the Agency may initiate in response to the task forces' findings and recommendations.

Timetable:

Action	Date	FR Cite
Final Task Force Reports Completed	09/00/85	
Implementation of Task Force Recommendations	09/00/86	

Small Entity: Undetermined

Agency Contact: Philip B. White, Dir., Office of Standards & Regulations, Department of Health and Human Services, Food and Drug Administration, Cent. for Devices & Rad. Health (HFZ-80), 5600 Fishers Lane, Rockville, MD 20857, **301 443-3403**

RIN: 0905-AB54

617. CLINICAL TESTING FOR NEW DRUGS

Significance: Regulatory Program

Legal Authority: 21 USC 355 Federal Food, Drug, and Cosmetic Act

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The development of a new drug and obtaining an approved marketing application is a major undertaking and may cost the applicant millions of dollars. Accordingly, it is important that applicants understand what clinical testing must be conducted to obtain final approval of a new drug. Despite substantial guidance already available to applicants about the clinical testing necessary to meet the statutory standard, important questions about clinical studies inevitably will arise during the drug development process. The agency is exploring various options of providing additional guidance that would be intended to reduce the time and financial costs associated with clinical studies of questionable import. Alternatives include allowing the private sector to continue to rely primarily on their own expertise; providing guidance on a case-by-case basis, for example, during conferences between the agency and drug sponsors before the final states of clinical testing; and developing additional broad guidance in the form of a general guideline.

Timetable:

Action	Date	FR Cite
Request for Public Comments on Options	10/00/85	
Decision on Which Option to Pursue	09/00/86	

Small Entity: Not Applicable

Agency Contact: Steven H. Unger, Regulatory Counsel, Department of Health and Human Services, Public Health Service, Center for Drugs & Biologics (HFN-362), 5600 Fishers Lane, Rockville, MD 20857, **301 443-5220**

RIN: 0905-AB61

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)

Proposed Rule Stage

Food and Drug Administration (FDA)

618. OVER-THE-COUNTER (OTC) DRUG REVIEW

Significance: Agency Priority

Legal Authority: 21 USC 321(p) Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 310; 21 CFR 330; 21 CFR 333; 21 CFR 334; 21 CFR 335; 21 CFR 336; 21 CFR 337; 21 CFR 338; 21 CFR 339; 21 CFR 340; 21 CFR 341; 21 CFR 342; 21 CFR 343; 21 CFR 344; 21 CFR 345; ...

Legal Deadline: None

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. NOTE: NPRM for "Antidotes, Toxic Ingestion Products" to be combined with NPRM for "Emetic Products" and reproposed as "Poison Treatment Products." NPRM for "Astringent (Wet Dressings) Products" to be included in NPRMs for "External Analgesic" & "Skin Protectant Products." NPRM for "Diaper Rash Products" to be included in NPRMs for "Anti-fungal," "Anti-microbial," "External Analgesic" and "Skin Protectant Products." NPRM for "Fever Blister/Cold Sore Products (External)" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Insect Bites and Stings (Relief) Products" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Mercurial (Topical) Products" to be included in NPRM for (cont)

Supplemental Timetable:

Acne (Topical) Products
ANPRM 03/23/82 (47 FR 12430)
NPRM 01/15/85 (50 FR 2172)
Final Action 00/00/00

Alcohol (Topical) Products
ANPRM 05/21/82 (47 FR 22344)

Alertness Aid Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 00/00/00

Anorectal Products
ANPRM 05/27/80 (45 FR 35576)
NPRM 00/00/00

Anthelmintic Products
ANPRM 09/09/80 (45 FR 59541)
NPRM 08/24/82 (47 FR 37062)
Final Action 00/00/00

Antibiotic First Aid Products
ANPRM 04/01/77 (42 FR 17642)

NPRM 07/09/82 (47 FR 29986)
Final Action 00/00/00

Anticaries Products
ANPRM 03/28/80 (45 FR 20666)
NPRM 09/30/85 (50 FR 39854)
Final Action 00/00/00
Final Action 00/00/00

Antidiarrheal Products
ANPRM 03/21/75 (40 FR 12924)
NPRM 04/00/86

Antidotes, Toxic Ingestion Products
ANPRM 01/05/82 (47 FR 444)

Antiemetic Products
ANPRM 03/21/75 (40 FR 12934)
NPRM 07/13/79 (44 FR 41064)
Final Action 00/00/00

Antifungal (Topical) Products
ANPRM 03/23/82 (47 FR 12480)
NPRM 00/00/00

Antimicrobial Products
ANPRM 09/13/74 (39 FR 33103)
NPRM 01/06/78 (43 FR 1210)
Revised NPRM 00/00/00

Antiperspirant Products
ANPRM 10/10/78 (43 FR 46694)
NPRM 08/20/82 (47 FR 36492)
Final Action 00/00/00

Aphrodisiac Products
ANPRM 10/01/82 (47 FR 43572)
NPRM 01/15/85 (50 FR 2168)
Final Action 00/00/00

Astringent (Wet Dressings) Products
ANPRM 09/07/82 (47 FR 39436)

Benign Prostatic Hypertrophy Products
ANPRM 10/01/82 (47 FR 43566)
NPRM 00/00/00

Boil Ointments
ANPRM 06/29/82 (47 FR 28306)
NPRM 00/00/00

Camphorated Oil Drug Products
Final Action 09/21/82 (47 FR 41716)

Cholecystokinetic Products
ANPRM 02/12/80 (45 FR 9286)
NPRM 08/24/82 (47 FR 37068)
Final Action 06/10/83 (48 FR 27004)

Corn and Callus Remover Products
ANPRM 01/05/82 (47 FR 522)
NPRM 00/00/00

Cough/Cold (Anticholinergic) Products
Final Action 11/08/85 (50 FR 46582)

Cough/Cold (Anticholinergic/Expectorant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 07/09/82 (47 FR 30002)

Cough/Cold (Antihistamine) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2200)
Final Action 00/00/00

Cough/Cold (Antitussive) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/19/83 (48 FR 48576)
Final Action 00/00/00

Cough/Cold (Bronchodilator) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/26/82 (47 FR 47520)
Final Action 00/00/00

Cough/Cold (Combination) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 00/00/00

Cough/Cold (Expectorant) Products
Final Action 00/00/00

Cough/Cold (Nasal Decongestant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2220)
Final Action 00/00/00

Dandruff, Seborrheic Dermatitis and Psoriasis Control Products
ANPRM 12/03/82 (47 FR 54646)
NPRM 00/00/00

Diaper Rash Products
ANPRM 09/07/82 (47 FR 39406)

Digestive Aid Products
ANPRM 01/05/82 (47 FR 454)
NPRM 00/00/00

Emetic Products
ANPRM 03/21/75 (40 FR 12902)
NPRM 09/05/78 (43 FR 39544)

Exocrine Pancreatic Insufficiency Products
ANPRM 12/21/79 (44 FR 75666)
NPRM 11/08/85 (50 FR 46594)
NPRM 11/08/85 (50 FR 46594)
Final Action 00/00/00

External Analgesic Products
ANPRM 12/04/79 (44 FR 69768)
NPRM 02/08/83 (48 FR 05852)
Final Action 00/00/00

Fever Blister Products (Internal)
ANPRM 01/05/82 (47 FR 502)
NPRM 06/17/85 (50 FR 25156)
Final Action 00/00/00

Fever Blister/Cold Sore Products (External)
ANPRM 09/07/82 (47 FR 39436)

Hair Grower and Hair Loss Prevention Products
ANPRM 11/27/80 (45 FR 73955)
NPRM 01/15/85 (50 FR 2190)
Final Action 00/00/00

Hormone (Topical) Products
ANPRM 01/05/82 (47 FR 430)
NPRM 00/00/00

Hypo/Hyperphosphatemia Products
ANPRM 12/09/80 (45 FR 81154)
NPRM 01/15/85 (50 FR 2160)
Final Action 00/00/00

Ingrown Toenail Relief Products
ANPRM 10/17/80 (45 FR 69128)
NPRM 09/03/82 (47 FR 39120)
Final Action 00/00/00

Insect Bites and Stings (Relief) Products
ANPRM 09/07/82 (47 FR 39412)

Insect Repellant Drug Products (Internal)
ANPRM 01/05/82 (47 FR 424)
NPRM 06/10/83 (48 FR 26986)
Final Action 06/17/85 (50 FR 25170)

Internal Analgesic Products
ANPRM 07/08/77 (42 FR 35346)
NPRM 04/00/86

Internal Deodorant Products
ANPRM 01/05/82 (47 FR 512)
NPRM 06/17/85 (50 FR 25162)
Final Action 00/00/00

Laxative Products
ANPRM 03/21/75 (40 FR 12902)
NPRM 01/15/85 (50 FR 2124)
Final Action 00/00/00

Leg Muscle Cramps (Nocturnal Relief) Products
ANPRM 10/01/82 (47 FR 43562)
NPRM 11/08/85 (50 FR 46588)
Final Action 00/00/00
Final Action 00/00/00

Male Genital Desensitizer Products
ANPRM 09/07/82 (47 FR 39412)
NPRM 10/02/85 (50 FR 40260)
Final Action 00/00/00
Final Action 00/00/00

Menstrual Products
ANPRM 12/07/82 (47 FR 55075)
NPRM 00/00/00

Mercurial (Topical) Products
ANPRM 01/05/82 (47 FR 436)

Nailbiting/Thumbsucking Deterrent Products
ANPRM 10/17/80 (45 FR 69122)
NPRM 09/03/82 (47 FR 39096)
Final Action 00/00/00

Nighttime Sleep Aid Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 00/00/00

Ophthalmic Products
ANPRM 05/06/80 (45 FR 30002)
NPRM 06/28/83 (48 FR 29768)
Final Action 00/00/00

Oral Cavity (Health Care) Products
ANPRM 05/25/82 (47 FR 22760)
NPRM 00/00/00

Oral Discomfort (Relief) Products
ANPRM 05/25/82 (47 FR 22712)
NPRM 00/00/00

Oral Mucosal Injury Products
ANPRM 11/02/79 (44 FR 63270)
NPRM 07/26/83 (48 FR 33984)
Final Action 00/00/00

Oral Wound Healing Products
Final Action 04/00/86
Final Action 04/00/86

Otic Products
ANPRM 12/16/77 (42 FR 63556)
NPRM 07/09/82 (47 FR 30012)
Final Action 00/00/00

Overindulgence Remedies
ANPRM 10/01/82 (47 FR 43540)
NPRM 00/00/00

Pediculicide Products
ANPRM 06/29/82 (47 FR 28312)
NPRM 00/00/00

Poison Ivy/Oak/Sumac Prevention
ANPRM 09/07/82 (47 FR 39412)

Poison Treatment Products
NPRM 01/15/85 (50 FR 2244)
Final Action 00/00/00

Skin Bleaching Products
ANPRM 11/03/76 (43 FR 51546)
NPRM 09/03/82 (47 FR 39108)
Final Action 00/00/00

Skin Protectant Products
ANPRM 08/04/78 (43 FR 34628)
NPRM 02/15/83 (48 FR 6820)
Final Action 00/00/00

Smoking Deterrent Products
ANPRM 01/05/82 (47 FR 490)
NPRM 07/03/85 (50 FR 27552)
Final Action 00/00/00

Stomach Acidifier Products
ANPRM 10/19/79 (44 FR 60316)
NPRM 01/15/85 (50 FR 2184)
Final Action 00/00/00

Vaginal Contraceptive Products
ANPRM 12/12/80 (45 FR 82014)
NPRM 00/00/00

Vaginal Drug Products
ANPRM 10/13/83 (48 FR 46694)
NPRM 00/00/00

Wart Remover Products

ANPRM 10/03/80 (45 FR 65609)
NPRM 09/03/82 (47 FR 39102)
Final Action 00/00/00

Weight Control Products
ANPRM 02/26/82 (47 FR 8466)
NPRM 00/00/00

Small Entity: No

Additional Information: ABSTRACT CONT: "Antimicrobial Products." "Poison Ivy/Oak/Sumac Prevention" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Alcohol (Topical) Products" to be included in revised NPRM for "Antimicrobial Products."

SMALL BUSINESSES CONT: The effects, if any, vary depending on the individual rulemaking. However, the agency anticipates that the rules would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: William E. Gilbertson, Director, Division of OTC Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-210), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8000**

RIN: 0905-AA06

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619. RISK ASSESSMENT POLICY FOR REGULATING CARCINOGENIC IMPURITIES IN FOOD AND COLOR ADDITIVES

Significance: Regulatory Program

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR Chapter 1

Legal Deadline: None

Abstract: This proposed rule would establish a new policy for assessing the safety of food and color additives containing minute levels of carcinogenic impurities. The proposal would clarify the definition of an "additive" to apply the Delaney Clause only when the additive as a whole has been shown to cause cancer, and would use risk assessment procedures as one of the tools for determining the safety of an additive under the general safety clause of section 409 of the Federal Food, Drug, and Cosmetic Act.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/82	47 FR 14464
ANPRM Comment Period End	07/01/82	47 FR 14464
NPRM	05/00/86	
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Alan M. Rulis, Assistant to the Director, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-300) 200 C Street, SW, Washington, DC 20204, **202 472-5740**

RIN: 0905-AA12

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620. CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS; RETROSPECTIVE REVIEW

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 211

Legal Deadline: None

Abstract: As part of its retrospective review, FDA plans to determine the need for any changes in the current GMPs to eliminate unnecessary requirements and to allow flexibility without undermining protection of the public health.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/82	
End Review	10/00/85	
NPRM	11/00/86	

Small Entity: Undetermined

Agency Contact: Robert J. Meyer, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8049**

RIN: 0905-AA73

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621. CURRENT GOOD MANUFACTURING PRACTICE (CGMP) FOR BLOOD AND BLOOD COMPONENTS; RETROSPECTIVE REVIEW

Significance: Regulatory Program

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act; 5 USC 553 Administrative Procedures Act; 5 USC 702 Administrative Procedures Act; 5 USC 703 Administrative Procedures Act; 5 USC 704 Administrative Procedures Act

CFR Citation: 21 CFR 606

Legal Deadline: None

Abstract: FDA is responsible for issuing regulatory standards for blood and blood components to ensure the continued safety, purity, and potency of such products. Since 1975, CGMP regulations have been in effect that provide standards for facilities, personnel, and manufacturing procedures for blood and blood components. In accordance with the Regulatory Flexibility Act, FDA has conducted a retrospective review of its CGMP regulations for blood and blood components, to determine how the regulations may be revised to relieve regulatory burdens and increase flexibility without adversely affecting the public health. Part of the retrospective review of the CGMP will be completed through FDA's implementation of an efficacy review of blood and blood derivatives which responds to recommendations of a Committee of scientific experts--the Panel on Review of Blood and Blood Derivatives. To complete the remainder of the retrospective review program regarding the CGMP, FDA will issue a proposed rule to revise the CGMP regulations.

Timetable:

Action	Date	FR Cite
NPRM Blood & Blood Derivatives; Implementation of Efficacy Review	12/24/85	50 FR 52602
Comment Period Ends	03/24/86	50 FR 52602

Action	Date	FR Cite
NPRM Blood & Blood Components; Reirospective Review	08/00/86	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-368), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905-AA75

622. REPORTING REQUIREMENTS FOR MARKETED ANIMAL DRUGS

Significance: Regulatory Program

Legal Authority: 21 USC 360C Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 510.300; 21 CFR 510.301; 21 CFR 514.8

Legal Deadline: None

Abstract: This proposed rule would amend the reporting requirements for marketed animal drugs to clarify the information on dosage and species, and to specify reporting requirements for manufacturers. To permit a more accurate assessment of adverse effects related to dosage and species, and to clarify the responsibility of premix manufacturers in reporting adverse effects from use of medicated feeds.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
Final Action	11/00/87	

Small Entity: No

Agency Contact: Andrew Beaulieu, Director, Division of Surveillance, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-210), 5600 Fishers Lane, Rockville, MD 20857, **301 443-3044**

RIN: 0905-AB06

623. ADVERSE DRUG EXPERIENCE REPORTING REQUIREMENTS FOR MARKETED PRESCRIPTION DRUGS WITHOUT APPROVED NEW DRUG OR ABBREVIATED NEW DRUG APPLICATIONS

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 211; 21 CFR 310; 21 CFR 600

Legal Deadline: None

Abstract: This proposed rule would require manufacturers, packers, and distributors of marketed prescription drug products that are not the subject of approved new drug or abbreviated new drug applications to report to the agency whenever the manufacturer, packer, or distributor receives information about any serious and unexpected adverse event associated with the use of one of its marketed drug products. The agency is taking this action based on recent events whereby serious adverse reactions, which were associated with an intravenous drug product (that was not the subject of an approved new drug or abbreviated new drug application and that is no longer being marketed), were not reported to the agency by the manufacturer, packer, or distributor. Under the agency's current regulations, neither the manufacturer, packer, nor distributor of such a product is expressly obligated to report serious safety problems to the agency. A separate proposed rule for biological products would require reports of adverse experiences associated with the use of licensed biological products.

Timetable:

Action	Date	FR Cite
NPRM	03/21/85	50 FR 11478
NPRM Comment Period End	05/20/85	50 FR 11478
NPRM Licensed Biological Products	06/00/86	
Final Action	06/00/86	
Final Action Licensed Biological Products	04/00/87	

Small Entity: No

Agency Contact: Robert D. Bradley, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-364), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905-AB53

624. PROPOSED RULE TO IMPLEMENT THE ORPHAN DRUG AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Significance: Regulatory Program

Legal Authority: PL 97-414 Orphan Drug Act

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Orphan Drug Act is intended to provide incentives for drug companies to invest in the development of drugs for rare diseases or conditions. Certain incentives are necessary because "orphan drugs" are unlikely to be profitable. The agency is required to carry out provisions of the Orphan Drug Act, e.g., by designating a drug as an orphan drug, by providing protocol assistance, and by granting seven years of exclusive approval status. The proposed rule would establish procedures whereby drug sponsors can take advantage of the incentives to encourage development of orphan drugs. While several provisions of the Orphan Drug Act call for promulgation of regulations, the agency is considering the extent to which regulations will be needed to provide the framework and guidance for implementing a program of incentives to drug sponsors and manufacturers.

Timetable:

Action	Date	FR Cite
Interim Guidelines	09/09/83	48 FR 40784
Revised Interim Guidelines	05/09/85	50 FR 19583
NPRM	01/00/87	

Small Entity: Undetermined

Agency Contact: Emery J. Sturniolo, Assistant to the Director, Department of Health and Human Services, Food and Drug Administration, Office of Orphan Products Dev. (HF-35), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4718**

RIN: 0905-AB55

HHS—PHS

Proposed Rule Stage
Food and Drug Administration (FDA)

625. IMPLEMENTATION OF TITLE I OF THE "DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984" (TITLE I)

Significance: Regulatory Program

Legal Authority: PL 98-417, (Title I)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Until the passage of Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984," abbreviated new drug application (ANDA) procedures were only available for generic products equivalent to pioneer drugs approved before 1962. Title I opened up the ANDA policy to generic copies of products approved after 1962. This rulemaking is intended to establish clear and uniform procedures for the review and timely approval of ANDAs. This should assist the generic drug industry by ending considerable confusion about the procedures governing review of ANDAs. In turn, with the availability of lower-cost generic products, it is estimated that consumers may save millions of dollars. The statute calls for promulgation of implementing regulations, however, the agency also expects to develop guidelines and other policy statements to assist in developing approvable applications.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
Final Action	09/00/87	

Small Entity: Undetermined

Agency Contact: Marilyn Watson, Special Asst. to the Division Director, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-360), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8038**

RIN: 0905-AB63

626. PATENT TERM RESTORATION OF REGULATED PRODUCTS (TITLE II OF "DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984")

Significance: Regulatory Program

Legal Authority: PL 98-417, (Title II)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Congress passed the "Drug Price Competition and Patent Term Restoration Act of 1984" to compensate research-intensive firms for the loss of patent term due to required testing and government review of premarketing applications for drugs, devices, and food additives. The new legislation imposes an administrative burden on the agency to help determine whether a patent is eligible for extension, to assess the length of premarket testing and review, to determine whether applicants acted with due diligence and to conduct informal hearings. While the statute requires regulations for implementation of the "due diligence" provisions, the agency is considering other alternatives, such as informal guidance or formal guidelines, for implementing other statutory requirements.

Timetable:

Action	Date	FR Cite
Request for Public Comments on Implementing Title II	06/28/85	50 FR 26791
NPRM	07/00/86	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Frank Sasinowski, Deputy Director, Health Assessment Policy Staff, Department of Health and Human Services, Food and Drug Administration, Office of Health Affairs (HFY-20), 5600 Fishers Lane, Rockville, MD 20857, **301 443-1382**

RIN: 0905-AB65

627. FOOD LABELING INFORMATION REGARDING GOOD NUTRITION AND HEALTH

Significance: Regulatory Program

Legal Authority: 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This action will announce the agency's approach for permitting truthful and nonmisleading health claims on food labels provided the claims can be substantiated by scientific evidence.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: F. Edward Scarbrough, Chief, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Cent. for Food Safety & Appl. Nut. (HFF-204), 200 C Street, SW, Washington, DC 20204, **202 245-3117**

RIN: 0905-AB67

628. FOOD LABELING; LABEL CLAIMS FOR FOODS ON THE BASIS OF CHOLESTEROL CONTENT

Significance: Regulatory Program

Legal Authority: 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 362 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101.9; 21 CFR 101.25

Legal Deadline: None

Abstract: The proposed rule would provide a mechanism that will allow relevant, truthful, and nonmisleading claims about cholesterol and fatty acid on product labeling for consumers. This proposed rule resulted from the medical and consumer interest in the association between dietary fat and cholesterol and the occurrence of coronary heart disease, the leading cause of death and disability in the United States today.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: F. Edward Scarbrough, Chief, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Cent. for Food Safety & Appl. Nut. (HFF-204), 200 C Street, SW, Washington, DC 20204, **202 245-3117**

RIN: 0905-AB68

629. ABBREVIATED NEW ANIMAL DRUG APPLICATIONS FOR POST-1962 ANIMAL DRUGS

Significance: Regulatory Program

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act

HHS—PHS

Proposed Rule Stage

Food and Drug Administration (FDA)

CFR Citation: 21 CFR 514.1; 21 CFR 514.2; 21 CFR 514.3; 21 CFR 514.11

Legal Deadline: None

Abstract: This proposed rule would permit applicants to file abbreviated new animal drug applications (ANADAs) for products identical to approved post-1962 drugs and to omit certain reports that are required in full NADAs to show safety and effectiveness of the product. It would apply only to certain drug products specified by FDA. If adopted, the proposed rule would reduce duplicative testing of drugs and also reduce the cost to the manufacturer of getting the affected drugs on the market.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: Undetermined

Agency Contact: Richard Lehmann, Dir., Div. of Biometrics & Production Drugs, Department of Health and Human Services, Food and Drug Administration, Bureau of Veterinary Medicine (HFV-120), 5600 Fishers Lane, Rockville, MD 20857, **301 443-3134**

RIN: 0905-AB72

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)

Food and Drug Administration (FDA)

630. PREMARKET APPROVAL APPLICATION (PMA) PROCEDURES

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 360 Federal Food, Drug, and Cosmetic Act; 21 USC 360c to 360j Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 373 Federal Food, Drug, and Cosmetic Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act; 21 USC 375 Federal Food, Drug, and Cosmetic Act; 21 USC 379 Federal Food, Drug, and Cosmetic Act; 21 USC 381 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 814

Legal Deadline: None

Abstract: This proposed rule would establish requirements for submission to FDA of applications for premarket approval including safety and effectiveness data for all class III (premarket approval) medical devices. The rule would establish procedures for manufacturers to demonstrate the safety and effectiveness of these medical devices.

Timetable:

Action	Date	FR Cite
NPRM	12/12/80	45 FR 81769
NPRM Comment Period End	02/10/81	45 FR 81769
Notice of 60-day Ext. of Com. Per.	02/17/81	46 FR 12502
Final Action	04/00/86	

Small Entity: Not Applicable

Agency Contact: James J. McCue, Jr., Director, Operations Staff, Office of Standards & Regulations, Department of Health and Human Services, Food and Drug Administration, Center for Devices & Rad Health (HFZ-84), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4874**

RIN: 0905-AA19

631. CURRENT GOOD MANUFACTURING PRACTICE FOR HUMAN FOOD

Significance: Regulatory Program

Legal Authority: 21 USC 332 Federal Food, Drug, and Cosmetic Act; 21 USC 333 Federal Food, Drug, and Cosmetic Act; 21 USC 334 Federal Food, Drug, and Cosmetic Act; 21 USC 342(a) Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 110

Legal Deadline: None

Abstract: This tentative final rule represents the next action on FDA's proposed revisions to the Current Good Manufacturing Practice regulations published June 8, 1979, and FDA's review of the existing regulations under Executive Order 12291 and the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
NPRM	06/08/79	47 FR 33238
NPRM Comment Period End	12/31/79	47 FR 33238
Tentative Final Rule	04/00/86	
Final Action	12/00/86	

Small Entity: Not Applicable

Additional Information: Old title during review: "Current Good Manufacturing Practice in Manufacturing, Processing, Packing, or Holding Human Food (Umbrella Rule)"

Agency Contact: P.G. Harrill, Deputy Director, Division of Food Technology, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-210) 200 C Street, SW, Washington, DC 20204, 202 **485-0097**

RIN: 0905-AA72

632. GOOD LABORATORY PRACTICE FOR NONCLINICAL LABORATORY STUDIES

Significance: Regulatory Program

Legal Authority: 21 USC 346 Federal Food, Drug, and Cosmetic Act; 21 USC 346a Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 360 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act; 21 USC 381 Federal Food, Drug, and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263 Public Health Service Act; ...

CFR Citation: 21 CFR 58

Legal Deadline: None

Abstract: This action will revise the agency's regulations covering Good Laboratory Practice for Nonclinical Laboratory Studies based upon the agency's review of these existing rules under Executive Order 12291 and the Regulatory Flexibility Act.

HHS—PHS

Final Rule Stage

Food and Drug Administration (FDA)

Timetable:

Action	Date	FR Cite
NPRM	10/29/84	49 FR 43530
NPRM Comment Period End	12/28/84	49 FR 43530
Final Action	07/00/86	

Small Entity: No

Agency Contact: Paul D. Lepore, Bioresearch Coordinator, Department of Health and Human Services, Food and Drug Administration, Div. of Compliance Policy (HFC-211), 5600 Fishers Lane, Rockville, MD 20857, 301 443-2390

RIN: 0905-AA84

633. IRRADIATION IN THE PRODUCTION, PROCESSING, AND HANDLING OF FOOD

Significance: Regulatory Program

Legal Authority: 21 USC 321 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 373 Federal Food, Drug, and Cosmetic Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 179.25; 21 CFR 179.26

Legal Deadline: None

Abstract: This final rule would permit the sterilization of food with ionizing radiation. This final rule has resulted from increased interest in irradiation in food processing by industry and Congress, as well as the completion of a report by FDA's Irradiated Food Committee.

Timetable:

Action	Date	FR Cite
ANPRM	03/27/81	46 FR 18992
ANPRM Comment Period End	06/25/81	46 FR 18992
Ext. of Comment Period to 07/27/81	07/07/81	46 FR 35120
NPRM	02/14/84	
NPRM Comment Period End	04/16/84	49 FR 05714
Final Action	04/00/86	

Small Entity: No

Agency Contact: Clyde A. Takeguchi, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-330) 200 C Street, SW, Washington, D.C. 20204, 202 472-5740

RIN: 0905-AA88

634. AVAILABILITY OF BULK NEW ANIMAL DRUG SUBSTANCES FOR USE BY LICENSED VETERINARIANS

Significance: Regulatory Program

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1

Legal Deadline: None

Abstract: This proposed rule would permit veterinarians to obtain bulk new animal drug substances for compounding products for use in their own practice. A number of veterinarians have requested that the regulations be revised in order that bulk new animal drug substances may be legally obtained by them for use in their practices.

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	50 FR 27016
Final Action	01/00/87	

Small Entity: No

Agency Contact: Frank Pugliese, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-100), 5600 Fishers Lane, Rockville, MD 20857, 301 443-4500

RIN: 0905-AB01

635. ANIMAL DRUG SAFETY POLICY

Significance: Regulatory Program

Legal Authority: 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 500.80; 21 CFR 500.82; 21 CFR 500.84; 21 CFR 500.86; 21 CFR 500.88; 21 CFR 514.1; 21 CFR 514.11; 21 CFR 514.115

Legal Deadline: None

Abstract: This reproposal would establish an operational definition of the no-residue requirements of the anti-cancer clauses of the Federal Food, Drug, and Cosmetic Act regarding food additives, color additives, and drugs intended for use in food-producing animals.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	07/18/79	44 FR 17070
NPRM	11/20/79	44 FR 17070
NPRM Amended	02/11/83	48 FR 06361
NPRM	10/31/85	50 FR 45530
Comment Period End	02/28/86	50 FR 45530
Final Action	12/00/86	

Small Entity: Yes

Agency Contact: Robert Benson, Chemist, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-301), 5600 Fishers Lane, Rockville, MD 20857, 301 443-2280

RIN: 0905-AB04

636. IND REGULATIONS REVISION

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 312

Legal Deadline: None

Abstract: This proposed rule would revise extensively the IND rules to improve the efficiency of FDA's operations and to update and clarify its internal policies in reviewing and expediting applications for new drugs. These revisions are believed necessary to improve the efficiency of the drug review process. The result would be greater assurance that safe and effective new drugs are approved as promptly as possible. The undertaking reflects FDA's commitment to refine and improve the entire IND/NDA process. The IND/NDA rules were scheduled for retrospective review announced by FDA in its July 2, 1982 notice (47 FR 29004) establishing priorities for reviewing the agency's

existing rules under the Regulatory Flexibility Act and Executive Order 12291. This item was previously listed in the agenda as New Drug Approval Process: Revision of IND/NDA Rules (RIN 0905-AA00).

Timetable:

Action	Date	FR Cite
NPRM	06/09/83	48 FR 26760
NPRM Comment Period End	08/08/83	48 FR 26760
Final Action	04/00/86	

Small Entity: No

Agency Contact: Steven H. Unger, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-362), 5600 Fishers Lane, Rockville, MD 20857, **301 443-5220**

RIN: 0905-AB09

637. SULFITING AGENTS; LABELING IN DRUGS FOR HUMAN USE

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 201

Legal Deadline: None

Abstract: The agency is assessing various options to determine the most responsible and feasible course to protect sulfite-allergic people, while ensuring that drug products remain stable, effective, and safe. The agency will monitor the drug industry's program of voluntary ingredient disclosure on labeling to determine if susceptible individuals have adequate information to avoid sulfites. For prescription drugs containing sulfites, the agency is considering requiring, through rulemaking, a warning statement to health professionals, about sulfites.

Timetable:

Action	Date	FR Cite
NPRM	11/19/85	50 FR 47558
NPRM Comment Period End	01/21/86	50 FR 47558
Final Action	08/00/86	

Small Entity: No

Agency Contact: Eileen Hodkinson, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-364), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905-AB38

638. LABELING OF DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE (EXCLUSIVITY POLICY)

Significance: Regulatory Program

Legal Authority: 21 USC 321(p) Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 330

Legal Deadline: None

Abstract: The agency's exclusivity policy of limiting over-the-counter (OTC) drug monograph labeling terminology to specific words and phrases has been the subject of comment throughout the OTC drug review process. This proposed rule would modify that exclusivity policy as it relates to indications for use and would prescribe the placement of monograph terminology in the labeling of OTC drug products. The modified exclusivity policy would permit manufacturers to use other truthful and nonmisleading statements relating to indications for use.

Timetable:

Action	Date	FR Cite
NPRM	04/22/85	50 FR 15810
NPRM Comment Period End	07/22/85	50 FR 15810
Final Action	05/00/86	

Small Entity: No

Agency Contact: William E. Gilbertson, Dir., Div. of OTC Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-210), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8000**

RIN: 0905-AB40

639. FOOD LABELING AND USES OF SULFITING AGENTS

Significance: Regulatory Program

Legal Authority: 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 201(s) Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 182.3616; 21 CFR 182.3637; 21 CFR 182.3739; 21 CFR 182.3766; 21 CFR 182.3798; 21 CFR 182.3862; 21 CFR 100

Legal Deadline: None

Abstract: Comments received in response to a 1982 proposal affirming that the food uses of certain sulfiting agents were generally recognized as safe (GRAS), the findings and conclusions of the Federation of American Societies for Experimental Biology, and adverse reactions reports (including some reports of deaths), have lead to a reexamination of the GRAS status of sulfiting agents. Sulfiting agents (sulfur dioxide, sodium sulfite, sodium and potassium bisulfites, and sodium and potassium metabisulfites) are chemical preservatives that are extensively used in foods. The agency published a proposed rule to clarify the circumstances under which the presence of sulfiting agents must be declared on the label of packaged foods. The agency is also considering what its options are with regard to the GRAS status of (1) sulfiting agents on fruits and vegetables served or sold raw, (2) sulfiting agents used on potatoes, and (3) other food uses of sulfiting agents.

Timetable:

Action	Date	FR Cite
NPRM	04/03/85	50 FR 13306
NPRM Comment Period End	06/03/85	50 FR 13306
NPRM Revoking Use of Sulfiting Agents on Fruits & Vegatables ETC	08/14/85	50 FR 32830
Final Action	04/00/86	
Final Action Revoking Use of Sulfiting Agents on Fruits & ETC	04/00/86	
NPRM GRAS Status of the Use of Sulfiting Agents on Potatoes ETC	06/00/86	
Final Action GRAS Status of the Use of Sulfiting Agents on Potatoes ETC	02/00/87	

HHS—PHS

Final Rule Stage

Food and Drug Administration (FDA)

Action	Date	FR Cite
NPRM GRAS Status of Certain Other Food Uses of Sulfiting Agents ETC	00/00/00	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: NAME: Alan Rulis (GRAS), Asst. to the Director, Div. of Food & Color Additives, Cent. for Food Safety & Applied Nutrition (HFF-330), 200 C Street, SW, Washington, DC 20204, (202) 472-5676.

Agency Contact: **Elizabeth J. Campbell**, Supervisor, Consumer Safety Officer, Guidelines & Compliance Research Branch, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-312), 200 C St., SW, Washington, DC 20204, **202 485-0175**

RIN: 0905-AB52

640. PROPOSED USER CHARGE; NEW DRUG APPLICATIONS, ABBREVIATED NEW DRUG APPLICATIONS, AND ANTIBIOTIC APPLICATIONS REVIEW

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 31 USC 9701 Independent Offices Appropriation Act

CFR Citation: 21 CFR 314

Legal Deadline: None

Abstract: The proposed rule would initiate a program that would require drug manufacturers (as beneficiaries of special services that the agency provides) to bear the costs that the agency incurs in reviewing and approving new drug and antibiotic applications, abbreviated new drug applications, and certain supplemental applications. The agency would set fees for different types of applications. The benefit accruing to an applicant under the agency's new drug and antibiotic application review and approval activity is that the applicant may lawfully market its new drug or antibiotic upon gaining agency approval. Review by the agency also benefits applicants by helping ensure that they will market only safe and effective drug products. This, in turn, enhances public confidence in applicant's drug products.

Timetable:

Action	Date	FR Cite
NPRM	08/06/85	50 FR 31726
NPRM Comment Period End	09/05/85	

Next Action Undetermined

Small Entity: No

Additional Information: Since publication of the proposed rule, the Conference Report on H. Rept. 3037, which is given the status of enacted legislation in the continuing resolution, prohibits FDA from using any appropriated funds to design, develop, or implement user charges under 31 U.S.C. 9701.

Agency Contact: **Eileen Hodkinson**, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-364), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905-AB56

641. PROVISIONALLY LISTED COLOR ADDITIVES

Significance: Regulatory Program

Legal Authority: 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 376(b), (c), & (d) Federal Food, Drug, and Cosmetic Act; 21 USC 376 note Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 81.1; 21 CFR 81.27

Legal Deadline: None

Abstract: The final rule will amend the color additives regulations to provide new closing dates for the use of nine provisionally listed color additives (FD&C Red No. 3 and its likes, FD&C Yellow No. 6, D&C Red No. 8, D&C Red No. 9, D&C Red No. 19, D&C Red No. 33, D&C Red No. 36, D&C Red No. 37, and D&C Orange No. 17) beyond September 3, 1985. A second final rule will permanently list the provisionally listed uses of FD&C Yellow No. 5. The purpose for postponing the closing dates is to permit the uninterrupted use of these color additives while FDA receives and evaluates additional scientific data that is required by the final rule.

Timetable:

Action	Date	FR Cite
NPRM	06/26/85	50 FR 26377
NPRM Comment Period End	07/26/85	50 FR 26377
Final Action FD&C Yellow No. 5	03/00/86	
Final Action D&C Red Nos. 8,9,19 & 37, D&C Orange No. 17, FD&C Yellow No. 6	06/00/86	
Final Action FD&C Red No. 3	09/00/86	
Final Action D&C Red Nos. 33 and 36	03/00/87	

Small Entity: No

Agency Contact: **Donna A. Dennis**, Supervisor, Div. of Food & Color Additives, Department of Health and Human Services, Food and Drug Administration, Cent. for Food Safety & Appl. Nut. (HFF-334), 200 C Street, SW, Washington, DC 20204, **202 426-9463**

RIN: 0905-AB60

642. ANTIBODY TEST FOR HTLV-III; GENERAL BIOLOGICAL PRODUCTS STDS.; ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS; SEROLOGICAL TEST FOR HUMAN T-LYMPHOTROPIC VIRUS, TYPE III

Significance: Regulatory Program

Legal Authority: 42 USC 216 Public Health Service Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 610.45, (new); 21 CFR 640.2(f), (revision); 21 CFR 640.5, (new); 21 CFR 640.14, (revision); 21 CFR 640.23(a), (revision); 21 CFR 640.33(a), (revision); 21 CFR 640.53(a), (revision); 21 CFR 640.67, (revision); 21 CFR 640.70(a)(11), (new); 21 CFR 640.71(a)(4), (new); 21 CFR 640.72(a)(2), (revision)

Legal Deadline: None

Abstract: The Food and Drug Administration is proposing to require that each unit of blood and blood components be tested and found nonreactive by a licensed serologic test for antibody to human T-lymphotropic virus type III (HTLV-III). HTLV-III is believed to be the causative agent of acquired immunodeficiency syndrome (AIDS). If blood tests positive to the test for antibody to HTLV-III, the blood should not be used. Requiring the test

on each unit of blood and blood components should decrease the risk of transmitting AIDS by transfusion or parenteral administration of blood and blood components.

Timetable:

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6362
Final Action	02/00/87	

Small Entity: No

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-364), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905-AB62

643. ● METHYLENE CHLORIDE

Significance: Regulatory Program

Legal Authority: 21 USC 361 Federal Food, Drug, and Cosmetic Act; 21 USC 362 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 700.19

Legal Deadline: None

Abstract: Methylene chloride is used as a flame suppressant in aerosol cosmetic products (hair sprays). Recent carcinogenicity bioassay studies, however, have shown that methylene chloride is an animal carcinogen. These studies indicate that the continued use of methylene chloride, in functional amounts, in such cosmetic products poses a significant risk to the public health, especially in specific segments of the population that are continually exposed to aerosol cosmetics containing methylene chloride. Methylene chloride is also used as a solvent to extract caffeine from green coffee beans. However, all but a very small portion of the methylene chloride is removed during processing in aerosol cosmetic products, but no action is necessary on its use as a decaffeinating agent. Regulatory action must be taken to protect the public health from the high risks presented by this industry to replace methylene chloride but believes that efforts by the cosmetic industry to replace methylene chloride but believes that prohibiting its use in cosmetics is the only approach that will assure that the public health will be fully safeguarded from all such products, both foreign and domestic.

Timetable:

Action	Date	FR Cite
NPRM	12/18/85	50 FR 51551
NPRM Comment Period End	02/18/86	50 FR 51551
Final Action	12/00/86	

Small Entity: No

Agency Contact: George H. Pauli, Supervisor, Division of Food and Color Additives, Department of Health and Human Services, Food and Drug Administration, Cent. for Food Safety & Applied, Nutrition (HFF-334), 200 C Street, SW, Washington, DC 20204, 202 **472-5740**

RIN: 0905-AC00

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)

Completed Actions

Food and Drug Administration (FDA)

644. REVISED PROCEDURES REGARDING MEDICATED FEED APPLICATIONS

Significance: Regulatory Program

CFR Citation: 21 CFR 207; 21 CFR 210; 21 CFR 225; 21 CFR 226; 21 CFR 501; 21 CFR 514; 21 CFR 558

Completed:

Reason	Date	FR Cite
Final Action	03/03/86	51 FR 7382

Small Entity: No

Agency Contact: George Graber **301 443-4433**

RIN: 0905-AA15

645. EXEMPT INFANT FORMULA

Significance: Agency Priority

CFR Citation: 21 CFR 107.3; 21 CFR 107.50

Completed:

Reason	Date	FR Cite
Final Action	11/22/85	50 FR 48183
Final Action Effective	02/20/86	50 FR 48183

Small Entity: No

Agency Contact: Nicholas Duy **202 245-3117**

RIN: 0905-AA85

646. NEW ANIMAL DRUG APPROVAL PROCESS; REVIEW OF NADA RULES

Significance: Regulatory Program

CFR Citation: 21 CFR 514.1; 21 CFR 514.8

Completed:

Reason	Date	FR Cite
End Review	12/00/85	

Small Entity: Undetermined

Agency Contact: Richard A. Carnevale, DVM **301 443-4313**

RIN: 0905-AA96

647. CURRENT GOOD MANUFACTURING PRACTICE FOR BLOOD AND BLOOD COMPONENTS; UNIFORM BLOOD LABELING

CFR Citation: 21 CFR 601; 21 CFR 640

Completed:

Reason	Date	FR Cite
Final Action	08/30/85	50 FR 35458
Final Action Effective	09/02/86	50 FR 35458

Small Entity: Not Applicable

Agency Contact: Steven F. Falter **301 295-8046**

RIN: 0905-AB30

648. NUTRIENT REQUIREMENTS FOR INFANT FORMULA

CFR Citation: 21 CFR 107

Completed:

Reason	Date	FR Cite
Final Action	10/30/85	50 FR 45106
Final Action Effective	01/14/86	50 FR 45106

Small Entity: No

Agency Contact: Nicholas Duy **202 245-3117**

RIN: 0905-AB37

HHS—PHS

Completed Actions

Food and Drug Administration (FDA)

649. ●LABELING FOR ORAL ASPIRIN-CONTAINING DRUG PRODUCTS; REYE SYNDROME

Significance: Regulatory Program

CFR Citation: 21 CFR 201.314

Completed:

Reason	Date	FR Cite
Final Action	03/07/86	51 FR 8180

Small Entity: No

Agency Contact: Christopher Smith 301 443-5133

RIN: 0905-AB97

[FR Doc. 86-5772 Filed 04-18-86; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)

Prerule Stage

Health Resources and Services Administration (HRSA)

650. ● GENERAL REVIEW AND REVISION OF PUBLIC LAW 93-638 PROGRAM AND CONTRACTING REGULATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 40 et seq

CFR Citation: 41 CFR 3 to 4; 42 CFR 36, Subpart H and I

Legal Deadline: None

Abstract: The Indian Self-Determination Act, Public Law 93-638 Regulations published November 1975 need to be revised and updated in light of 10 years of experience. Some provisions are now obsolete and others may impose unnecessary burden, restrictions, and require clarification. The proposed revision in effect would streamline the contract process, delete obsolete provisions, reduce unnecessary paperwork, strengthen accountability requirements and provide opportunities to strengthen autonomy and provide greater flexibility to Public Law 93-638 contractors.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/86	

Small Entity: Undetermined

Agency Contact: Richard J. McCloskey, Chief, Legislation and Regulations Branch, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 6A-20, Rockville, Maryland 20857, 301 443-1116

RIN: 0905-AB9ª

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)

Proposed Rule Stage

Health Resources and Services Administration (HRSA)

651. LIMITATION ON FEDERAL PARTICIPATION FOR CAPITAL EXPENDITURES REVIEW PROGRAM UNDER SECTION 1122 OF THE SOCIAL SECURITY ACT

Significance: Regulatory Program

Legal Authority: PL 93-641; PL 97-35; PL 95-559; PL 98-21; 42 USC 1302a-1

CFR Citation: 42 CFR 100; 42 CFR 405; 42 CFR 405.435(a); 42 CFR 405.435(b); 42 CFR 405.1890; 42 CFR 447.35(b)

Legal Deadline: None

Abstract: This NPRM sets forth provisions under which the Secretary may deny Federal payment under Title XVIII (Medicare) and Title XIX (Medicaid), for expenses related to capital expenditures (1) which the Designated Planning Agency (DPA) has found to be inconsistent with established standards, criteria or plans developed under the Public Health Service (PHS) Act; or (2) for which the DPA was not provided notice as required.

This is a new NPRM which replaces a previous NPRM published August 10, 1983 and is being issued to: (1) incorporate statutory changes made since promulgation of the original regulations; (2) incorporate existing policy into regulations; and (3) ensure the efficient and effective implementation of Section 1122 of the Social Security Act without incorporating provisions of Title XV of the PHS Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Agency Contact: Stan Bastacky, Acting Legislative Officer, Department of Health and Human Services, Health Resources and Services Administration, Office of Program Development, 5600 Fishers Lane, Rm. 17A-45, Rockville, MD 20857, 301 443-5400

RIN:

0905-AA39

652. PROGRAM GRANTS FOR MIGRANT HEALTH SERVICES

Legal Authority: 42 USC 216; 42 USC 254(b)

CFR Citation: 42 CFR 56

Legal Deadline: None

Abstract: A notice of proposed rulemaking (NPRM) was published in the Federal Register on December 19, 1980 to revise the existing regulations to incorporate provisions of Pub. L. 95-626, the Health Services Amendments of 1978. Because of administrative changes and new policy direction, a new NPRM was developed to place greater emphasis on and to facilitate State participation in this program. The Secretary received significant adverse reaction to the approach and a new NPRM is being prepared to simplify the regulation and incorporate the provisions of Pub. L. 95-626.

Timetable:

Action	Date	FR Cite
NPRM Previous	12/19/80	45 FR 85366
NPRM	04/00/86	

HHS—PHS **Proposed Rule Stage**

Health Resources and Services Administration (HRSA)

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: This regulation will increase opportunities for States to become grantees under this program. Not every State will choose to implement this approach and it is anticipated that many who do will implement it in co-application with existing grantees. Therefore, it is expected that this regulation will not have a significant impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: James J. Corrigan, Associate Bureau Director, Department of Health and Human Services, Public Health Service, Legislation and Policy, BHCDA, Room 7-05, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2380**

RIN: 0905-AA62

653. PROJECT GRANTS AND LOANS FOR HOME HEALTH SERVICES AND TRAINING

Legal Authority: 42 USC 255; 42 USC 216

CFR Citation: 42 CFR 51e

Legal Deadline: None

Abstract: Title III of the Public Health Service Act was amended by section 6 of the Orphan Drug Act of 1983 (P.L. 97-414). The effect of the amendment authorizes a new program of grants and loans to support home health services. Specifically, it authorizes grants to nonprofit agencies and loans to proprietary agencies to establish and operate home health programs. It also authorizes grants and contracts for training paraprofessionals to provide home health services, with special consideration given to trainees 50 years of age or older. The program is expected to impact in cost savings through better methods of identifying patients at risk and decreasing the length and frequency of hospital stays.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: James J. Corrigan, Associate Bureau Director, Department of Health and Human Services, Health Resources and Services Administration, Legislation and Policy, BHCDA, 5600 Fishers Lane, Room 7-05, Rockville, MD 20857, **301 443-2380**

RIN: 0905-AB11

654. PRIMARY CARE BLOCK GRANT PROGRAM

Legal Authority: 42 USC 216; 42 USC 300Y to 300Y11

CFR Citation: 42 CFR 51; 45 CFR 74; 45 CFR 96

Legal Deadline: None

Abstract: Section 1932 of the Public Health Service Act was amended by section 8 of the Orphan Drug Act of 1983 (P.L. 97-414). The effect of the amendment requires the Secretary to promulgate separate regulations for the Primary Care Block Grant taking into consideration the distinctive features of the program such as: the program consists principally of community health centers; the States have the option of assuming responsibility for the program; the States have to make a substantial financial contribution; if a State opts for the block, it agrees to continue to provide a statutory range of services; new centers could only be established in medically underserved areas; and procedural safeguards protecting existing centers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: James J. Corrigan, Associate Bureau Director, Department of Health and Human Services, Health Resources and Services Administration, Legislation and Policy, BHCDA, 5600 Fishers Lane, Room 7-05, Rockville, MD 20857, **301 443-2380**

RIN: 0905-AB12

655. INDIAN HEALTH SERVICE, 42 CFR PART 36 SUBPART I, CONTRACTS UNDER THE INDIAN SELF-DETERMINATION ACT: AMENDMENTS

Legal Authority: 25 USC 450G

CFR Citation: 42 CFR 36, Subpart I

Legal Deadline: None

Abstract: This is a revision to implement a policy to charge interest and penalties on delinquent debts. This is in compliance with Department of the Treasury's guidelines pertaining to debt collection activities and the joint regulations issued on April 17, 1981, by the Attorney General and the Comptroller General and is consistent with the Debt Collection Act of 1982 (P.L. 97-365). This will require a change to the Department's Indian Health Service (IHS) P.L. 93-638 regulations to include a new contract/grant clause.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Undetermined

Agency Contact: Richard J. McCloskey, Director, Office of Leg. & Reg. Services, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, PKLN Bldg. Rm. 6A-20, Rockville, MD 20857, **301 443-1116**

RIN: 0905-AB31

656. GRANTS FOR NURSE ANESTHETISTS TRAINEESHIPS

Legal Authority: 42 USC 216; 42 USC 297-1

CFR Citation: 42 CFR 57, Subpart F (Proposed)

Legal Deadline: None

Abstract: These proposed rules would implement section 831 of the Public Health Service Act to make grants to public or private nonprofit institutions to cover the costs of traineeships for the training, in programs which meet such requirements as the Secretary shall by regulation prescribe and which are accredited by an entity or entities designated by the Secretary of Education, of licensed registered nurses to be nurse anesthetists.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Mrs. Gretchen Osgood, Deputy Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 5C-26, Rockville, MD 20857, **301 443-5786**

RIN: 0905-AB33

657. REASONABLE VOLUME OF UNCOMPENSATED SERVICES TO PERSONS UNABLE TO PAY (HILL-BURTON)

Significance: Regulatory Program

Legal Authority: 42 USC 216; 42 USC 300r; 42 USC 300s; 42 USC 300s-6

CFR Citation: 42 CFR 124, Subpart F

Legal Deadline: None

Abstract: The existing regulations at 42 CFR Part 124, Subpart F establish specific requirements that recipients of Federal assistance under Title VI or Title XVI of the PHS Act made assurances that they will make available in the facility constructed, modernized or converted with that assistance, a reasonable volume of services to persons unable to pay for services. The proposed regulation would provide increased flexibility to obligated facilities and reduce administrative burden while assuring access to intended beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Agency Contact: Stan Bastacky, Acting Legislative Officer, Department of Health and Human Services, Health Resources and Services Administration, Office of Program Development, 5600 Fishers Lane, Room 17A-45, Rockville, MD 20857, **301 443-5400**

RIN: 0905-AB35

658. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: PROGRAM MANAGEMENT

Significance: Regulatory Program

Legal Authority: 42 USC 216; 42 USC 294 to 294l

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: This proposed rule would revise existing regulations governing the Health Education Assistance Loan (HEAL) program, authorized by the PHS Act. These proposed revisions would strengthen the regulations to improve procedures at schools and lending institutions for making, servicing, and collecting HEAL loans and would clarify the rights and responsibilities of lenders, schools, borrowers, and the Federal Government.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	12/00/86	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Dev. Branch, DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-48, Rockville, Maryland, 20857, **301 443-4540**

RIN: 0905-AB46

659. GRANTS FOR RESIDENCY TRAINING AND FACULTY DEVELOPMENT IN GENERAL INTERNAL MEDICINE OR GENERAL PEDIATRICS

Legal Authority: 42 USC 216; 42 USC 295g-4; 42 USC 295g-4(a)

CFR Citation: 42 CFR 57, Subpart FF

Legal Deadline: None

Abstract: These regulations propose to amend the existing regulations for residency training in general internal medicine and general pediatrics and to implement section 784 (a)(3) and (4) to plan, develop, and operate a program and provide financial assistance to physicians who plan to teach in general internal medicine and general pediatrics.

Timetable:

Action	Date	FR Cite
NPRM	09/00/00	

Small Entity: No

Agency Contact: Daniel N. Masica, M.D., Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Public Health Service, 5600 Fishers Lane, Room 4C-25, Rockville, MD 20857, **301 443-6190**

RIN: 0905-AB50

660. INDIAN ELIGIBILITY

Significance: Regulatory Program

Legal Authority: 25 USC 13 (Synder Act); 42 USC 2001 to 2004 (Transfer Act)

CFR Citation: 42 CFR 36, Subparts A, B & C

Legal Deadline: None

Abstract: The Indian Health Service (IHS) and the Health Resources and Services Administration (HRSA) have been reviewing potential approaches for strengthening the management and allocation of IHS resources to most effectively serve program beneficiaries. The eligibility criteria for IHS program beneficiaries represent a primary focus of the review, particularly in view of recent trends among service recipients. For example, more people with a claim of Indian descent are using IHS services than ever before even though alternative medical care is available. This situation has arisen from greater awareness of possible eligibility, the availability of improved care, greater acceptance of the program by Indian people, and increased costs of medical care outside of IHS. The various special programs established by Congress to provide health services to the Indian people are a direct outgrowth of treaties and the resulting Federal trust relationship. Thus, any changes in these programs require Federal regulatory action. The NPRM will address such matters as tribal affiliation, residency requirements, and blood quantum.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	02/00/87	

Small Entity: Not Applicable

Agency Contact: Richard J. McCloskey, Chief, Department of Health and Human Services, Public Health Service, Legislation & Regulations Branch, 5600 Fishers Lane, Room 6A-20, Rockville, MD 20857, **301 443-1116**

RIN: 0905-AB89

661. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM-IMPROVED PROGRAM MANAGEMENT REGULATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

HHS—PHS

Proposed Rule Stage

Health Resources and Services Administration (HRSA)

Legal Deadline: None

Abstract: These regulations propose provisions to assure that schools have authority to follow procedures in administering the Federal funds entrusted to their use, that are consistent with those followed by the Federal Government in administering debts owed directly to it, based on the Debt Collection Act.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Dev. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-48, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AB93

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662. NURSING STUDENT LOAN (NSL) PROGRAM - IMPROVED PROGRAM MANAGEMENT REGULATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 216; 42 USC 297a to 297h

CFR Citation: 42 CFR 57, Subpart D

Legal Deadline: None

Abstract: These regulations propose provisions to assure that schools have authority to follow procedures in administering the Federal funds entrusted to their use, that are consistent with those followed by the Federal Government in administering debts owed directly to it, based on the Debt Collection Act.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Dev. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-48, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AB95

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663. ● CHANGES IN PUBLIC LAW 93-638 REGULATIONS TO ADD A REVIEW PROCESS FOR DECLINATION APPEALS

Significance: Regulatory Program

Legal Authority: 25 USC 13; 42 USC 2001 et seq; 25 USC 450 et seq

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: Absence of a clear distribution between budget allocation and declination issues in the regulations has caused confusion for tribal organization. This proposed regulation will establish a method for tribes to seek a review of budget allocation decisions outside of the Indian Self Determination Act declination appeals procedures.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: Les Morris, Senior Analyst, Legislation and Regulations Branch, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 6A-20, Rockville, Maryland 20857, **301 443-1116**

RIN: 0905-AB99

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664. ● GRANTS FOR COMMUNITY HEALTH CENTERS

Legal Authority: 42 USC 254c; 42 USC 300 y-2; 42 USC 300 y-1; 42 USC 300 y-5; 42 USC 300 y-7; 42 USC 300 y-9

CFR Citation: 42 CFR 51c

Legal Deadline: None

Abstract: A notice of proposed rulemaking (NPRM) was published on December 19, 1980 to revise the existing regulations to incorporate provisions of Pub. L. 95-626. Because of administrative changes and new policy directions, including the passage of the Primary Care Block Grant (PCBG) authority, finalization of the NPRM was delayed to determine if it was needed. Only one territory has received a grant under the PCBG and the Community Health Center regulation is being revised for publication as a new NPRM to incorporate Pub. L. 95-626 changes, other relevant policy changes and to simplify the existing regulation.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: James J. Corrigan, Associate Bureau Director, Legislation and Policy, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2380**

RIN: 0905-AC01

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665. ● HEALTH MAINTENANCE ORGANIZATIONS; EMPLOYER CONTRIBUTIONS TO THE HMO OPTION

Significance: Regulatory Program

Legal Authority: 42 USC 216; 42 USC 300e to 300e-17

CFR Citation: 42 CFR 110.808, (revised)

Legal Deadline: None

Abstract: This notice proposes to amend the Public Health Service rules on health maintenance organizations (HMOs) by removing the requirement that an employer contributing to the cost of the non-HMO alternatives in an employee health benefits plan contribute in a like manner to the HMO alternative. Such a requirement is considered to be unnecessary regulation. The regulation as revised would delete 42 CFR 110.808, except for those provisions which paraphrase statutory language (Title XIII of the PHS Act) that assures that an employer will not have to pay more for employee health benefits as a result of offering the option of enrollment in a federally qualified HMO.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	02/00/87	

Small Entity: No

Agency Contact: Stanford Bastacky, Acting Legislative Officer, BHMORD, Department of Health and Human Services, Public Health Service, Room 17A-45, 5600 Fishers Lane, Rockville, MD 20857, **301 443-5400**

RIN: 0905-AC03

HHS—PHS

Proposed Rule Stage

Health Resources and Services Administration (HRSA)

666. ● CHARGING FEES FOR HEALTH MAINTENANCE ORGANIZATION QUALIFICATION APPLICATIONS

Significance: Regulatory Program

Legal Authority: 31 USC 9701

CFR Citation: 42 CFR 110.604, (revised)

Legal Deadline: None

Abstract: The Office of Health Maintenance Organizations/Bureau of Health Maintenance Organizations and Resources Development has the responsibility for qualification and monitoring of health maintenance organizations to assure that they meet the managerial, marketing, health services, structural, and financial requirements established by Federal statute and regulations. This notice proposes to amend Public Health Service rules on HMOs to charge a user fee for reviewing applications for HMO Federal qualification. The user fee would be used to cover the cost to the Government of reviewing these applications.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	08/00/86	

Small Entity: No

Agency Contact: Stanford Bastacky, Acting Regulations Officer, BHMORD, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Rockville, MD 20857, **301 443-5400**

RIN: 0905-AC04

667. ● CHARGING FEES FOR HILL-BURTON DIRECT AND GUARANTEED LOAN MODIFICATION REQUESTS

Significance: Regulatory Program

Legal Authority: 31 USC 9701

CFR Citation: 42 CFR 53.156, (new)

Legal Deadline: None

Abstract: The Office of Health Facilities/Bureau of Health Maintenance Organizations and Resources Development reviews requests for Hill-Burton direct and guaranteed loan modifications (release of collateral, granting of easements, granting of parity, or subordination of collateral). This notice proposes to add a new section to Public Health Service rules on Hill-Burton loans to charge a user fee for these modification requests. The user fee would be used to cover the cost of reviewing and processing requests for such special concessions. These fees would provide reimbursement for services that go beyond routine maintenance of the mortgage, allowing the hospital greater financial flexibility.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	08/00/86	

Small Entity: No

Agency Contact: Stanford Bastacky, Acting Legislative Officer, BHMORD, Department of Health and Human Services, Public Health Service, Room 17A-45, 5600 Fishers Lane, Rockville, MD 20857, **301 443-5400**

RIN: 0905-AC05

668. ● GRANTS FOR NURSE PRACTITIONER AND NURSE MIDWIFE TRAINING PROGRAMS

Legal Authority: 42 USC 216; 42 USC 296m

CFR Citation: 42 CFR 57, Subpart Y

Legal Deadline: None

Abstract: This regulation would implement the provisions of the Nursing Education Amendments of 1985 (Pub. L. 99-92) and the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) to bring the existing regulations into compliance with the law.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Ms. Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-5786**

RIN: 0905-AC11

669. ● PROGRAMS FOR THE TRAINING OF PHYSICIAN ASSISTANTS

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 292a(8)

CFR Citation: 42 CFR 57, Subpart I

Legal Deadline: Statutory, October 1, 1986. After consultation with appropriate organizations, the Secretary shall, not later than October 1, 1986, prescribe regulations for programs for the training of physician assistants.

Abstract: This Notice of Proposed Rulemaking would amend existing regulations to incorporate the provisions of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129).

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Daniel N. Masica, M.D., Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 4C-25, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-6190**

RIN: 0905-AC15

670. ● NURSING SPECIAL PROJECT GRANTS: DEMONSTRATION PROJECTS

Legal Authority: 42 USC 216; 42 USC 296k

CFR Citation: 42 CFR 57, Subpart T

Legal Deadline: None

Abstract: This Notice of Proposed Rulemaking is needed to implement the provisions of the Nursing Education Amendments of 1985 (Pub. L. 99-92), which adds three new purposes to the Nursing Special Projects Program and specific appropriation authority for demonstrations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Ms. Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-5786**

RIN: 0905-AC21

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — **Final Rule Stage**

Public Health Service (PHS) — **Health Resources and Services Administration (HRSA)**

671. GRANTS FOR NURSE PRACTITIONER TRAINEESHIP PROGRAMS

Legal Authority: 42 USC 216; 42 USC 296m

CFR Citation: 42 CFR 57, Subpart AA

Legal Deadline: None

Abstract: This final regulation governs a grant program to provide traineeships for nurse practitioner training to registered nurses. The rule deletes the requirement that trainees must be residents of health manpower shortage areas and provides instead that applicants from such areas be given special considerations; the rule modifies practice commitment requirements and includes conditions for waiver or suspension of repayments. No funding for future traineeships is anticipated. The rule is needed to administer existing traineeships and to monitor compliance and repayment/waivers.

Timetable:

Action	Date	FR Cite
(Past) Interim Final Rule	05/06/80	45 FR 29803
Interim Final Rule	08/01/84	49 FR 30702
Final Action	04/00/86	

Small Entity: No

Agency Contact: Ms. Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 5C-26, Rockville, MD 20857, **301 443-5786**

RIN: 0905–AA47

672. GRANTS FOR RESIDENCY TRAINING IN PREVENTIVE MEDICINE

Legal Authority: 42 USC 295h-1c

CFR Citation: 42 CFR 57, Subpart EE

Legal Deadline: None

Abstract: These regulations would implement provisions of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) which give the Secretary new authority for a grants program which will assist schools of medicine, osteopathy, and public health in the planning and development of new residency programs and the maintenance and improvement of existing residency training programs in preventive medicine. Funds from this program can be used to provide financial assistance to trainees in the residency programs.

Timetable:

Action	Date	FR Cite
NPRM	12/09/83	48 FR 55272
NPRM Comment Period End	02/07/84	48 FR 55272
Final Action	04/00/86	

Small Entity: No

Agency Contact: Daniel N. Masica, M.D., Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Public Health Service, 5600 Fishers Lane, Room 4C-25, Rockville, MD 20857, **301 443-6190**

RIN: 0905–AA50

673. NATIONAL HEALTH SERVICE CORPS (NHSC); PRIVATE PRACTICE OPTION (PPO) LOANS TO INDIVIDUALS

Legal Authority: 42 USC 254p(c); 42 USC 254n(1)

CFR Citation: 42 CFR 23

Legal Deadline: None

Abstract: The Secretary is authorized to make such arrangements as are deemed necessary for the individual exercising the private practice option for the use of equipment and supplies and for the lease or acquisition of other equipment and supplies. The Secretary is authorized to make loans to NHSC assignees who have completed 2 years of their service obligation or who are just beginning their service obligation. The Secretary is required by statute to publish in regulations the interest rate and repayment terms for these loans.

Timetable:

Action	Date	FR Cite
NPRM	07/03/85	
NPRM Comment Period End	08/13/85	50 FR 27465
Final Action	07/00/86	

Small Entity: No

Agency Contact: James J. Corrigan, Associate Bureau Director, Department of Health and Human Services, Health Resources and Services Administration, Legislation and Policy, BHCDA, Room 7-05, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2380**

RIN: 0905–AA57

674. REASONABLE VOLUME OF UNCOMPENSATED SERVICES TO PERSONS UNABLE TO PAY - HILL-BURTON (PUBLIC FACILITIES)

Significance: Regulatory Program

Legal Authority: 42 USC 216; 42 USC 300r; 42 USC 300s; 42 USC 300s-6

CFR Citation: 42 CFR 124

Legal Deadline: None

Abstract: The existing regulations at 42 CFR Part 124 Subpart F establish specific requirements that recipients of Federal assistance under Title VI or Title XVI of the PHS Act made assurances that they will make available in the facility constructed, modernized or converted with that assistance, a reasonable volume of services to persons unable to pay for services. Many public hospitals provide significant amounts of free or low-cost health services to the poor, or are prohibited from charging for services. Currently, these facilities are required to implement administrative procedures that are either unnecessary or anomalous. The proposed changes will alleviate the administrative burden on these facilities.

Timetable:

Action	Date	FR Cite
NPRM	09/06/85	50 FR 36454
NPRM Comment Period End	11/05/85	50 FR 36454
Final Action	08/00/86	

Small Entity: No

Agency Contact: Stan Bastacky, Acting Legislative Officer, Department of Health and Human Services, Public Health Service, Office of Program Development, 5600 Fishers Lane, Rm. 17A-45, Rockville, MD 20857, **301 443-5400**

RIN: 0905–AB75

675. ● HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: DEFERMENT REVISIONS

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

Legal Deadline: Statutory, January 22, 1986. Within 90 days after the Act's enactment, the Secretary of HHS shall promulgate regulations to carry out Sec. 741(c)(2) of the Public Health Service Act. Although the regulations will not be published until after the

HHS—PHS

Final Rule Stage

Health Resources and Services Administration (HRSA)

legal deadline, no requests for new deferments are expected until after publication.

Abstract: This rule amends existing regulations governing the Health Professions Student Loan (HPSL) Program to include the revised deferment provisions enacted on October 22, 1985, as part of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129).

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/30/86	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AC06

676. ● HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: DEFERMENT REVISIONS

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 294 to 2941

CFR Citation: 42 CFR 60

Legal Deadline: Statutory, January 22, 1986. Within 90 days after the Act's enactment, the Secretary of HHS shall promulgate regulations to carry out clause (ii) of Sec. 731(a)(2)(B) of the Public Health Service Act. Although the regulations will not be published until after the legal deadline, no requests for new deferments are expected until after publicati

Abstract: This rule amends existing regulations governing the Health Education Assistance Loan (HEAL) Program to include the revised deferment provisions enacted on October 22, 1985, as part of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129).

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/30/86	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AC07

677. ● GRANTS FOR VARIOUS HEALTH PROFESSIONS: INTERDISCIPLINARY TRAINING AND CURRICULUM DEVELOPMENT

Legal Authority: 42 USC 216; 42 USC 295g-8

CFR Citation: 42 CFR 57, Subpart NN

Legal Deadline: None

Abstract: These regulations would implement provisions of the Health Professions Training Assistance Act of 1985 (Pub.L. 99-129) to bring the existing regulations into compliance with the law.

Timetable:

Action	Date	FR Cite
Final Action	09/30/86	

Small Entity: No

Agency Contact: Mr. David B. Hoover, Acting Chief, Div. of Assoc. and Dental Health Professions, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-101, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-6853**

RIN: 0905-AC08

678. ● HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: PROVISIONS OF THE LAW (PUB. L. 99-129)

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 294 to 2941

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: These regulations would implement provisions of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) to bring the existing regulations into compliance with the law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/86	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AC09

679. ● NURSING STUDENT LOAN (NSL) PROGRAM: PROVISIONS OF THE LAW (PUB. L. 99-92)

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 297a to 297h

CFR Citation: 42 CFR 57, Subpart D

Legal Deadline: None

Abstract: This regulation would implement the provisions of the Nursing Education Amendments of 1985 (Pub.L. 99-92) to bring the existing regulations into compliance with the law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/86	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AC10

680. ● GRANTS FOR GRADUATE PROGRAMS IN HEALTH ADMINISTRATION

Legal Authority: 42 USC 216; 42 USC 295h

CFR Citation: 42 CFR 58, Subpart A

Legal Deadline: None

Abstract: These regulations would implement provisions of the Health Professions Training Assistance Act of 1985 (Pub.L. 99-129) to bring the existing regulations into compliance with the law.

Timetable:

Action	Date	FR Cite
Final Action	07/00/86	

Small Entity: No

HHS—PHS

Final Rule Stage

Health Resources and Services Administration (HRSA)

Agency Contact: William S. Brooks, D.P.A., Chief, Public Health Professions Branch, DADHP, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-95, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-6757

RIN: 0905-AC12

681. ● HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: PROVISIONS OF THE LAW (PUB.L. 99-129)

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

Legal Deadline: None

Abstract: These regulations would implement the provisions of the Health Professional Training Assistance Act of 1985 (Pub. L. 99-129) to bring the existing regulations into compliance with the law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/86	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-4540

RIN: 0905-AC13

682. ● CAPITATION GRANTS FOR SCHOOLS OF PUBLIC HEALTH

Legal Authority: 42 USC 216; 42 USC 295f

CFR Citation: 42 CFR 57, Subpart JJ

Legal Deadline: None

Abstract: These regulations would implement provisions of the Health Professions Training Assistance Act of 1985 (Pub.L. 99-129) to bring the existing regulations into compliance with the law.

Timetable:

Action	Date	FR Cite
Final Action	07/00/86	

Small Entity: No

Agency Contact: William S. Brooks, D.P.A., Chief, Public Health Prof. Branch DADHP, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-95, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-6757

RIN: 0905-AC14

683. ● ADVANCED NURSE EDUCATION PROGRAMS

Legal Authority: 42 USC 216; 42 USC 2961

CFR Citation: 42 CFR 57, Subpart Z

Legal Deadline: None

Abstract: This regulation would implement the provisions of the Nursing Education Amendments of 1985 (Pub. L. 99-92) and the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) to bring the existing regulations into compliance with the law.

Timetable:

Action	Date	FR Cite
Final Action	09/00/86	

Small Entity: No

Agency Contact: Ms. Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-5786

RIN: 0905-AC16

684. ● EDUCATIONAL ASSISTANCE TO INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS

Legal Authority: 42 USC 216; 42 USC 295g-7

CFR Citation: 42 CFR 57, Subpart S

Legal Deadline: None

Abstract: These regulations would implement provisions of the Health Professions Training Assistance Act of 1985 (Pub.L. 99-129) to bring the existing regulations into compliance with the law.

Timetable:

Action	Date	FR Cite
Final Action	09/00/86	

Small Entity: No

Agency Contact: Clay E. Simpson, Jr., Ph.D., Director, Division of Disadvantaged Assistance, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8A-09, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-2100

RIN: 0905-AC17

685. ● NURSING SPECIAL PROJECT GRANTS

Legal Authority: 42 USC 216; 42 USC 296k

CFR Citation: 42 CFR 57, Subpart T

Legal Deadline: None

Abstract: This regulation would implement the provisions of the Nursing Education Amendments of 1985 (Pub. L. 99-92) and the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) to bring the existing regulations into compliance with the law.

Timetable:

Action	Date	FR Cite
Final Action	09/00/86	

Small Entity: No

Agency Contact: Ms. Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-5786

RIN: 0905-AC18

686. ● STIPENDS FOR DISADVANTAGED HEALTH PROFESSIONS STUDENTS

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 295g-7; 42 USC 294z

CFR Citation: 42 CFR 57, Subpart S

Legal Deadline: None

Abstract: These regulations would implement a new authority under section 787(a)(2)(F) of the Public Health Service Act, added by the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) for stipends for disadvantaged individuals for any period of health professions education at a school of medicine, osteopathy, or dentistry.

HHS—PHS

Final Rule Stage

Health Resources and Services Administration (HRSA)

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/86	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4540**

RIN: 0905–AC19

687. ● GRANTS FOR RESIDENCY TRAINING IN THE GENERAL PRACTICE OF DENTISTRY

Legal Authority: 42 USC 216; 42 USC 295g-6(b)

CFR Citation: 42 CFR 57, Subpart L

Legal Deadline: None

Abstract: These regulations would implement provisions of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) to bring the existing regulations into compliance with the law.

Timetable:

Action	Date	FR Cite
Final Action	07/00/86	

Small Entity: No

Agency Contact: **Richard Weaver, D.D.S.**, Chief, Dental Health Branch, DADHP, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8C-15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-6837**

RIN: 0905–AC20

688. ● AREA HEALTH EDUCATION CENTERS (AHEC)

Legal Authority: 42 USC 216; 42 USC 295g-1

CFR Citation: 42 CFR 57, Subpart MM

Legal Deadline: None

Abstract: These regulations would implement provisions of the Health Professions Training Assistance Act of 1985 (Pub.L. 99-129) to bring the existing regulations into compliance with the law.

Timetable:

Action	Date	FR Cite
Final Action	09/00/86	

Small Entity: No

Agency Contact: **Daniel N. Masica, M.D.**, Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 4C-25, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-6190**

RIN: 0905–AC22

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)

Completed Actions

Health Resources and Services Administration (HRSA)

689. GRANTS FOR MATERNAL AND CHILD HEALTH SERVICES FEDERAL SET-ASIDE PROGRAM

CFR Citation: 42 CFR 51a; 42 CFR 51d; 42 CFR 51f

Completed:

Reason	Date	FR Cite
Final Action	03/05/86	51 FR 07726

Small Entity: No

Agency Contact: James J. Corrigan **301 443-2380**

RIN: 0905–AA61

690. NURSING STUDENT LOAN PROGRAM (NSL); DEBT MANAGEMENT: DELINQUENCY RATES

Significance: Regulatory Program

CFR Citation: 42 CFR 57, Subpart D

Completed:

Reason	Date	FR Cite
Final Action	08/23/85	50 FR 34426
Final Action Effective	09/23/85	

Small Entity: No

Agency Contact: Ms. Peggy Washburn **301 443-4540**

RIN: 0905–AB80

691. GRANTS FOR HOSPITAL CONSTRUCTION AND MODERNIZATION FEDERAL RIGHT OF RECOVERY AND WAIVER OF RECOVERY

Significance: Regulatory Program

CFR Citation: 42 CFR 53, Subpart M

Completed:

Reason	Date	FR Cite
Final Action	08/23/85	50 FR 34426

Small Entity: No

Agency Contact: Stan Bastacky **301 443-5400**

RIN: 0905–AB81

[FR Doc. 86-5772 Filed 04-18-86; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)

Proposed Rule Stage

National Institutes of Health (NIH)

692. MISCONDUCT IN SCIENCE

Significance: Regulatory Program

Legal Authority: 42 USC 241; 42 USC 2896

CFR Citation: 42 CFR 50

Legal Deadline: None

Abstract: Recipients of Public Health Service research and research training funds do not presently have sufficient guidance regarding their responsibility to investigate and report possible misconduct in PHS-funded research or research training. While many institutions have voluntarily established procedures for dealing with misconduct in science, they are not required to do so and in many recent instances the

HHS—PHS — **Proposed Rule Stage**

National Institutes of Health (NIH)

lack of defined procedures has delayed or compromised awardees' investigations. Institutional policies regarding reports to funding agencies vary considerably. The proposed regulation will define the point at which funding agencies are notified and will require awardees to develop procedures for dealing with misconduct in science. Section 493 of the PHS Act requires that the HHS Secretary issue regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	11/00/86	

Small Entity: No

Agency Contact: William F. Raub, Ph.D, Dep. Dir. for Extramural Rsch. & Training, Department of Health and Human Services, Public Health Service, National Inst. of Health, Bldg. 1, Rm: 107, 9000 Rockville Pike, Bethesda, MD 20892, **301 496-1096**

RIN: 0905-AB91

693. ● CHANGES IN NIH PROGRAM REGULATIONS NECESSITATED BY THE PROVISIONS OF THE HEALTH RESEARCH EXTENSION ACT OF 1985 (P.L. 99-158)

Legal Authority: PL 99-158, Sec 2

CFR Citation: 42 CFR 4; 42 CFR 52 to 52h; 42 CFR 59a; 42 CFR 64; 42 CFR 66

Legal Deadline: None

Abstract: The regulations of the National Institutes of Health will be revised to show changed section numbers in the PHS Act and reflect program changes under the Health Research Extension Act of 1985 (P.L. 99-158).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Agency Contact: Lowell D. Peart, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, 9000 Rockville Pike, 31/3B03, Bethesda, MD 20892, **301 496-4606**

RIN: 0905-AC02

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS) — **Final Rule Stage**

National Institutes of Health (NIH)

694. NATIONAL LIBRARY OF MEDICINE PROGRAMS. REVISION OF GENERAL RULES FOR THE NATIONAL LIBRARY OF MEDICINE AND NATIONAL LIBRARY OF MEDICINE GRANTS

Legal Authority: 42 USC 216; 42 USC 286; 42 USC 286b-2; 42 USC 286b-3; 42 USC 286b-5; 42 USC 286b-6

CFR Citation: 42 CFR 4; 42 CFR 59a; 42 CFR 63; 42 CFR 64

Legal Deadline: None

Abstract: All of the regulations are being substantially clarified and reduced in size by eliminating out of date or otherwise available information. The regulations at 42 CFR Part 4 pertain to the access of facilities and library collections. Those at 42 CFR Part 59a deal with NLM extramural programs. Part 59a is being amended to remove the requirement that photocopies of biomedical material be provided without charge to users. The regulations at 42 CFR Part 63 deal with both NIH and NLM traineeships. Part 63 is proposed to be deleted because NIH no longer has general traineeship authority and the sole remaining NLM program is unfunded. The regulations at 42 CFR Part 64 govern the training grants of NIH and NLM.

Timetable:

Action	Date	FR Cite
NPRM	02/11/85	50 FR 05638
Final Action	05/00/86	

Small Entity: No

Agency Contact: Kenneth Carney, Executive Officer, Department of Health and Human Services, Public Health Service, National Library of Medicine, Bethesda, MD 20894, **301 496-6491**

RIN: 0905-AA66

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS) — **Completed Actions**

National Institutes of Health (NIH)

695. NATIONAL INSTITUTES OF HEALTH CENTER GRANTS 42 CFR 52A

CFR Citation: 42 CFR 52a

Completed:

Reason	Date	FR Cite
Final Action	12/04/85	50 FR 49692
Final Action Effective	12/04/85	50 FR 49692

Small Entity: No

Agency Contact: Lowell D. Peart 301 496-4606

RIN: 0905-AA68

[FR Doc. 86-5772 Filed 04-18-86; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Health Care Financing Administration (HCFA)

Proposed Rule Stage

696. AMENDING COST REPORTS AND REOPENING INTERMEDIARY PAYMENT DETERMINATIONS AND ADMINISTRATIVE REVIEW DECISIONS

Legal Authority: 42 USC 1302; 42 USC 1395f(b); 42 USC 1395g; 42 USC 1395l; 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx; 42 USC 405; 42 USC 1395ii; 42 USC 1395oo

CFR Citation: 42 CFR 405.453; 42 CFR 405.1833; 42 CFR 405.1885; 42 CFR 405.1887; 42 CFR 405.1803(b); 42 CFR 405.1811(a); 42 CFR 405.1813; 42 CFR 405.1837(b); 42 CFR 405.1841; 42 CFR 405.1863; 42 CFR 405.1877; 42 CFR 405.1889

Legal Deadline: None

Abstract: This proposal would establish rules to govern and distinguish between the amending of cost reports and the reopening of Medicare intermediary payment determinations and administrative review decisions. This proposal would provide guidance to intermediaries and the Provider Reimbursement Review Board concerning the circumstances under which those actions may be taken.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Harold Fishman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility Policy, Room 448 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9077

RIN: 0938-AA33

697. MEDICAID ELIGIBILITY

Legal Authority: PL 97-248, Sec 137(b); PL 98-369, Sec 2373; PL 97-35, Sec 2171; PL 97-35, Sec 2172

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: This regulation would implement changes with respect to Medicaid eligibility groups and coverage criteria made by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and the Deficit Reduction Act of 1984 (PL 98-369). Most of these changes affect the provisions of September 30, 1981 regulations concerning Medicaid eligibility for the medically needy, published as a result of the Omnibus Budget Reconciliation Act of 1981. The regulations would also respond to public comments received on the September 30 regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Marinos Svolos, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div of Medicaid Eligibility, Room 416, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, 301 594-9050

RIN: 0938-AA58

698. MMIS: DEFINITION OF "MECHANIZED CLAIMS PROCESSING AND INFORMATION RETRIEVAL SYSTEM" AND OF "INFORMATION"

Legal Authority: 42 USC 1302; 42 USC 1396b

CFR Citation: 42 CFR 433.111

Legal Deadline: None

Abstract: This rule would change the definitions of "improvement" and of "mechanized claims processing and information retrieval systems" to clarify under what circumstances we will pay Federal financial participation at a percentage higher than 50 percent for a Medicaid Management Information System.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Additional Information: TITLE CONT: Retrieval System.

Agency Contact: William Grant, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Methods & Systems Requirements, 2-A-1 Meadows East, 6325 Security Blvd., Baltimore, MD 21207, 301 594-7847

RIN: 0938-AA63

699. BENEFIT PERIOD DETERMINATIONS AND DRUG REGIMEN REVIEWS

Legal Authority: 42 USC 1302; 42 USC 1395d; 42 USC 1395x; 42 USC 1395hh; 42 USC 1396d

CFR Citation: 42 CFR 405.1127(a); 42 CFR 409.60; 42 CFR 442.336(a); 42 CFR 405.704

Legal Deadline: None

Abstract: This regulation would amend current regulations regarding Medicare spell of illness to create a distinction between "inpatient" and "resident" for purposes of determining whether a patient is an inpatient of an SNF. This regulation also would propose that either an RN or a pharmacist could perform drug regimen reviews in SNFs or ICFs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Thomas Hoyer, Director, Division of Provider Services, Department of Health and Human Services, Health Care Financing Administration, Room 405 East High Rise, 6325 Security Boulevard, Baltimore, MD 21207, 301 594-9446

RIN: 0938-AB03

700. MISCELLANEOUS MEDICARE AND MEDICAID AMENDMENTS

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 416; 42 CFR 409; 42 CFR 441

Legal Deadline: None

Abstract: These rules amend existing Medicare and Medicaid regulations to conform them to statutory and policy changes that have occurred since those regulations were last published. The pertinent statutory changes are primarily those contained in the Omnibus Reconciliation Act of 1980 (P.L. 96-499) and the Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act of 1985 (P.L. 98-619).

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Agency Contact: Luisa Iglesias, Technical Assistant, Department of Health and Human Services, Health Care Financing Administration, BERC Regulations Staff, Rm. 4230 North, 300 Independence Ave., SW, Washington, DC 20201, **202 245-0383**

RIN: 0938-AB05

701. CHANGES TO THE LESSER OF COSTS OR CHARGES PROVISIONS

Significance: Regulatory Program

Legal Authority: 42 USC 1395f(b); 42 USC 1395l(a); PL 98-369, Sec 2308; PL 98-369, Sec 2321

CFR Citation: 42 CFR 405.455

Legal Deadline: None

Abstract: This regulation would eliminate application of the lesser of costs or charges aggregation method for determining payment for services furnished under Part A or Part B of Medicare effective with cost reporting periods beginning on or after October 1, 1984 (section 2308(a) of P.L. 98-369). We would eliminate the accumulation and carryover of unreimbursed costs to subsequent cost reporting periods applicable with cost reporting periods beginning on or after the effective date of the final rule. We would revise the nominal charge provisions for providers that furnish services either free of charge or at a nominal charge in accordance with section 2308(b) of P.L. 98-369. We would also revise the payment provisions for durable medical equipment furnished by home health agencies effective on or after July 18, 1984.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	02/00/87	

Small Entity: Yes

Agency Contact: William Goeller, Division Director, ORP, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 East Low Rise, 6325 Security Boulevard, Baltimore, MD 21207, **301 597-1803**

RIN: 0938-AB29

702. PAYMENT FOR CLINICAL DIAGNOSTIC LABORATORY SERVICES

Legal Authority: PL 98-369, Sec 2303

CFR Citation: 42 CFR 405.439; 42 CFR 405.501; 42 CFR 405.502; 42 CFR 405.505; 42 CFR 405.511; 42 CFR 405.516; 42 CFR 405.1672; 42 CFR 405.1675; 42 CFR 405.1684; 42 CFR 431.54; 42 CFR 447.10; 42 CFR 447.300; 42 CFR 447.321; 42 CFR 447.342

Legal Deadline: None

Abstract: These regulations would implement provisions of Pub.L. 98-369 relating to payment and "assignment" for diagnostic laboratory tests.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Agency Contact: Bernard Patashnik, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Reimbursement, Room 1-A-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1334**

RIN: 0938-AB50

703. WAIVER OF CERTAIN MEMBERSHIP REQUIREMENTS FOR CERTAIN HEALTH MAINTENANCE ORGANIZATIONS (HMOS) AND STATE OPTION FOR DISENROLLMENT RESTRICTIONS FOR CERTAIN HMOS UNDER MEDICAID

Legal Authority: 42 USC 1903(m)

CFR Citation: 42 CFR 434.26; 42 CFR 434.27; 42 CFR 434.20

Legal Deadline: None

Abstract: These regulations would implement certain provisions of section 2364 of the Deficit Reduction Act of 1984 as those provisions affect HMOs and CMPs in the Medicaid Program.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Agency Contact: Robert E. Wren, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Room 401 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9690**

RIN: 0938-AB54

704. PHYSICIAN CERTIFICATION AND PLAN OF CARE REQUIREMENTS AND INSPECTION OF CARE REVIEWS

Legal Authority: 42 USC 1302; PL 98-369, Sec 2363 and 2368

CFR Citation: 42 CFR 440; 42 CFR 441; 42 CFR 456

Legal Deadline: None

Abstract: These rules would implement Sections 2363 and 2368 of the Deficit Reduction Act of 1984. The rules would make the requirements for physician certification and development of a plan of care (formerly utilization control requirements) State plan requirements. States would no longer be required to make the quarterly showings of compliance for those requirements or for utilization review. A quarterly demonstration to the Secretary of a satisfactory utilization control program would be limited to inspections of care in participating mental hospitals, skilled nursing facilities and intermediate care facilities, including intermediate care facilities for the mentally retarded.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: Yes

Agency Contact: Thomas E. Hoyer, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Provider Services & Coverage Pol., Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9446**

RIN: 0938-AB55

705. MEDICARE: HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS: COORDINATED OPEN ENROLLMENT

Significance: Agency Priority

Legal Authority: 42 USC 1395mm

CFR Citation: 42 CFR 417

Legal Deadline: None

Abstract: These regulations would implement section 2350 of Pub. L. 98-369 by requiring that HMOs and CMPs hold coordinated open enrollment periods in geographic areas that encompass two or more organizations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Stanley Katz, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Medical Services Coverage Policy, Room 489 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-8561**

RIN: 0938-AB57

706. HOSPICE "CORE" SERVICES; NURSING

Legal Authority: PL 98-369, Sec 2343

CFR Citation: 42 CFR 418.80; 42 CFR 418.83

Legal Deadline: None

Abstract: This regulation would implement provisions of PL 98-369 relating to hospices contracting for "core services." PL 97-248, the Tax Equity and Fiscal Responsibility Act of 1982, authorized time limited Medicare Part A coverage for hospice services. The law specifies that a hospice must routinely provide the following "core services" directly: nursing care, medical social services, physician's services, and counseling services. This regulation would permit the Secretary to waive the nursing care "core services" requirement for hospices which are located in rural areas, which were in operation on or before January 1, 1983, and which have demonstrated a good faith effort to hire their own nurses.

Timetable:

Action	Date	FR Cite
NPRM	03/03/86	51 FR 7292
Final Action	00/00/00	

Small Entity: No

Agency Contact: Thomas Hoyer, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Provider Services & Coverage Pol., Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9446**

RIN: 0938-AB58

707. INDIRECT PART B PAYMENT PROCEDURE

Legal Authority: 42 USC 1395u

CFR Citation: 42 CFR 405.1672; 42 CFR 405.1679; 42 CFR 405.1685; 42 CFR 405.1686

Legal Deadline: None

Abstract: This proposed regulation would implement provisions of Pub.L. 98-369 that allow payment for services furnished under Part B of Medicare to be made to a health benefits plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Harold Fishman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility, Room 448 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9077**

RIN: 0938-AB59

708. HOSPITAL INSURANCE ENTITLEMENT AND SUPPLEMENTARY MEDICAL INSURANCE ENROLLMENT, ENTITLEMENT, AND PREMIUMS

Legal Authority: 26 USC 3121; 42 USC 415; 42 USC 417; 42 USC 426; 42 USC 433; 42 USC 602; 42 USC 606; 42 USC 614; 42 USC 1382; 42 USC 1395c; 42 USC 1395p; 42 USC 1395q; 42 USC 1395r; 42 USC 1395v; 42 USC 1395w; ...

CFR Citation: 42 CFR 405; 42 CFR 410; 42 CFR 408

Legal Deadline: None

Abstract: This regulation would revise the Medicare rules that deal with hospital insurance entitlement and with supplementary medical insurance (SMI) enrollment, entitlement and premiums, as required by amendments to the Social Security Act. It would also revise Medicaid rules that deal with State buy-in agreements, under which States secure SMI benefits for certain Medicaid-eligible individuals, by paying their SMI premiums.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Harold Fishman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility Policy, Room 448 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9077**

RIN: 0938-AB60

709. PAYMENT FOR THE SERVICES OF PHYSICIANS FURNISHED IN TEACHING SETTINGS AND OTHER PROVIDERS

Legal Authority: 42 USC 1395u; 42 USC 1395x; 42 USC 1395xx

CFR Citation: 42 CFR 405.465; 42 CFR 405.466; 42 CFR 405.480; 42 CFR 405.481; 42 CFR 405.482; 42 CFR 405.522; 42 CFR 405.523; 42 CFR 405.524; 42 CFR 405.525; 42 CFR 405.550; 42 CFR 405.551; 42 CFR 405.552; 42 CFR 405.553; 42 CFR 405.554; 42 CFR 405.555; ...

Legal Deadline: None

Abstract: These regulations would implement provisions of P.L. 96-499 and P.L. 98-369. This legislation deals with certain problems that have arisen in the Medicare program with respect to payment for physicians who practice in the teaching setting. Specifically addressed by Congress is the problem of distinguishing between the services a physician furnishes to individual patients as a teaching provider and services furnished to the provider, as well as the method of reimbursement for these services. This proposed rule sets forth the conditions under which physicians in teaching settings would be reimbursed on a reasonable cost basis or, alternatively, on a reasonable charge basis. It also describes the methods used to determine the customary charges for the services of those physicians. This rule would also clarify related issues of physician reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	11/00/86	

Small Entity: No

Agency Contact: Bernard Patashnik, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Reimbursement, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1334**

RIN: 0938-AB61

710. MEDICARE/MEDICAID REVALUATION OF ASSETS

Significance: Regulatory Program

Legal Authority: PL 98-369, Sec 2314; 42 USC 1395x

CFR Citation: 42 CFR 405.414; 42 CFR 405.415; 42 CFR 447.250; 42 CFR 447.253; 42 CFR 447.272

Legal Deadline: None

Abstract: This regulation would implement section 2314 of Pub.L. 98-369. Section 2314 of P.L. 98-369 imposes new limitations on the valuation of assets acquired as the result of changes in ownership occurring on or after July 18, 1984. These changes would affect hospitals and skilled nursing facilities under the Medicare program and hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded under the Medicaid program. These changes are intended to promote economy in the Medicare and Medicaid programs.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	02/00/87	

Small Entity: Undetermined

Agency Contact: Bruce Oliver, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Division of Audit and Payment Policy, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-5892

RIN: 0938-AB64

711. ESRD NETWORK AREA DESIGNATION PROCEDURES

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1395x; 42 USC 1395y(a); 42 USC 1395hh; 42 USC 1395kk; 42 USC 1395rr

CFR Citation: 42 CFR 405.2110

Legal Deadline: None

Abstract: This proposed rule would remove the requirement in current regulations that HCFA change designations of ESRD network areas through rulemaking, and would remove the list of currently designated network areas that now appears in the regulations. This proposal would also remove the criteria that define existing network areas. This amendment would increase the efficiency and effectiveness of the ESRD program by instituting a faster process for changing network area designations as programmatic needs arise.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	07/00/86	

Small Entity: Yes

Agency Contact: Spencer Colburn, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Division of Inst. & Ambulatory Services, Hospitals Br., Room 2-D-2 ME, 6300 Security Blvd., Baltimore, MD 21207, 301 594-3413

RIN: 0938-AB65

712. OMB REVIEW OF INFORMATION COLLECTION AND RECORDKEEPING REQUIREMENTS FOR HOME HEALTH AGENCIES, INDEPENDENT LABORATORIES, AND PROVIDERS OF OUTPATIENT, PHYSICAL THERAPY AND/OR (CONT)

Legal Authority: 42 USC 1302; 42 USC 1395u; 42 USC 1395x; 42 USC 1395y; 42 USC 1395gg; 42 USC 1395hh; 42 USC 1395x(s)(10) and (11); 42 USC 1395aa; 42 USC 1395x(p)

CFR Citation: 42 CFR 405.1221(e); 42 CFR 405.1221(f); 42 CFR 405.1221(g); 42 CFR 405.1221(i); 42 CFR 405.1223(b); 42 CFR 405.1229(a); 42 CFR 405.1315(f); 42 CFR 405.1316(f); 42 CFR 405.1720(b); 42 CFR 405.1721; 42 CFR 405.1224; 42 CFR 405.1228; 42 CFR 405.1225(a); 42 CFR 405.1226; 42 CFR 405.1314; ...

Legal Deadline: None

Abstract: The purpose of this proposed rule is to set forth changes in several regulations containing information collection requirements, and to obtain public comments on the proposed changes.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Additional Information: TITLE CONT: Speech Pathology Services

Agency Contact: Stefan Miller, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Laboratory and Ambulatory Services Branch, Room 300 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-6394

RIN: 0938-AB68

713. CLARIFICATION OF POLICY ON ADJUSTING THE HOSPITAL-SPECIFIC PORTION OF THE PROSPECTIVE PAYMENT RATE

Significance: Agency Priority

Legal Authority: 42 USC 1395ww

CFR Citation: 42 CFR 412.71; 42 CFR 412.72; 42 CFR 412.73; 42 CFR 412.128

Legal Deadline: None

Abstract: This proposed rule would clarify Medicare's policy on adjusting the hospital-specific portion of the prospective payment rate for inpatient hospital services as the result of adjustments to a hospital's target amount for events occurring in the year following its base year. It would clarify that exemptions, exceptions, or adjustments granted under section 1886(b)(4) of the Act or 42 CFR 405.460 or 405.463(e)-(h) for periods subsequent to the base year have no effect on the hospital-specific portion of the prospective payment rate. It would also clarify the PPS regulations governing administrative and judicial review of payment amounts. In particular, the rule would clarify the effect of successful appeals of base year costs on the hospital specific portion of the prospective rate.

Timetable:

Action	Date	FR Cite
NPRM	03/10/86	51 FR 8208
Final Action	09/00/86	

Small Entity: No

Agency Contact: Edward Rees, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Payment Determination Policy Branch, DHPP, R. 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-6403

RIN: 0938-AB71

714. PAYMENT ADJUSTMENTS FOR SOLE COMMUNITY HOSPITALS

Significance: Agency Priority

Legal Authority: 42 USC 1395ww(d)

CFR Citation: 42 CFR 412.72; 42 CFR 412.92

Legal Deadline: None

Abstract: This proposed rule would change Medicare prospective payment regulations for inpatient hospital services to allow for an adjustment of the hospital-specific portion of the prospective payment rate for sole community hospitals.

Timetable:

Action	Date	FR Cite
NPRM	03/10/86	51 FR 8211
Final Action	00/00/00	

Small Entity: No

Agency Contact: Charles Booth, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Reimbursement Policy, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9760**

RIN: 0938-AB72

715. REVISION OF MEDICAID ELIGIBILITY QUALITY CONTROL (MEQC) PROGRAM REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1396b

CFR Citation: 42 CFR 431.800 to 431.808; 42 CFR 431.810 to 431.822; 42 CFR 431.830 to 431.836; 42 CFR 431.901 to 431.904; 42 CFR 431.861 to 431.864

Legal Deadline: None

Abstract: Under current regulations, States are allowed to rebut their quarterly projected error rate with more recent MEQC data. However, this rebuttal process underestimates the true error rate. Therefore, we are considering a revision of the regulations to eliminate the rebuttal process. Further, amendments that we are proposing would clarify the basic operating MEQC program functions and modify other MEQC program elements. We also plan to revise the criteria under which States may make good faith waiver requests. Waiver requests submitted after final regulations are in place will be reviewed under the new criteria regardless of the error rate period for which the waiver is being requested. Waivers will not be permitted for periods for which waivers were requested under prior waiver criteria.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	10/00/86	

Small Entity: No

Agency Contact: Joyce Somsak, Director, Office of Quality Control Programs, Department of Health and Human Services, Health Care Financing Administration, Bureau of Quality Control Programs, 207-L ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1354**

RIN: 0938-AB85

716. MEDICAID: IDENTIFICATION OF THIRD PARTY LIABILITY RESOURCES FOR MEDICAL ASSISTANCE

Significance: Regulatory Program

Legal Authority: 42 USC 1396a(25)

CFR Citation: 42 CFR 433.138; 42 CFR 431.305; 42 CFR 431.306

Legal Deadline: None

Abstract: These regulations would require that the agency at a minimum: (1) obtain certain health insurance information for applicants or recipients; (2) attempt to secure agreements to conduct data exchanges with certain State and Federal agencies; (3) conduct diagnosis and trauma code edits to identify third party resources; and (4) follow other specified procedures regarding followup, safeguarding information, and reporting and recordkeeping. The objectives are to improve State agency performance in the identification of third party resources and to assure the timely incorporation of this resource information into the third party claims payment processing system.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	09/00/86	

Small Entity: No

Agency Contact: Herb Shankroff, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Policies and Procedures Branch, 1-A-4 Meadows East Building, Baltimore, MD 21207, **301 594-6710**

RIN: 0938-AB88

717. CONDITIONS OF PARTICIPATION FOR HOME HEALTH AGENCIES

Legal Authority: 42 USC 1302; 42 USC 1395x; 42 USC 1395hh

CFR Citation: 42 CFR 405.1201 to 405.1230; 42 CFR 484; 42 CFR 485

Legal Deadline: None

Abstract: The sophistication of HHA service delivery has increased since 1973, the year of the last major HHA regulatory revisions. We are unsure whether current Federal requirements will ensure that HHAs are capable of furnishing quality services to program beneficiaries and that these HHAs will continue to remain as viable providers of health care. Therefore, proposed amendments would upgrade and strengthen selected home health agency requirements for this purpose.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Yes

Agency Contact: Sheila A. Ryan, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Provider and Supplier Standards, Room 300 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-3775**

RIN: 0938-AB93

718. REVISION OF MEDICAID DRUG REIMBURSEMENT REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1396(b)(i)(1); 42 USC 1396a(a)(30)

CFR Citation: 45 CFR 19.1 to 19.6; 42 CFR 447.331 to 447.334

Legal Deadline: None

Abstract: A proposed rule is being developed which would revise the method for setting limits on Federal matching payments under Medicaid for drugs. Current reimbursement for prescription drugs is limited to the lowest of (1) the estimated acquisition cost plus a reasonable dispensing fee, (2) the usual and customary charge for the prescription, or (3) for certain drugs available from multiple sources, the maximum allowable cost plus a reasonable dispensing fee. The regulations have been reviewed to determine their effects.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	09/00/86	

Small Entity: Yes

Agency Contact: Judy Boggs, Special Assistant to AAP, Department of Health and Human Services, Health Care Financing Administration, Room 325H HHH Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-7982

RIN: 0938-AB97

719. MEDICARE RECOVERY AGAINST THIRD PARTIES AND MEDICARE SECONDARY PAYOR

Legal Authority: 42 USC 1302; 42 USC 1395y; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 411; 42 CFR 489; 42 CFR 409

Legal Deadline: None

Abstract: This proposed rule would revise regulations to reflect recent statutory provisions regarding HCFA's right to bring an action directly against certain third parties or to join or intervene in an action against a third party. It would also place certain requirements on hospitals regarding the identification and billing of potential Medicare secondary payor cases. Additionally, it would include requirements regarding timely refunds to Medicare when collections have been made from another insurer. The proposal would also clarify rules for Medicare payment for services furnished to an end-stage renal disease (ESRD) patient who is also covered under an employer group health plan. And, it would update policies pertaining to Medicare payment for services covered under a workers' compensation law or plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Herbert Pollock, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Medicare Claims Payment Policy Branch, Rm. 474 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-4978

RIN: 0938-AC05

720. MISCELLANEOUS CONFORMING AMENDMENTS

Legal Authority: 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 406; 42 CFR 408; 42 CFR 409; 42 CFR 410; 42 CFR 431; 42 CFR 433; 42 CFR 435; 42 CFR 474; 42 CFR 489

Legal Deadline: None

Abstract: These rules conform certain regulations (primarily pertaining to Medicare) with statutory changes enacted since those rules were last published. They also clarify, correct, and redesignate some of the rules that are being conformed.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Luisa V. Iglesias, Technical Assistant, Department of Health and Human Services, Health Care Financing Administration, BERC, Regulations Staff, Room 4230 North, 300 Independence Ave., SW, Washington, DC 20201, 202 245-0383

RIN: 0938-AC06

721. MEDICARE COVERAGE OF HEPATITIS B VACCINE FOR HIGH AND INTERMEDIATE RISK INDIVIDUALS, HEMOPHILIA CLOTTING AND CERTAIN X-RAY SERVICES

Legal Authority: 42 USC 1302; 42 USC 1395j to 1395v; 42 USC 1395x; 42 USC 1395y; 42 USC 1395cc; 42 USC 1395hh; 42 USC 1395g; 42 USC 1395l; 42 USC 1395u; 42 USC 1395gg; 42 USC 1395pp

CFR Citation: 42 CFR 405.231(r); 42 CFR 405.232(b), (c); 42 CFR 405.310(e), (k)

Legal Deadline: None

Abstract: This proposed rule would implement section 2323 of P.L. 98-369 which provides Medicare coverage for hepatitis B vaccine for those individuals who are eligible for Medicare and at high or intermediate risk of contracting hepatitis B. It would implement section 2324 of P.L. 98-369 that provides coverage for the self-administration of hemophilia clotting factors and the items necessary for their administration to Medicare eligibles. The proposed rule would solicit public comments on our definition of those individuals who are at high or intermediate risk of contracting hepatitis B. The proposal would also clarify Medicare coverage of certain x-ray services.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Joyce Eng, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Rm. 463 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-0318

RIN: 0938-AC07

722. ● CHANGES TO THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM AND FISCAL YEAR 1987 RATES

Significance: Regulatory Program

Legal Authority: 42 USC 1395ww

CFR Citation: 42 CFR 412

Legal Deadline: Statutory, June 1, 1986. 42 USC 1396ww(e)(5)(A) requires publication of proposed rule by June 1 and a final rule by September 1.

Abstract: This proposed rule will solicit public comments on various revisions to the inpatient hospital prospective payment system. It will also include proposed changes in the methods, amounts, and factors used to determine the prospective payment rates applicable to discharges occurring during FY 1987.

Timetable:

Action	Date	FR Cite
NPRM	06/01/86	
Final Action	09/01/86	
Final Action Effective	10/01/86	

Small Entity: Yes

Agency Contact: Charles Booth, Office Director, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 181 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9760

RIN: 0938-AC11

723. ● REFINEMENT OF REASONABLE CHARGE METHODOLOGY

Significance: Regulatory Program

Legal Authority: 42 USC 1395l; 42 USC 1395u; 42 USC 1395zz

CFR Citation: 42 CFR 405.500 to 405.544

Legal Deadline: None

Abstract: This proposed rule would solicit public comments on revisions to the regulations that govern the determination of the reasonable charges that Medicare pays for physicians' services and other medical and health services under its supplementary medical insurance program.

Timetable:

Action	Date	FR Cite
Proposed Notice	05/00/86	
Final Action	09/00/86	

Small Entity: Yes

Agency Contact: Bernard Patashnik, Division Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 East Low Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1334**

RIN: 0938-AC14

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724. ● SCHEDULE OF LIMITS ON HOME HEALTH AGENCY COSTS PER VISIT FOR COST REPORTING PERIODS BEGINNING ON OR AFTER JULY 1, 1986 BUT BEFORE JULY 1, 1987

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(v)(1)

CFR Citation: 42 CFR 405.460

Legal Deadline: None

Abstract: This notice sets forth a schedule of limits on Home Health Agency (HHA) costs that may be reimbursed under the Medicare program. The limits in this notice apply to HHA costs for entire cost reporting periods beginning on or after July 1, 1986 but before July 1, 1987.

Timetable:

Action	Date	FR Cite
NPRM	03/25/86	
Final Notice	06/01/86	

Small Entity: Yes

Agency Contact: Steven R. Kirsh, Branch Chief, Division of Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-A-1 East Low Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9465**

RIN: 0938-AC15

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725. ● LOWEST CHARGE LEVELS (LCL) FOR MEDICAL SERVICES, SUPPLIES AND EQUIPMENT

Significance: Regulatory Program

Legal Authority: 42 USC 1395u

CFR Citation: 42 CFR 405.511

Legal Deadline: None

Abstract: Medicare Part B payments for medical services, supplies, and equipment that do not generally vary significantly in quality from one supplier to another must be based on a reasonable charge that does not exceed the lowest charge level (LCL) at which the items or services are widely and consistently available in a locality. This notice would identify supplies, services or equipment that do not vary widely in quality and propose that the reasonable charge for these items and services be set at the LCL. At the present time the LCL applies only to wheelchairs and hospital beds and our experience indicates that additional items and services should be included to control Part B payments for such greatly similar items and services.

Timetable:

Action	Date	FR Cite
Proposed Notice	06/00/86	
Final Action	09/01/86	
Final Action Effective	10/01/86	

Small Entity: Yes

Agency Contact: Bernard Patashnik, Director, Division of Med. Svcs. Reimb., Department of Health and Human Services, Health Care Financing Administration, 1-H-5 East Low Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1334**

RIN: 0938-AC16

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726. ● END STAGE RENAL DISEASE PROGRAM: COMPOSITE RATE UPDATE

Significance: Regulatory Program

Legal Authority: 42 USC 1395rr

CFR Citation: 42 CFR 405.439

Legal Deadline: None

Abstract: Current Medicare regulations governing reimbursement under the ESRD program for facilities' outpatient maintenance dialysis services provide for periodic review of the composite rate and updates when the Secretary determines it is necessary. The regulations also prescribe the Medicare allowable and reasonable cost principles that are considered in setting the composite rate and updates. This proposed notice would solicit public comments on establishment of revised rates based on use of more recent audited cost data and would consider refinements to the payment methodology.

Timetable:

Action	Date	FR Cite
Proposed Notice	04/00/86	
Final Action	07/00/86	
Final Action Effective	08/01/86	

Small Entity: Yes

Agency Contact: Bernadette Schumaker, Director, Division of Dialysis and Transplant Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-A-5 East Low Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1337**

RIN: 0938-AC17

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727. ● MONTHLY CAPITATION PAYMENT FOR PHYSICIANS OUTPATIENT DIALYSIS SERVICES

Significance: Regulatory Program

Legal Authority: 42 USC 1395rr

CFR Citation: 42 CFR 405.542

Legal Deadline: None

Abstract: This proposed notice would update the home/facility physician treatment capability ratio used to determine the monthly capitation payment for physician services furnished to outpatient maintenance dialysis patients. The current ratio is 10:7, or about 1.4 to 1. Recent data show that a change in this ratio is warranted. Physicians are capable, in a given period, of caring for more home dialysis patients than are reflected in the current home/facility ratio.

Timetable:

Action	Date	FR Cite
Proposed Notice	04/00/86	
Final Action	07/00/86	
Final Action Effective	08/01/86	

Small Entity: Yes

Agency Contact: Robert Niemann, Program Analyst, Div. of Dialysis & Transplant Policy, BERC, Department of Health and Human Services, Health Care Financing Administration, 1-A-5 East Low Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1810**

RIN: 0938-AC18

728. ● SECOND SURGICAL OPINION REQUIREMENT FOR MEDICAID RECIPIENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1396a; 42 USC 1396(a)(4); 42 USC 1396(a)(19); 42 USC 1396(a)(30)

CFR Citation: 42 CFR 431

Legal Deadline: None

Abstract: This proposed rule would impose a Federal requirement that each State's Medicaid plan include a program for requiring second surgical opinions for certain procedures. Medicaid payment for these procedures would be denied if the recipient did not obtain a second opinion and exceptions or waivers of the requirement did not apply. Studies have shown that mandatory second opinion programs applicable to the Medicaid population result in substantial cost savings with no direct effect on the health outcomes of patients. A number of States have already voluntarily adopted such a program, and both cost savings and more efficient program administration would result from broadening it to a Federal requirement.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	09/00/86	
Final Action Effective	10/01/86	

Small Entity: Undetermined

Agency Contact: Thomas Hoyer, Director, Div. of Provider Svcs. Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 405 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9446**

RIN: 0938-AC19

729. ● ASSIGNMENT AND REASSIGNMENT OF PROVIDER-BASED HOME HEALTH AGENCIES AND HOSPICES TO DESIGNATED REGIONAL INTERMEDIARIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395h; 42 USC 1395(e)(4); 42 USC 1395(e)(5)

CFR Citation: 42 CFR 421.3; 42 CFR 421.117; 42 CFR 421.128

Legal Deadline: None

Abstract: This regulation would require all home health agencies and hospices to be served by designated regional intermediaries, instead of permitting provider-based HHAs and hospices to use the intermediaries their parent providers use. This would reduce the number of intermediaries serving the HHAs and hospices, thus resulting in more consistent payment determinations and more effective and efficient administration.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Toba Winston, Branch Chief, Contract Policy Branch, Department of Health and Human Services, Health Care Financing Administration, Room 334 Meadows East Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-0471**

RIN: 0938-AC20

730. ● REVIEW OF INFORMATION COLLECTION AND RECORDKEEPING REQUIREMENTS FOR SUPPLIERS OF END-STAGE RENAL DISEASE SERVICES

Legal Authority: 42 USC 1302; 42 USC 1395rr

CFR Citation: 42 CFR 405.2111; 42 CFR 405.2112; 42 CFR 405.2113(a); 42 CFR 405.2113(f); 42 CFR 405.2114; 42 CFR 405.2123; 42 CFR 405.2134; 42 CFR 405.2135; 42 CFR 405.2136; 42 CFR 405.2136(b); 42 CFR 405.2136(c); 42 CFR 405.2136(d); 42 CFR 405.2136(e); 42 CFR 405.2136(f); 42 CFR 405.2136(g); ...

Legal Deadline: None

Abstract: The purpose of this proposed rule is to propose changes in several regulations containing information collection requirements for suppliers of End-Stage Renal Diseases services. The changes would remove requirements found to be overly prescriptive.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: John Powell, Program Analyst, Hospital Service Branch, Department of Health and Human Services, Health Care Financing Administration, Div. of Provider and Supplier Standards, Room 300 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-0565**

RIN: 0938-AC26

731. ● CHANGES IN MEDICARE PAYMENTS FOR DIRECT MEDICAL EDUCATION COSTS

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(v)(1)(A); 42 USC 1395x(b); 42 USC 1395k(a)(2)(B)

CFR Citation: 42 CFR 405.421; 42 CFR 412.113

Legal Deadline: None

Abstract: This regulation proposes changes to the Medicare Policy concerning reimbursement for direct medical education costs. These changes are necessary to update the current limitations on these costs imposed on providers for cost reporting periods beginning on or after July 1, 1985, but before July 1, 1986, and to limit Medicare payment to necessary medical education costs.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
Final Action	06/00/86	

Small Entity: Yes

Agency Contact: Paul Elstein, Chief, Payment Limitation & Exclusions Br., Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1755

RIN: 0938-AC27

732. ● FIRE SAFETY STANDARDS FOR HOSPITALS, SKILLED NURSING FACILITIES, INTERMEDIATE CARE FACILITIES AND AMBULATORY SURGICAL CENTERS

Significance: Agency Priority

Legal Authority: 42 USC 1395x(e)(9); 42 USC 1395x(j)(13); 42 USC 1395k(a)(2)(F)(i); 42 USC 1396d(c); 42 USC 1396d(d); 42 USC 1302

CFR Citation: 42 CFR 405.1022(b)(1); 42 CFR 405.1134(a); 42 CFR 416.44(b); 42 CFR 442.321(a); 42 CFR 442.321(c); 42 CFR 442.322; 42 CFR 442.323

Legal Deadline: None

Abstract: This proposed rule would solicit comments on amending the fire safety standards for hospitals, skilled nursing facilities, intermediate care facilities and ambulatory surgical centers to incorporate by reference the 1985 edition of the Life Safety Code of the National Fire Protection Association.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Samuel Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, 300 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 597-5909

RIN: 0938-AC28

733. ● COST LIMITS FOR HOSPITAL MEDICARE PART B CLINICAL LABORATORY SERVICES

Significance: Regulatory Program

Legal Authority: 42 USC 1395x

CFR Citation: 42 CFR 405 Subpart D

Legal Deadline: None

Abstract: As a result of Section 2303 of Pub. L. 98-369, hospital laboratories providing tests for the hospital's outpatients are reimbursed on the basis of areawide fee schedules for clinical diagnostic laboratory tests provided to Medicare beneficiaries. Independent laboratories and laboratories in physicians' offices are reimbursed on the same basis. Also, as a result of Section 2303, hospital laboratories are to be reimbursed on a reasonable cost basis beginning July 1987. Current regulations dealing with reasonable costs provide general rules for setting cost limits. This proposed rule would specify cost limits for hospital laboratory services furnished to hospital outpatients and to those inpatients who have exhausted their Part A benefits and are receiving benefits under Part B.

Timetable:

Action	Date	FR Cite
NPRM	01/00/87	
Final Action	06/00/87	
Final Action Effective	07/01/87	

Small Entity: Yes

Agency Contact: Steve Kirsh, Chief, Cost Control Policy Branch, Department of Health and Human Services, Health Care Financing Administration, Room 1-A-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9465

RIN: 0938-AC30

734. ● MEDICAID: ELIGIBILITY DETERMINATIONS BASED ON DISABILITY; MEDICALLY NEEDY INCOME LEVELS FOR INDIVIDUALS

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1396d(a)

CFR Citation: 42 CFR 435.541; 42 CFR 435.911; 42 CFR 435.1007

Legal Deadline: None

Abstract: These proposed regulations would (1) revise the rules for making medicaid eligibility determinations that are based on disability to make them consistent with related policies of the Social Security Administration under the Supplemental Security Income (SSI) program; and (2) clarify the payment level on which States must base the medically needy income level for individuals in order for the State to qualify to receive Federal financial participation in expenditures for medical assistance for these individuals. Because of numerous questions and litigation, it is necessary to clarify our policy on the controlling nature of SSI disability determinations on Medicaid eligibility.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Joyce Jackson, Branch Chief, Division of Medicaid Eligibility Policy', Department of Health and Human Services, Health Care Financing Administration, 341 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 597-3870

RIN: 0938-AC31

735. ● FUNDING FOR MEDICAID ELIGIBILITY DETERMINATION SYSTEMS

Legal Authority: 42 USC 1396b(a); 42 USC 1396b(r)

CFR Citation: 42 CFR 433.112; 42 CFR 433.116; 42 CFR 433.123

Legal Deadline: None

Abstract: This notice proposes to announce requirements for Medicaid eligibility determination systems that State Medicaid agencies may wish to implement. Federal financial participation would be available for these systems only at the 50 percent rate for administrative costs described under section 1903(a)(7) of the Social Security Act; funding at higher levels would terminate. Implementation of the notice would increase Federal savings.

Timetable:

Action	Date	FR Cite
Proposed Notice	07/00/86	

Small Entity: No

Agency Contact: Wesley Baker, Branch Chief, Requirements Branch, Department of Health and Human Services, Health Care Financing Administration, Room G-C-7 Meadows East, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9151

RIN: 0938-AC33

736. ● MEDICARE ECONOMIC INDEX

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1395u(b)(3)

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: In this notice, we propose to retroactively recompute the Medicare economic index to account for the Bureau of Labor Statistics' change in the housing component of the Consumer Price Index. That change reflects rental equivalents rather than the cost of home ownership in the housing component. It is considered a more accurate representation of average changes in housing and office space expenses. Since the Medicare economic index is cumulative, we would recompute the index base to its beginnings on July 1973, and apply the computations prospectively. (The index base would include 1971 physician charge data.)

Timetable:

Action	Date	FR Cite
Proposed Notice	05/00/86	
Final Action	09/00/86	

Small Entity: Yes

Agency Contact: Bernard Patashnik, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Reimbursement, 1-H-5 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1334**

RIN: 0938-AC35

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Health Care Financing Administration (HCFA)

Final Rule Stage

737. HOME HEALTH AGENCIES: FINANCIAL SECURITY REQUIREMENTS

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

CFR Citation: 42 CFR 405.402; 42 CFR 405.419; 42 CFR 405.429; 42 CFR 405.1201 to 405.1202; 42 CFR 405.1231

Legal Deadline: None

Abstract: These regulations would implement sections 930(n) and (p) of the Omnibus Reconciliation Act of 1980. The regulations would require home health agencies participating in Medicare to meet conditions, including bonding or establishment of escrow accounts to ensure the financial security of the Medicare program. It would exclude from Medicare reimbursement any costs incurred by an HHA in connection with bonding or establishing an escrow account and any interest payments made by an HHA that are charged on amounts borrowed to repay Medicare overpayments. The intent of these additional requirements is to assure the availability of funds to repay overpayments, and thereby ensure the financial security of the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	11/25/85	50 FR 48435

Next Action Undetermined

Small Entity: Yes

Agency Contact: Ward Pleines, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Office of Reimbursement Policy, Rm. 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-0323**

RIN: 0938-AA13

738. CONDITIONS OF PARTICIPATION FOR HOSPITALS

Significance: Regulatory Program

Legal Authority: 42 USC 1395t; 42 USC 1396d; 42 USC 1395hh; 42 USC 1395x; PL 98-369, Sec 2335; PL 98-369, Sec 2340

CFR Citation: 42 CFR 1011 to 1042; 42 CFR 416.41; 42 CFR 440.1; 42 CFR 440.10; 42 CFR 440.40; 42 CFR 440.140.150; 42 CFR 440.250; 42 CFR 441.11; 42 CFR 441.13; 42 CFR 441.40; 42 CFR 456.51; 42 CFR 456.501; 42 CFR 489.21; 42 CFR 482

Legal Deadline: None

Abstract: This regulation simplifies requirements which hospitals must meet to be certified to participate in Medicare and Medicaid. It is intended to reduce Federal requirements, simplify and clarify regulations, and provide maximum flexibility in hospital administration while strengthening patient health and safety. This regulation is a review item of the Presidential Task Force on Regulatory Relief. It also conforms Medicare regulations to statutory changes made by PL 98-369 regarding certification of psychiatric and tuberculosis hospitals.

Timetable:

Action	Date	FR Cite
NPRM	01/04/83	48 FR 299
Final Action	04/00/86	

Small Entity: Yes

Agency Contact: Sheila Ryan, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Standards and Certification, 300 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-3775**

RIN: 0938-AA23

739. RECOGNITION OF STATE REIMBURSEMENT CONTROL SYSTEMS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1395hh; PL 98-369, Sec 2315; 42 USC 1395y(a)(14); 42 USC 1395ww(c); 42 USC 1395cc(a)(1)(F)

CFR Citation: 42 CFR 403.300; 42 CFR 403.302; 42 CFR 403.304; 42 CFR 403.306; 42 CFR 403.308; 42 CFR 403.310; 42 CFR 403.312; 42 CFR 403.314; 42 CFR 403.316; 42 CFR 403.318; 42 CFR 403.320; 42 CFR 403.322; 42 CFR 403.321

Legal Deadline: None

Abstract: This final rule implements statutory requirements to set forth conditions and procedures under which HCFA will approve Medicare payments for hospital services to be made in accordance with a State hospital reimbursement control system rather than in accordance with general Medicare principles of reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	05/13/85	50 FR 20048
Final Action	04/00/86	

Small Entity: Undetermined

Agency Contact: Charlene Brown, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Div. of Alternative Reimb. Systems, 1-A-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-2888**

RIN: 0938-AA34

740. SURVEY AND CERTIFICATION PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 1395t; 42 USC 1395x; 42 USC 1395bb; 42 USC 1395cc; 42 USC 1395hh; 42 USC 1396a; 42 USC 1396(i)

CFR Citation: 42 CFR 405; 42 CFR 431; 42 CFR 481; 42 CFR 442; 42 CFR 489; 42 CFR 490; 42 CFR 455; 42 CFR 485; 42 CFR 488; 42 CFR 491

Legal Deadline: None

Abstract: This regulation would streamline, simplify and integrate survey and certification procedures for providers and suppliers under Medicare and Medicaid. It is intended to accomplish effective monitoring with greater flexibility to States without loss of quality of health services.

Timetable:

Action	Date	FR Cite
NPRM	05/27/82	47 FR 23404
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Walter Merten, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Survey Procedures and Training, 2-K-1 DWE, 1849 Gwynn Oak Ave., Baltimore, MD 21207, **301 594-3812**

RIN: 0938-AA38

741. PHYSICIAN CERTIFICATION AND PLAN OF TREATMENT REQUIREMENTS

Legal Authority: PL 96-499, Sec 930(e); 42 USC 1302; 42 USC 1395hh; PL 98-369, Sec 2336

CFR Citation: 42 CFR 405.1633; 42 CFR 409.42; 42 CFR 405.1717

Legal Deadline: None

Abstract: These rules confirm interim final rules published on October 26, 1982 (47 FR 47388) with changes that make it possible for certain additional physicians to certify need for home health services and to establish and review a plan of treatment for those services. The changes are responsive to public comments and also serve to implement section 2336 of Pub. L. 98-369. The rules also make clarifying changes with respect to timing and procedures for certification for home health services and outpatient physical therapy and speech pathology services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/26/82	47 FR 47388
Final Action	05/00/86	

Small Entity: No

Agency Contact: Raymond T. Johnson, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Utilization Effectiveness Branch, BERC, Rm. 455 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9370**

RIN: 0938-AA46

742. INTERMEDIATE SANCTION OF LONG-TERM CARE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1395; 42 USC 1395x; 42 USC 1395aa; 42 USC 1395cc; 42 USC 1395hh

CFR Citation: 42 CFR 405.1501; 42 CFR 405.1502; 42 CFR 442.1 to 442.2; 42 CFR 442.117 to 442.119; 42 CFR 489.1 to 489.3; 42 CFR 489.50; 42 CFR 420.100; 42 CFR 420.105; 42 CFR 420.107; 42 CFR 420.114; 42 CFR 447.40; 42 CFR 489.53 to 489.54; 42 CFR 489.57; 42 CFR 489.60 to 489.66; 42 CFR 405.1505

Legal Deadline: None

Abstract: This regulation authorizes the Secretary and State Medicaid agencies to impose an alternative to terminating long-term care facilities found to be out of compliance with the Medicare conditions of participation or the Medicaid conditions of participation or standards in facilities where deficiencies do not pose an immediate jeopardy to patient health and safety. HCFA and the State Medicaid agency may deny payment for new admissions to the facilities.

Timetable:

Action	Date	FR Cite
NPRM	02/21/85	50 FR 07191
Final Action	04/00/86	

Small Entity: No

Agency Contact: Matthew Brown, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Long Term Care Services Br., Rm. 2-D-2 ME, 6300 Security Blvd., Baltimore, MD 21207, **301 594-7617**

RIN: 0938-AA60

743. MENTAL RETARDATION--DEFINITION OF "PERSONS WITH RELATED CONDITIONS"

Legal Authority: 42 USC 1302; 42 USC 1396d

CFR Citation: 42 CFR 435.1009

Legal Deadline: None

Abstract: This regulation would amend Medicaid regulations on intermediate care facility services for the mentally retarded persons with related conditions by revising the current definition of "persons with related conditions." This definition is presently tied to the definition of developmental disability in the Developmental Disabilities Assistance and Bill of Rights Act (DDABRA). This regulation establishes a Medicaid definition of conditions related to mental retardation that would meet the specific needs of the Medicaid program and would be independent of the definition of developmental disability in the DDABRA.

Timetable:

Action	Date	FR Cite
NPRM	02/23/83	48 FR 7593
Final Action	04/00/86	

Small Entity: Yes

Agency Contact: Robert Wren, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Room 403, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9690**

RIN: 0938-AA78

744. PAYMENTS TO INSTITUTIONS

Significance: Agency Priority

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 435.725; 42 CFR 435.733; 42 CFR 435.832; 42 CFR 436.832

Legal Deadline: None

Abstract: This regulation alleviates problems encountered by States in calculating patient income to be applied

to the cost of care in institutions. It is intended to permit States greater flexibility in administering their programs (Regulatory Reform).

Timetable:

Action	Date	FR Cite
NPRM	03/19/85	50 FR 10992
NPRM Comment Period End	05/20/85	
Final Action	06/00/86	

Small Entity: Yes

Agency Contact: Marinos Svolos, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Eligibility, Room 416 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9050

RIN: 0938-AB00

745. DEDUCTION OF INCURRED MEDICAL EXPENSES (SPENDDOWN)

Significance: Agency Priority

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 435.732; 42 CFR 435.831; 42 CFR 436.831

Legal Deadline: None

Abstract: These regulations permit States to revise the process by which medical expenses are considered in determining Medicaid eligibility. This process applies when an individual's income level during a budget period would ordinarily preclude eligibility except that incurred medical expenses reduce income to the eligibility level.

Timetable:

Action	Date	FR Cite
NPRM	09/02/83	48 FR 39959
NPRM Comment Period End	11/01/83	
Final Action	05/00/86	

Small Entity: Undetermined

Agency Contact: Marinos Svolos, Director, Div. of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise Bldg., 6325 Security Boulevard, Baltimore, MD 21207, 301 594-9050

RIN: 0938-AB07

746. RELATIONS WITH OTHER AGENCIES, MISCELLANEOUS MEDICAID DEFINITIONS AND THIRD PARTY LIABILITY QUALITY CONTROL

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 431.625; 42 CFR 435.1009; 42 CFR 440.2; 42 CFR 440.10; 42 CFR 440.20; 42 CFR 440.80; 42 CFR 440.160; 42 CFR 441.151; 42 CFR 447.40; 42 CFR 431.800; 42 CFR 440.30

Legal Deadline: None

Abstract: These regulations: (1) revise Medicaid policy on State payments of cost sharing amounts under Medicare Part B "buy-in" agreements; (2) revise and clarify certain Medicaid definitions; (3) remove the requirement that State plans include third party liability quality control reviews as a part of the State's Medicaid quality control system.

Timetable:

Action	Date	FR Cite
NPRM	03/11/83	49 FR 10378
NPRM Comment Period End	05/11/83	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Thomas Hoyer, Director, Division of Provider Services, Department of Health and Human Services, Health Care Financing Administration, Room 409 EHR, 6325 Security Boulevard, Baltimore, MD 21207, 301 594-9446

RIN: 0938-AB21

747. ADJUSTMENT OF FEDERAL SHARE FOR UNCASHED OR FOR CANCELLED (VOIDED) MEDICAID CHECKS

Legal Authority: 42 USC 1302; 42 USC 1396b(a)(1); 42 USC 1396b(d)(3)

CFR Citation: 45 CFR 201.5; 42 CFR 433.40; 42 CFR 430.0

Legal Deadline: None

Abstract: This rule requires a State agency to refund to the Federal government the Federal share of Medicaid checks that remain uncashed 180 days after issuance and requires that the federal share of cancelled (voided) Medicaid checks be refunded quarterly because there has not been an expenditure of funds in either case.

Timetable:

Action	Date	FR Cite
NPRM	05/31/85	50 FR 23147
NPRM Comment Period End	07/01/85	
Interim Final Rule	04/00/86	

Small Entity: No

Agency Contact: David McNally, Director, Div. of State Agency Financial Mgt, Department of Health and Human Services, Health Care Financing Administration, Room 350 Meadows East Building, 6325 Security Boulevard, Baltimore, MD 21207, 301 597-1398

RIN: 0938-AB35

748. REVISIONS TO MEDICAID PAYMENT FOR HOSPITAL AND LONG-TERM CARE FACILITY SERVICES

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(30); 42 USC 1396a(a)(13); 42 USC 1396l; PL 98-369, Sec 2369(a)

CFR Citation: 42 CFR 447.253; 42 CFR 447.272; 42 CFR 447.321; 42 CFR 447.257; 42 CFR 447.280

Legal Deadline: None

Abstract: This regulation would make several changes to the procedural requirements for States to obtain approval of their inpatient reimbursement rates. It is intended that these changes would promote increased economy in the administration of the Medicaid program while retaining State flexibility.

Timetable:

Action	Date	FR Cite
NPRM	02/18/86	51 FR 05728
Final Action	04/00/86	

Small Entity: No

Agency Contact: Tzvi Hefter, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Long Term Care Section, Room 1-A-1 ELR Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 597-1808

RIN: 0938-AB40

749. FFP FOR LTC FACILITIES AFTER TERMINATION OF PROVIDER AGREEMENT

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 442.16; 42 CFR 442.40; 42 CFR 442.42

Legal Deadline: None

Abstract: These rules would modify and clarify policy on Federal financial participation (FFP) in State Medicaid payments to a skilled nursing facility (SNF) or an intermediate care facility (ICF) after the facility's provider agreement has been terminated or has expired and not been renewed.

Timetable:

Action	Date	FR Cite
NPRM	10/18/85	50 FR 42192
Final Action	12/00/86	

Small Entity: No

Affected Sectors: 919 General Government, Not Elsewhere Classified

Government Levels Affected: State

Agency Contact: Gilda Martin, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Financial Policy Branch, Rm. 350 Meadows East, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1399**

RIN: 0938-AB42

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750. REVISIONS IN REPORTING AND RECORDKEEPING REQUIREMENTS

Legal Authority: 42 USC 1302; 42 USC 1395x(p); 42 USC 1395x(s)(3)(11) and (12); 42 USC 1395aa; 42 USC 1395hh

CFR Citation: 42 CFR 405.1413(c); 42 CFR 405.1716(c); 42 CFR 405.1716(d); 42 CFR 405.1717(b); 42 CFR 405.1717(e); 42 CFR 405.1725(a); 42 CFR 405.1702(d), (f) to (k); 42 CFR 405.1731(a),(c); 42 CFR 434.36; 42 CFR 434.55; 42 CFR 405.1733(a),(b); 42 CFR 434.27(a)

Legal Deadline: None

Abstract: This proposed rule would set forth changes in several regulations containing collection of information requirements. The changes are HCFA's response to the Office of Management and Budget requirement to eliminate regulations that are overly prescriptive, duplicative, or lack practical utility. The requirements affect the providers and suppliers of outpatient physical therapy and speech pathology services; physical therapists in independent practice; portable X-ray services; and Medicaid contracts with health maintenance organizations and prepaid health plans.

Timetable:

Action	Date	FR Cite
NPRM	02/24/86	51 FR 6429
Final Action	12/00/86	

Small Entity: No

Agency Contact: Stefan Miller, Laboratory and Ambulatory Branch Chief, Department of Health and Human Services, Health Care Financing Administration, 300 East High Rise Bldg., 6325 Security Blvd., Baltimore, Maryland 21207, **301 597-6394**

RIN: 0938-AB46

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751. TREATMENT OF SOCIAL SECURITY COST OF LIVING INCREASES FOR INDIVIDUALS WHO LOSE SSI ELIGIBILITY

Significance: Agency Priority

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 435.135; 42 CFR 435.136

Legal Deadline: None

Abstract: This revision to Medicaid rules provides that a State, in determining categorically needy financial eligibility for an individual who would still be eligible for benefits under SSI but for receipt of a section 215(i) cost of living increase after April 1977, must treat that individual as if he or she were still receiving SSI benefits. Section 215(i) cost of living increases are made to persons who receive monthly Social Security cash benefits. (This regulation is being developed pursuant to a court order.)

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14397
NPRM Comment Period End	06/11/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Roy Trudel, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Eligibility Policy, Room 416 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9128**

RIN: 0938-AB62

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752. SCHEDULE OF LIMITS FOR SKILLED NURSING FACILITY INPATIENT ROUTINE SERVICE COSTS (EFFECTIVE 04/01/86)

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(v)(1); 42 USC 1395yy

CFR Citation: 42 CFR 405.460

Legal Deadline: None

Abstract: This notice sets forth a revised schedule of limits on skilled nursing facility inpatient routine service costs that are reimbursed under Medicare. This schedule would be effective for cost reporting periods beginning on or after April 1, 1986.

Timetable:

Action	Date	FR Cite
Proposed Notice	11/22/85	50 FR 48304
Final Action	03/01/86	

Small Entity: Yes

Agency Contact: William Goeller, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Payment and Reporting Policy, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1802**

RIN: 0938-AB86

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753. SCHEDULE OF LIMITS ON SKILLED NURSING FACILITY INPATIENT ROUTINE SERVICE COSTS

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(v)(1); 42 USC 1395yy

CFR Citation: 42 CFR 405.460

Legal Deadline: None

Abstract: This notice would set revised limits for hospital-based SNF inpatient routine service costs. One revised schedule of limits would be effective for cost reporting periods beginning on or after October 1, 1982, and prior to July 1, 1984. The other revised schedule would be effective for cost reporting periods beginning on or after July 1, 1984.

Timetable:

Action	Date	FR Cite
Proposed Notice	11/22/85	50 FR 48304
Final Action	03/31/86	

Small Entity: Yes

Agency Contact: William Goeller, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Payment and Reporting Policy, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1802**

RIN: 0938-AB99

754. PAYMENT FOR COSTS OF MALPRACTICE INSURANCE

Significance: Regulatory Program

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

CFR Citation: 42 CFR 405.452(a)

Legal Deadline: None

Abstract: We are substantially revising the methodology we use to determine reasonable cost reimbursement for the costs of malpractice insurance. Separate policies are being implemented for Medicare hospitals, for Medicare skilled nursing facilities, and for providers of services under the Medicaid and Maternal and Child Health programs.

Timetable:

Action	Date	FR Cite
NPRM	06/17/85	50 FR 25178
Final Action	04/00/86	

Small Entity: Yes

Agency Contact: Paul Trimble, Technical Advisor, Department of Health and Human Services, Health Care Financing Administration, Division of Audit and Payment Policy, Room 1-5-F ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-8640**

RIN: 0938-AC00

755. MEDICAID COVERAGE OF QUALIFIED PREGNANT WOMEN AND CHILDREN AND NEWBORN CHILDREN

Legal Authority: PL 98-369, Sec 2361; PL 98-369, Sec 2362

CFR Citation: 42 CFR 435.3; 42 CFR 435.115; 42 CFR 435.116; 42 CFR 435.117; 42 CFR 435.301; 42 CFR 436.2; 42 CFR 436.114; 42 CFR 436.120; 42 CFR 436.122

Legal Deadline: None

Abstract: These regulations would conform the Medicaid regulations to statutory changes made by the Deficit Reduction Act of 1984 by adding two mandatory eligibility groups of individuals: qualified pregnant women and children under age 5 and certain newborn children. States have been advised previously that the statute is self-implementing. Additionally, a manual instruction containing procedures for States to implement these requirements was issued to States. However, these regulations are necessary to conform the Medicaid regulations to statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	11/21/85	50 FR 48102
NPRM Comment Period End	01/21/86	
Final Action	08/00/86	

Small Entity: No

Agency Contact: Richard Strauss, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Office of Eligibility Policy, Rm. 416 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-6529**

RIN: 0938-AC02

756. PAYMENT TO HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS

Legal Authority: 42 USC 1395x; 42 USC 1395mm

CFR Citation: 42 CFR 417.416; 42 CFR 417.448; 42 CFR 417.460; 42 CFR 417.554; 42 CFR 417.597

Legal Deadline: None

Abstract: This final rule responds to comments received on a final rule with comment period published January 10, 1985 (50 FR 1314). That rule authorized Medicare reimbursement for health services to eligible health maintenance organizations and competitive medical plans on a prospective basis for those entities that have a risk contract or on a reasonable cost basis for those that have a cost contract. The items open to comment were: (1) services by clinical psychologists in risk organizations, (2) direct payments to skilled nursing facilities, and (3) the establishment of benefit stabilization funds.

Timetable:

Action	Date	FR Cite
Final Action with comment period	01/10/85	50 FR 1314
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: Stanley Katz, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Coverage Policy, Room 489 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-8561**

RIN: 0938-AC03

757. DETERMINATION OF REASONABLE CHARGES FOR PHYSICIAN AND OTHER MEDICAL SERVICES

Legal Authority: 42 USC 1395u; PL 98-369, Sec 2306

CFR Citation: 42 CFR 405.501; 42 CFR 405.504; 42 CFR 405.551

Legal Deadline: None

Abstract: Section 2306(b) of the Deficit Reduction Act provided that the customary and prevailing charge levels that are used to determine the Part B reasonable charge of physicians and suppliers are to be updated on October 1 instead of July 1 of each year. In addition, the updates are to be computed on the basis of charges made by physicians and other suppliers for services during the period April 1 to March 31, instead of during the calendar year period preceding the update. This rule would revise Medicare rules regarding updating of the reasonable charge levels. Accordingly, it also announces that the annual economic index that would have been used to determine the amount of any increase to prevailing charges for physicians' services between July 1983 July 1, 1984, is superseded because of provisions in section 2306 of the Deficit Reduction Act, which provided for a freeze on the prevailing charge update for July 1984.

Timetable:

Action	Date	FR Cite
Final Action	03/00/86	

Small Entity: No

Agency Contact: Bernard Patashnik, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Medical Services Reimbursement, Rm. 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 397-1334**

RIN: 0938-AC04

758. LONG TERM CARE SURVEY

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 442

Legal Deadline: None

Abstract: The Court of Appeals for the Tenth Circuit ruled that the Secretary of HHS has a duty to establish an enforcement system which will adequately inform him, on a continuing basis, whether nursing homes receiving Federal Medicaid funds are actually providing high quality medical care. The primary proposal under consideration is nationwide implementation of the Patient Care and Services (PaCS) survey process. The PaCS survey would: provide continuing information on whether nursing homes are providing quality care; and, would be used as an enforcement mechanism to terminate participation of those facilities that do not maintain high quality care. This change would be implemented through the rulemaking process.

Timetable:

Action	Date	FR Cite
NPRM	10/31/85	50 FR 45584
Final Action	05/00/86	

Small Entity: No

Agency Contact: Sharon Harris, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Survey and Certification, Rm. 2-A-5 ME, 6325 Security Blvd., Baltimore, MD 21207, 301 594-5547

RIN: 0938-AC10

759. ● LIST OF COVERED SURGICAL PROCEDURES FOR AMBULATORY SURGICAL CENTERS

Legal Authority: 42 USC 1395l(i)(l)

CFR Citation: 42 CFR 416.65

Legal Deadline: None

Abstract: Medicare coverage is available for facility services furnished in connection with certain surgical procedures performed in an ambulatory surgical center, (ASC).

This final notice contains changes to the list of covered ASC procedures that were made as a result of our consideration of the public comments received in response to a proposed notice published February 16, 1984.

Timetable:

Action	Date	FR Cite
Proposed Notice	02/16/84	49 FR 6023
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: Bob Cereghino, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, 463 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 594-9372

RIN: 0938-AC21

760. ● OMB CONTROL NUMBERS FOR COLLECTION OF INFORMATION REQUIREMENTS CONTAINED IN HCFA REGULATIONS

Legal Authority: 42 USC 1302; 44 USC Chapter 35

CFR Citation: 42 CFR 400.310

Legal Deadline: None

Abstract: This rule adds additional OMB control numbers to the display in 42 CFR Chapter IV of currently valid OMB control numbers for approved "collection of information" requirements contained in HCFA regulations.

Timetable:

Action	Date	FR Cite
Final Action	04/00/86	

Small Entity: Not Applicable

Agency Contact: Michael Odachowski, Director, Division of Management, Organizational Analysis & Planning, Department of Health and Human Services, Health Care Financing Administration, G-A-1 East Low Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 594-3075

RIN: 0938-AC22

761. ● OFFICE OF MANAGEMENT AND BUDGET REQUEST FOR REVIEW OF COLLECTION OF INFORMATION REQUIREMENTS

Legal Authority: 44 USC 3507

CFR Citation: 42 CFR 405.2112; 42 CFR 405.2113; 42 CFR 405.2114; 42 CFR 405.2136

Legal Deadline: None

Abstract: As a result of reviews performed under the authority of the Paperwork Reduction Act of 1980, the Executive Office of Management and Budget (EOMB) has directed that we revise collection of information requirements in our regulations concerning conditions for coverage of end-stage renal disease services. This notice informs the public of EOMB's decision, and announces our intention to develop a proposed rule to modify the regulations.

Timetable:

Action	Date	FR Cite
Notice	04/00/86	

Small Entity: Not Applicable

Agency Contact: Michael Odachowski, Director, Division of Managment, Organizational Analysis & Planning, Department of Health and Human Services, Health Care Financing Administration, G-A-1 East Low Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 594-3075

RIN: 0938-AC23

762. ● PAYMENT FOR INDIRECT MEDICAL EDUCATION COSTS

Significance: Regulatory Program

Legal Authority: 42 USC 1395ww(d)(5)(B)

CFR Citation: 42 CFR 412.118

Legal Deadline: None

Abstract: Under the Medicare inpatient hospital prospective payment system, hospitals receive an additional payment for the indirect costs of medical education. We have estimated that Medicare operating costs increase at a slower rate as teaching programs grow larger and we believe that Medicare is paying more than is necessary to account for the indirect costs of hospitals with approved graduate medical programs, particularly in those hospitals with a high ratio of interns and residents to beds. We are proposing to revise our application of the indirect medical education adjustment factor from a linear basis to a curvilinear or variable basis. This revision would yield a smaller increase in payments per discharge as the ratio of interns and residents to beds increases.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	
Final Action	05/00/86	

Action	Date	FR Cite
Final Action Effective	06/00/86	

Small Entity: Yes

Agency Contact: Paul Elstein, Chief, Payment Limitations & Exclusions Br., Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1755

RIN: 0938-AC24

763. ● FIRE SAFETY STANDARDS FOR ICFS/MR

Significance: Agency Priority

Legal Authority: 42 USC 1396d(c); 42 USC 1396d(d)

CFR Citation: 42 CFR 442.507; 42 CFR 442.508; 42 CFR 442.509

Legal Deadline: None

Abstract: This rule amends the fire safety standards for intermediate care facilities for the mentally retarded. It updates the standards to incorporate the 1985 edition of the Life Safety Code of the National Fire Protection Association rather than the 1981 edition currently required. The incorporation of the new edition is intended to ensure that Medicaid providers and recipients have the benefit of the most current fire safety standards.

Timetable:

Action	Date	FR Cite
NPRM	11/05/85	50 FR 45921
Final Action	05/00/86	

Small Entity: Yes

Agency Contact: Samuel Kidder, Chief, Long-Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, 300 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 597-5909

RIN: 0938-AC25

764. ● MEDICARE ECONOMIC INDEX FOR REASONABLE CHARGES (EFFECTIVE 10/01/86)

Significance: Agency Priority

Legal Authority: 42 USC 1395u(b)(3)

CFR Citation: 42 CFR 405.504

Legal Deadline: None

Abstract: This notice sets forth the economic index used in the calculation of prevailing charges for physicians' services under Part B of Medicare.

Timetable:

Action	Date	FR Cite
Notice	10/01/86	

Small Entity: Not Applicable

Agency Contact: Solomon Mussey, Supervisory Actuary, Department of Health and Human Services, Health Care Financing Administration, M-1 1705 Equitable Building, 6325 Security Blvd., Baltimore, MD 21207, 301 594-2829

RIN: 0938-AC29

765. ● PART A PREMIUM FOR UNINSURED AGED FOR 12-MONTH PERIOD BEGINNING 01/01/87

Significance: Agency Priority

Legal Authority: 42 USC 1395i-2(d)(2)

CFR Citation: 42 CFR 408.22

Legal Deadline: Statutory, September 30, 1986

Abstract: This notice announces Medicare's monthly hospital insurance premium for the uninsured aged for the 12 months beginning January 1, 1987.

Timetable:

Action	Date	FR Cite
Notice	09/30/86	

Small Entity: Not Applicable

Agency Contact: Solomon Mussey, Supervisory Actuary, Department of Health and Human Services, Health Care Financing Administration, M-1 1705 Equitable Building, 6325 Security Blvd., Baltimore, MD 21207, 301 594-2829

RIN: 0938-AC32

766. ● PART B PREMIUM FOR 12-MONTH PERIOD BEGINNING 01/01/87

Significance: Agency Priority

Legal Authority: 42 USC 1395r

CFR Citation: 42 CFR 405.902

Legal Deadline: Statutory, September 30, 1986

Abstract: This notice announces the monthly actuarial rates for aged (age 65 and over) and disabled (under age 65) enrollees in the Medicare Supplementary Medical Insurance (SMI) program for the 12 months beginning January 1, 1987. It also announces the monthly SMI premium rate to be paid by all enrollees during the 12 months beginning January 1, 1987.

Timetable:

Action	Date	FR Cite
Notice	09/30/86	

Small Entity: Not Applicable

Agency Contact: Solomon Mussey, Supervisory Actuary, Department of Health and Human Services, Health Care Financing Administration, M-1 1705 Equitable Building, 6325 Security Blvd., Baltimore, MD 21207, 301 594-2829

RIN: 0938-AC34

767. ● INPATIENT HOSPITAL DEDUCTIBLE BEGINNING 01/01/87

Significance: Agency Priority

Legal Authority: 42 USC 1395e

CFR Citation: 42 CFR USC 409.82

Legal Deadline: Statutory, September 30, 1986

Abstract: This notice provides for cost sharing amounts payable by the beneficiary. It will inform the public of the revised rates beginning 01/01/87.

Timetable:

Action	Date	FR Cite
Notice	09/30/86	

Small Entity: Not Applicable

Agency Contact: Solomon Mussey, Supervisory Actuary, Department of Health and Human Services, Health Care Financing Administration, M-1 1705 Equitable Building, 6325 Security Blvd., Baltimore, MD 21207, 301 594-2829

RIN: 0938-AC36

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Health Care Financing Administration (HCFA)

Completed Actions

768. MEDICAID OVERPAYMENT REPORTING REQUIREMENTS

Significance: Agency Priority

CFR Citation: 42 CFR 447.401 to 447.431

Completed:

Reason	Date	FR Cite
Withdrawn	11/00/85	

Small Entity: No

Agency Contact: Dan Metzman 301 594-8194

RIN: 0938-AA04

769. LIMITATION ON PAYMENT FOR SERVICES FURNISHED TO EMPLOYED AGED, THEIR SPOUSES, AND SPOUSES OF YOUNGER EMPLOYEES

CFR Citation: 42 CFR 405.340; 42 CFR 405.341; 42 CFR 405.342; 42 CFR 405.343; 42 CFR 405.344

Completed:

Reason	Date	FR Cite
Final Action	10/11/85	50 FR 41503
Final Action Effective	11/12/85	

Small Entity: No

Agency Contact: Harold Fishman 301 594-9077

RIN: 0938-AA31

770. THIRD PARTY LIABILITY (TPL), PREMIUM FFP RATES, MANDATORY ASSIGNMENT OF RIGHTS TO PAYMENTS; SOURCES OF STATE FUND

Significance: Regulatory Program

CFR Citation: 42 CFR 432.2; 42 CFR 432.50; 42 CFR 432.60; 42 CFR 433.15; 42 CFR 433.45; 42 CFR 433.136; 42 CFR 433.139; 42 CFR 433.149; 42 CFR 433.151 to 433.152; 42 CFR 433.145; 42 CFR 433.137; 42 CFR 435.604; 42 CFR 432.45; 42 CFR 433.135; 42 CFR 436.604; ...

Completed:

Reason	Date	FR Cite
Final Action	11/12/85	50 FR 46652

Small Entity: No

Agency Contact: David McNally 301 597-1398

RIN: 0938-AA65

771. PROCEDURES FOR DETERMINING WHETHER PROVIDERS, PRACTITIONERS, OR OTHER SUPPLIERS OF SERVICES ARE LIABLE FOR CERTAIN NONCOVERED SERVICES

Significance: Regulatory Program

CFR Citation: 42 CFR 405.195; 42 CFR 405.196; 42 CFR 405.301; 42 CFR 405.330; 42 CFR 405.331; 42 CFR 405.332; 42 CFR 405.334

Completed:

Reason	Date	FR Cite
Final Action	02/21/86	51 FR 6222

Small Entity: No

Agency Contact: Harold Fishman 301 594-9077

RIN: 0938-AB33

772. FORMS USED FOR CLAIMING PAYMENT

CFR Citation: 42 CFR 405.1662

Completed:

Reason	Date	FR Cite
Final Action	09/30/85	50 FR 39669

Small Entity: No

Agency Contact: Daniel Baker 301 594-1999

RIN: 0938-AB34

773. CHANGES TO RETURN ON EQUITY CAPITAL AND THE ELIMINATION OF THE EXCEPTION FROM THE COST LIMITS FOR NEW HHAS

Significance: Regulatory Program

CFR Citation: 42 CFR 405.429; 42 CFR 405.460; 42 CFR 405.402

Completed:

Reason	Date	FR Cite
Final Action	02/20/86	51 FR 6139

Small Entity: No

Agency Contact: William Goeller 301 597-1803

RIN: 0938-AB70

774. INCOME AND ELIGIBILITY VERIFICATION

Significance: Agency Priority

CFR Citation: 42 CFR 431.300; 42 CFR 431.305; 42 CFR 431.306; 42 CFR 431.800; 42 CFR 431.804; 42 CFR 435.910; 42 CFR 435.912; 42 CFR 435.917; 42 CFR 435.920; 42 CFR 435.940; 42 CFR 435.945; 42 CFR 435.955; 42 CFR 435.960; 42 CFR 435.965; 42 CFR 435.948; ...

Completed:

Reason	Date	FR Cite
Final Action	02/28/86	51 FR 7178

Small Entity: No

Agency Contact: Joyce Somsak 301 597-1354

RIN: 0938-AB73

775. STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

Significance: Regulatory Program

CFR Citation: 42 CFR 435; 42 CFR 442

Completed:

Reason	Date	FR Cite
Final Action	03/04/86	51 FR 7520

Small Entity: No

Agency Contact: Samuel Kidder 301 597-5909

RIN: 0938-AB76

776. MONTHLY ACTUARIAL RATES AND PART B PREMIUM RATES BEGINNING 01/01/86

Significance: Agency Priority

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	09/30/85	50 FR 39932

Small Entity: Not Applicable

Agency Contact: Carter Warfield 301 594-2893

RIN: 0938-AB80

777. PART A PREMIUM FOR 12-MONTH PERIOD BEGINNING 01/01/86

Significance: Agency Priority

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	09/30/85	50 FR 39932

Small Entity: Not Applicable

Agency Contact: Solomon Mussey 301 594-2829

RIN: 0938-AB81

778. ASSIGNMENT AND REASSIGNMENT OF HOME HEALTH AGENCIES TO DESIGNATED REGIONAL INTERMEDIARIES

Significance: Regulatory Program

CFR Citation: 00 CFR Not Applicable

Completed:

Reason	Date	FR Cite
Final Action	02/13/86	51 FR 5403

Small Entity: No

Agency Contact: Toba Winston 301 594-0471

RIN: 0938-AB84

779. LIMITATIONS ON THE REIMBURSEMENT OF NONPHYSICIAN MEDICAL SERVICES

Significance: Regulatory Program

CFR Citation: 42 CFR 405.509; 42 CFR 405.511

Completed:

Reason	Date	FR Cite
Final Action	10/01/85	50 FR 40168
Final Action Effective	10/01/85	

Small Entity: Undetermined

Agency Contact: Bernard Patashnik 301 597-1334

RIN: 0938-AB91

780. ESRD COUNCILS

Significance: Regulatory Program

CFR Citation: 42 CFR 405.2100; 42 CFR 405.2102; 42 CFR 405.2111; 42 CFR 405.2112; 42 CFR 405.2113; 42 CFR 405.2114; 42 CFR 405.2116; 42 CFR 405.2120; 42 CFR 405.2121; 42 CFR 405.2132; 42 CFR 405.2134; 42 CFR 405.2136; 42 CFR 405.2138; 42 CFR 405.2164

Completed:

Reason	Date	FR Cite
Withdrawn	02/00/86	

Small Entity: Undetermined

Agency Contact: Antoine J. Elias 301 594-9712

RIN: 0938-AB98

781. REASONABLE CHARGE LIMITATIONS

Significance: Regulatory Program

CFR Citation: 42 CFR 405.502

Completed:

Reason	Date	FR Cite
Final Action	02/18/86	51 FR 5726

Small Entity: No

Agency Contact: Ronald Wren 301 594-7107

RIN: 0938-AC08

782. PROCESSING OF CLAIMS BY ELECTRONIC MEANS AS A CONDITION OF QUALIFICATION FOR THE PERIODIC INTERIM PAYMENT METHOD OF REIMBURSEMENT

CFR Citation: 42 CFR 405.454

Completed:

Reason	Date	FR Cite
Final Action	01/21/86	51 FR 2736

Small Entity: Yes

Agency Contact: Dan Baker 301 594-5415

RIN: 0938-AC09

783. ●GROUPER CHANGES

Significance: Agency Priority

CFR Citation: 42 CFR 412.10

Completed:

Reason	Date	FR Cite
Final Action	03/13/86	51 FR 8762

Small Entity: Undetermined

Agency Contact: Linda Magno 301 594-9343

RIN: 0938-AC12

784. ●EXCLUSION OF NEW ALCOHOL/DRUG HOSPITALS AND UNITS FROM THE PROSPECTIVE PAYMENT SYSTEM

Significance: Agency Priority

CFR Citation: 42 CFR 412.23; 42 CFR 412.32

Completed:

Reason	Date	FR Cite
Withdrawn	03/00/86	

Small Entity: No

Agency Contact: Thomas Hoyer 301 594-9446

RIN: 0938-AC13

[FR Doc. 86-5772 Filed 04-18-86; 8:45 am]

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federal register

Monday
April 21, 1986

Part IX

Department of Housing and Urban Development

Semiannual Regulatory Agenda

HUD

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Subtitles A and B

[Docket No. N-86-1591]

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, S.W., Washington, D.C. 20410, (202) 755-7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulation," issued on February 17, 1981 (46 FR 13193), requires each agency to publish semiannually an agenda of regulations that the agency has issued or expects to issue and of currently effective regulations that are under agency review.

The Regulatory Flexibility Act, 5 U.S.C. 601-612, requires each agency to publish semiannually a regulatory flexibility agenda of rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of "small entities," meaning small businesses, small organizations, or small governmental jurisdictions.

Executive Order 12291 and section 605 of the Regulatory Flexibility Act each permit incorporation of the agenda it requires with any other prescribed agenda. Accordingly, the agenda set out below combines the information required by the Executive Order and by the Regulatory Flexibility Act. In addition, the agenda contains certain information not required by either the Executive Order or by the Act which the Department considers useful, both better to inform the public and to enhance the Department's own inventory control over its body of regulations.

For purposes of Executive Order 12291, "regulation" or "rule" is defined as "an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency," subject to certain exceptions. The agenda published below concentrates upon regulatory material contained, or expected to be contained, in the "Code of Federal Regulations" (CFR) (or incorporated therein by reference) following publication in the **Federal Register**. As appropriate, however, issuances in the nature of general statements of policy may be published in the **Federal Register** but not for codification in the CFR.

The Department also is subject to certain requirements involving congressional review of rulemaking actions, including publication of an agenda. Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the congressional committees having jurisdictional oversight (the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs) a semiannual agenda of all rules or regulations which are under development or review by the Department. A rule appearing on the agenda cannot be published for comment before or during the first 15 calendar days of continuous session of Congress after transmittal of the agenda. If, within such period, either Committee notifies the Secretary that it intends to review any rule or regulation or portion thereof which appears on the agenda, the Secretary must submit to both Committees a copy of the rule or regulation, in the form it is intended to be proposed, at least 15 calendar days of continuous session before it is published for comment. The Semiannual Agenda appearing hereinafter is the agenda transmitted to the Committees in compliance with the foregoing requirement.

The agenda items are divided first by program office. Within each program office, the agenda items are divided into four groups: (i) Prerulemaking actions, (ii) publications or other implementations of notices of proposed rulemaking, (iii) publications or other implementations of final rules, and (iv) completed actions. Within each grouping, rules are listed in chronological order by the Part number of the CFR affected. Where a rule affects multiple parts of the CFR, the rule is listed by the first affected Part number. Priority rules include all regulations designated for priority development by the Department.

Items listed in this agenda are from the following Offices within the Department: Office of the Secretary; Office of Housing; Office of Public and Indian Housing; Office of Community Planning and Development; Office of Fair Housing and Equal Opportunity; Office of Administration; Government National Mortgage Association; and Office of the Inspector General.

DATED: February 18, 1986.

John J. Knapp,

General Counsel.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
785	24 CFR 81.41 Secondary Market Operations of the Federal National Mortgage Association (FNMA) (S-3-81)	2501-AA10

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Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
786	24 CFR 00 Standards of Conduct (S-5-85; FR-2146)	2501-AA31
787	24 CFR 17 Implementation of the Interest Provisions of the Debt Collection Act of 1982 (S-9-84; FR-2022)	2501-AA24
788	24 CFR 46 Protection of Human Subjects in Research (S-6-83; FR-1807)	2501-AA15
789	24 CFR 50 Procedure for Floodplain Management and the Protection of Wetlands. Implementation of Executive Orders 11988 and 11990 (S-7-84; FR-865)	2501-AA23
790	24 CFR 50 Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality (S-4-85; FR-2206)	2501-AA30

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
791	24 CFR 24 Suspension and Debarment (S-2-79; FR-1676)	2501-AA05
792	41 CFR 0024 Office of Small and Disadvantaged Business Utilization: General Functions and Role in the Department's Procurement Process (S-8-84; FR-1894)	2501-AA22
793	24 CFR 35.1 Lead-Based Paint Hazard Elimination in Certain Residential Structures (P-4-86; FR-1748)	2501-AA36
794	24 CFR 58 Environmental Review Procedures - Rental Rehabilitation and Housing Development Grant Program (S-6-84; FR-1965)	2501-AA25
795	24 CFR 942 Pet Ownership in Assisted Rental Housing for the Elderly or Handicapped (S-8-86; FR-1936)	2501-AA35
796	24 CFR 882.105 Shared Housing and Revised Occupancy Policies in the Section 8 and Public Housing Programs (S-6-86; FR-1829)	2501-AA33

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
797	24 CFR 17 Tax Refund Deduction Program (S-2-85; FR 12092)	2501-AA28
798	24 CFR 20 Board of Contract Appeals Rules of Procedures (S-1-79; FR-1349)	2501-AA04
799	24 CFR 244 Flood Insurance Requirements for Mortgage Insurance and Grant Programs (S-3-85; FR-2007)	2501-AA29
800	24 CFR 236 Restrictions on Housing Assistance to Ineligible Aliens (S-7-86; FR-1588)	2501-AA34
801	24 CFR 791 Review of Applications for Housing Assistance and Allocation of Housing Assistance Funds (S-10-84; FR-1896)	2501-AA27

Office of Housing—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
802	24 CFR 200 Supplement to Minimum Property Standards for Solar Heating and Domestic Hot Water Systems (H-6-80; FR-1320)	2502-AA99
803	24 CFR 203 FHA Mortgage Insurance on Indian Land where the Tribe is the Mortgagor (H-8-85; FR-2059)	2502-AC81
804	24 CFR 215 State Agency Amendments (H-70-84; FR-1997)	2502-AC73
805	24 CFR 219 Flexible Subsidy Program (H-48-82)	2502-AA53
806	24 CFR 219 Flexible Subsidy Program; 1983 Amendments (H-50-84)	2502-AC31
807	24 CFR 880 Government Officials, Conflicts of Interest (H-127-82)	2502-AA13
808	24 CFR 910 Book Entry Securities of Public Housing Authorities (H-64-83; FR-1845)	2502-AB75

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Office of Housing—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
809	24 CFR 15 Disclosure of Financial Information to Mortgage Purchasers (H-78-84; FR-2014)	2502-AC65
810	24 CFR 56 Flood Insurance Requirements for Mortgage Insurance and Grant Program (CPD-74-84; FR-2007)	2502-AC76
811	24 CFR 200.935 Use of Materials Bulletin No. 86 - HUD Building Product Standards and Certification Program for EPDM Roofing (H-106-82)	2502-AA68
812	24 CFR 200.929 Use of Material Bulletin No. 78a, Plastic Supply Piping for Domestic Cold Water (H-33-79; FR 1154)	2502-AB05
813	24 CFR 200.935 Use of Materials Bulletin (UM) No. 52b - HUD Building Product Standards and Certification Program for Wood Flush Doors (H-83-84; FR-2115)	2502-AC78
814	24 CFR 200 Use of Materials Bulletin No. 48a - HUD Building Product Standards and Certification Program for Pressure Treated Lumber and Plywood (H-17-85)	2502-AC98
815	24 CFR 200 Use of Materials Bulletin No. 71 - Polystyrene Foam Board (H-20-85)	2502-AD00
816	24 CFR 200 Use of Materials Bulletin No. 40c - Grademarking of Plywood (H-21-85)	2502-AD01
817	24 CFR 200 Use of Materials Bulletin No. 88 - Mat Formed Particleboard (H-22-85)	2502-AD02
818	24 CFR 0201.21 Miscellaneous Amendments to Part 201--Property Improvement and Manufactured Home Loans (FR-2171; H-4-86)	2502-AD37
819	24 CFR 203 Mortgagee Approval - Eligibility Requirements (H-64-78; FR-903)	2502-AB12
820	24 CFR 203.18 Veteran Qualifications--Eligibility Requirements for Mutual Mortgage Insurance and Rehabilitation Loans (H-47-83; FR-1801)	2502-AB89
821	24 CFR 203 Mutual Mortgage Insurance and Rehabilitation Loans; Elimination of Restrictions on Contiguous Properties Applicable to Investor Mortgagors (H-1-84; FR-1831)	2502-AC17
822	24 CFR 203 One-Time Mortgage Insurance Premium for Non-Mutual Fund - Single Family Insurance Program (H-40-84; FR-1930)	2502-AC35
823	24 CFR 203 Single Family Mortgage Insurance on Hawaiian Home Lands (H-39-84; FR-1928)	2502-AC36
824	24 CFR 203 Insurance of Single Family Shared Appreciation Mortgages (H-33-84; FR-1917)	2502-AC42
825	24 CFR 203 Retention Period for Mortgagee Single Family Claim Records (H-81-84)	2502-AC50
826	24 CFR 203 Limit On Claim Cost (H-82-84)	2502-AC52
827	24 CFR 203 Penalty for Lack of Documentation (H-80-84)	2502-AC54
828	24 CFR 203 HUD Inspections - No Duty of Care (H-1-85; FR-2025)	2502-AC92
829	24 CFR 203.33 Relation of Income to Mortgage Payments (H-35-85; FR-2117)	2502-AD30
830	24 CFR 203 Temporary Mortgage Assistance Payments (TMAP), and Assignments to HUD (H-44-85; FR-2147)	2502-AD34
831	24 CFR 203 Single Family Foreclosures--Deficiency Judgements (H-6-86; FR-2193)	2502-AD38
832	24 CFR 203 Elimination of Closing Costs as an Item Eligible for Inclusion as Part of an FHA Insured Single Family Mortgage (H-10-86; FR-2203)	2502-AD39
833	24 CFR 203.43 Refinancing of Existing HUD-Insured Mortgages (H-8-86; FR-2197)	2502-AD41
834	24 CFR 207 Multifamily Mortgage Insurance (H-96-82)	2502-AA63
835	24 CFR 207 Mortgage Insurance Programs under National Housing Act (H-48-81; FR-1525)	2502-AA90
836	24 CFR 207 Cooperative Housing Mortgage Insurance Subordinated Secretary-held Mortgages (H-33-83; FR-1756)	2502-AB97
837	24 CFR 207 Insurance of Multifamily Shared Application Mortgages (H-41-84; FR-1934)	2502-AC34
838	24 CFR 207 Limitation on Prepayment of Mortgages on Multifamily Rental Housing (H-54-84; FR-1952)	2502-AC49
839	24 CFR 207.32a Revision of Maximum Insurable Mortgage Amount in Multifamily Refinancings Under Section 223(f) (H-38-85; FR-2126)	2502-AD31
840	24 CFR 215 Preference in the Provision of Housing for Families Who Are Occupying Substandard Housing, Are Involuntarily Displaced, or Are Paying More Than 50% of Family Income (H-22-80; FR-1597)	2502-AA34
841	24 CFR 235 Amendments to the Section 235 Program (H-3-85; FR-2037)	2502-AC93
842	24 CFR 231 Mandatory Meals Programs in HUD-Assisted Housing Projects (H-43-85; FR-2179)	2502-AD27
843	24 CFR 791 Review of Applications for Housing Assistance and Allocation of Housing Assistance Funds (S-10-84; FR-1896)	2502-AA73
844	24 CFR 882 Section 8 Housing Assistance Payments Program-Existing Housing-Quality Standards-Lead Based Paint (H-2-83; FR-1528)	2502-AC55
845	24 CFR 882 Section 8 Housing Assistance Payments Program-Public Housing Agency Administrative Fees (H-12-86; FR-2207)	2502-AD42
846	24 CFR 882 Section 8 Housing Assistance Payments Program - Requesting Exception Rents to the Fair Market Rents (H-14-86; FR-2213)	2502-AD44
847	24 CFR 885 Management Rules and Comprehensive Housing and Community Development Amendments (H-34-83; FR-1761)	2502-AC03
848	24 CFR 247 Miscellaneous Revisions to Part 886 (H-59-84; FR-1950)	2502-AC59
849	24 CFR 886 Provision of Section 8 Existing Housing Assistance for Projects at Foreclosure Sales (H-3-86; FR-2158)	2502-AD43
850	24 CFR 888 Section 8 Housing Assistance Payments Programs -- Public Comments on Proposed Fair Market Rents (H-13-86; FR-2212)	2502-AD40
851	24 CFR 3280 Transportation, Durability, Testing - Manufactured Home Construction and Safety Standards (H-23-85)	2502-AD03

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Office of Housing—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
852	24 CFR 3500 Real Estate Settlement Procedures Act -- Controlled Business Provisions and Miscellaneous Amendments (H-45-84; FR-1942)	2502-AC09

Office of Housing—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
853	24 CFR 200 Applicability of Minimum Property Standards Manufactured Homes under Title II of the National Housing Act (H-82-82; FR-1578)	2502-AB24
854	24 CFR 200.925 Minimum Property Standards for Care-Type Housing -- MPS (H-39-83; FR-1776)	2502-AB86
855	24 CFR 200.935 Use of Materials Bulletin (UM) No. 44d-HUD Building Product Standards and Certification Program for Carpet and Attached Cushion (H-85-84; FR-2104)	2502-AC71
856	24 CFR 203.43c Eligibility of Mortgages Involving a Dwelling Unit in a Cooperative Housing Development (H-93-82; FR-1742)	2502-AA61
857	24 CFR 203 Mortgage Insurance for One-to-Four-Family Residences--Adjustment for Damages or Neglect (H-19-79; FR-837)	2502-AB03
858	24 CFR 203 Conveyance of One- to Four-Family Properties Occupied by Tenants or Former Mortgagors (H-9-85; FR-2064)	2502-AB10
859	24 CFR 200 Payment of Single Family Mortgage Insurance without Conveyance of Title (H-38-84; FR-1927)	2502-AC37
860	24 CFR 203.17 Single Family Mortgage Insurance - Indian Reservations (H-36-84; FR-1921)	2502-AC39
861	24 CFR 203.49 Insurance of Single Family Adjustable Rate Mortgages (H-32-84; FR-1916)	2502-AC43
862	24 CFR 203 Insurance of Single Family Indexed Mortgages (H-31-84; FR-1915)	2502-AC44
863	24 CFR 204 Single Family Coinsurance Program Revisions (H-28-80; FR-1094)	2502-AB01
864	24 CFR 207 Multifamily Housing Mortgage Insurance - Assignment of Insured Mortgages (H-35-83; FR-1768)	2502-AC14
865	24 CFR 207 Change in Default Notice Reporting Period - Multifamily Insurance (H-4-84; FR-1842)	2502-AC18
866	24 CFR 207.504 Multifamily Mortgage Insurance Programs; Requirement of Increased Equity Limited Recourse or Special Escrow (H-15-84; FR-1871)	2502-AC19
867	24 CFR 207 Deregulation of Rents (H-28-84; FR-1905)	2502-AC21
868	24 CFR 207.31e Insurance of Multifamily Graduated Payment Mortgages (H-16-84; FR-1872)	2502-AC27
869	24 CFR 207.31c Insurance of Multifamily Partially Amortized Mortgages (H-34-84; FR-1918)	2502-AC41
870	24 CFR 207 Removal of Refinancing Limitations (H-2-85; FR-2028)	2502-AC89
871	24 CFR 215 Definition of Income Rents and Reexamination of Family Income for the Rent Supplement and Section 236 Programs (H-140-82, H-141-82; FR-1702)	2502-AC05
872	24 CFR 232 Interest Rates for Fire Safety Equipment in Nursing Homes to be Set by FR Notice (H-10-85; FR-2065)	2502-AC85
873	24 CFR 234 Condominium Ownership Mortgage Insurance-1983 Act Amendments (H-71-84; FR-1999)	2502-AC79
874	24 CFR 241 Maximum Mortgage Amounts for Hospitals (H-72-84; FR-2004)	2502-AC64
875	24 CFR 242.23 Mortgage Insurance Requirements for Private and Public Hospitals (H-69-84; FR-1992)	2502-AC61
876	24 CFR 290 HUD-Owned Multifamily Projects-Management and Disposition (H-69-78; FR-432)	2502-AC68
877	24 CFR 290.17 HUD-Owned Multifamily Projects - Management and Disposition - Rent Setting Provisions (H-41-85; FR-2142)	2502-AD33
878	24 CFR 390 Securitization of Adjustable Rate Mortgages (H-61-84; FR-1962)	2502-AC70
879	24 CFR 850 Housing Development Grant Program (H-26-84; FR-1902)	2502-AC23
880	24 CFR 882 Section 8 Housing Assistance Payments Program - Moderate Rehabilitation (H-38-81; FR-1527)	2502-AA86
881	24 CFR 882 Targeting of Section 8 Certificates of Family Participation (H-22-83; FR-1736)	2502-AB47
882	24 CFR 882.218 Section 8 Housing Assistance Payments Programs Portability of Section 8 Existing Housing Certificates (H-46-83; FR-1800)	2502-AB88
883	24 CFR 882.215 Section 8 Existing Housing Assistance Payments Program Causes for Termination from Tenancy (H-37-85; FR-2114)	2502-AD29
884	24 CFR 885 Section 202 - Loans for Housing for the Elderly or Handicapped (H-10-84; FR-1899)	2502-AC53
885	24 CFR 886 Additional Assistance Program for Projects with HUD-Insured or HUD-Held Mortgages (H-89-78)	2502-AA41
886	00 CFR Not yet determined Section 8 Housing Assistance Payments Program - Housing Vouchers (H-42-85; FR-2170)	2502-AD26
887	24 CFR 892 Section 8-Litigation by PHAs to Recover Wrongfully Used Section 8 Funds (H-126-82; FR-1692)	2502-AA12
888	24 CFR 3280.3 Manufactured Home Construction and Safety Standards - Standards Revision (H-30-85; FR-2137)	2502-AD10
889	24 CFR 3280 Revision of Manufactured Home Construction and Safety Standards - Subpart F - Thermal Protection (H-31-85; FR-2183)	2502-AD11

HUD

Office of Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
890	24 CFR 200.935 Use of Materials Bulletin No. 38i - HUD Building Product Standards and Certification Program for the Grademarking of Lumber (H-104-82; FR-2109)	2502-AA66
891	24 CFR 200 Restrictions on Housing Assistance to Ineligible Aliens (H-26-82; FR-1588)	2502-AC13
892	24 CFR 201 Property Improvement and Manufactured Home Loan Program Deregulation Amendments (H-57-81; FR-1656)	2502-AA93
893	24 CFR 200 Use of Commitment Correspondents in Connection with FHA Mortgage Insurance (H-60-84; FR-1954)	2502-AC66
894	24 CFR 203 Refinancing of FHA Single Family Loans-Technical Revisions (H-66-84; FR-1979)	2502-AC80
895	24 CFR 203 Conveyance of One- to Four-Family Properties Occupied by Tenants or Former Mortgagors (H-9-85; FR-2064)	2502-AC86
896	24 CFR 203 Deficiency Judgements - Single Family Mortgages (H-95-82; FR-1717)	2502-AD25
897	24 CFR 207 Limitation on Prepayment for Bond Financed Projects (H-54-83; FR-1819)	2502-AC01
898	24 CFR 242 Refinancing of Hospital Mortgages (H-50-83; FR-1806)	2502-AC15
899	24 CFR 265.13 Transfer from Nonprofit to Profit Motivated Ownership for Multifamily Housing Projects with HUD-Insured or HUD-Held Mortgages (H-37-83; FR-1771)	2502-AB93
900	24 CFR 882 Single Room Occupancy Housing (H-25-84; FR-1898)	2502-AC25
901	24 CFR 885 Housing for the Elderly or Handicapped (H-99-82)	2502-AB28
902	24 CFR 885 Section 202 Loans for Housing for the Elderly or Handicapped Community Representation on Borrower's Board (H-46-78)	2502-AC99
903	24 CFR 880.602 Section 8-Limit on Contract Rent Increases (H-132-82; FR-1703)	2502-AA18
904	24 CFR 888 Section 8 Housing Assistance Payments Program - Fiscal Year 1986 Fair Market Rents - Existing Housing (H-86-84; FR-2133)	2502-AC67
905	24 CFR 1710 Technical Amendments to the Interstate Land Sales Registration Regulations (H-15-85; FR-2080)	2502-AC83
906	24 CFR 3280 Manufactured Home Construction and Safety Standards: Energy Efficiency Standards (H-40-85; FR-2136)	2502-AD32
907	24 CFR 3282 Manufactured Home Procedural and Enforcement Regulations; Primary Inspection Agency (PIA) Rating (H-28-85)	2502-AD08
908	24 CFR 3282 Manufactured Home Procedural and Enforcement Regulations, Subpart G - Administrative Agencies (H-32-85; FR-2113)	2502-AD12

Office of Community Planning and Development—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
909	24 CFR 0596 Designation of Enterprise Zones (CPD-11-83; FR-1913)	2506-AA45

Office of Community Planning and Development—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
910	24 CFR 510 Section 312 Rehabilitation Loan Program and Community Development Action Relocation Requirements (CPD-4-85; FR-2151)	2506-AA65
911	24 CFR 570 Technical Assistance: Discretionary Awards (CPD-6-79; FR-1115)	2506-AA30
912	24 CFR 570.488 Community Development Block Grants: State's Program (CPD-7-83; FR-1877)	2506-AA38
913	24 CFR 570 Community Development Block Grants Urban Development Action Grants (CPD-14-83)	2506-AA40
914	24 CFR 0570.511 Community Development Block Grant Program: Escrow Accounts (CPD-2-86; FR-2164)	2506-AA66
915	24 CFR 571.702 (b) Indian Community Development Block Grant Program: Revision to Corrective and Remedial Action (CPD-13-84; FR-2102)	2506-AA58

HUD

Office of Community Planning and Development—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
916	24 CFR 42 Uniform Relocation Assistance and Real Property Acquisition (S-11-86; FR-2106)	2506-AA46
917	24 CFR 511 Residential Rental Rehabilitation Program (CPD-7-84; FR-1901)	2506-AA55
918	24 CFR 511 Performance Adjustments to Formula Allocations-Rental Rehabilitation Program (CPD-14-84; FR-2055)	2506-AA60
919	24 CFR 511.33 Rental Rehabilitation Grant Program--Revision of Limit on Maximum Reallocation of Grant Amounts (CPD-3-86; FR-2185)	2506-AA67
920	24 CFR 570 Community Development Block Grant Regulations (CPD-6-84; FR-1895)	2506-AA47
921	24 CFR 571 Community Development Block Grants for Indian Tribes and Alaskan Native Villages - Selection Process (CPD-11-84; FR-2000)	2506-AA33

Office of Community Planning and Development—Completed Actions

Sequence Number	Title	Regulation Identifier Number
922	24 CFR 50 Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality (CPD-29-78; FR-1054)	2506-AA10
923	24 CFR 58 Environmental Review Procedures for the CDBG Program (CPD-21-81; FR-1027)	2506-AA05
924	24 CFR 570 Small Cities CDBG Program (CPD-35-81; FR-1502)	2506-AA06
925	24 CFR 571.101 Indian CDBG Program Assured Funding Process (CPD-4-84)	2506-AA50
926	24 CFR 571.607 Indian CDGB Program - Conflict of Interest Provisions (CPD-5-84; FR-2016)	2506-AA51

Government National Mortgage Association—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
927	24 CFR 203 Book-Entry Securities of GNMA (GNMA-2-85)	2503-AA03

Government National Mortgage Association—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
928	24 CFR 390 Mortgage-Backed Securities - Revision to Date for First Monthly Payment to Principal and Interest (GNMA-1-85; FR-2135)	2503-AA04

Office of Fair Housing and Equal Opportunity—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
929	24 CFR 100 Affirmative Fair Housing, Marketing Technical Amendments (FH&EO-2-83; FR-1670)	2529-AA17
930	24 CFR 114 Fair Housing-Property Insurance Activities (FH&EO-10-78)	2529-AA10

HUD

Office of Fair Housing and Equal Opportunity—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
931	24 CFR 9.101 Nondiscrimination Based on Handicapped in Programs Conducted by HUD (FR-2163; FH&EO-2-85)	2529-AA28
932	24 CFR 120 Amendments of the Community Housing Resource Board Regulations (FH&EO-1-85; FR-2085)	2529-AA27

Office of Fair Housing and Equal Opportunity—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
933	24 CFR 8 Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities (FH&EO-4-84; FR-770)	2529-AA26
934	24 CFR 105 Procedure for Processing Complaints under Section 804 of the Fair Housing Act (FH&EO-6-84; FR 2012)	2529-AA24
935	24 CFR 135 Employment Training and Business Opportunities for Lower Income Persons in Connection with Assisted Projects (FH&EO-4-81)	2529-AA15
936	24 CFR 146 Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from HUD (FH & EO-1-79; FR-1161)	2529-AA01

Office of Fair Housing and Equal Opportunity—Completed Actions

Sequence Number	Title	Regulation Identifier Number
937	24 CFR 144 Implementation of Section 109 of the Housing and Community Development Act of 1974 (FH&EO-13-78; FR-1058)	2529-AA02

Office of Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
938	24 CFR 3 Organization, Function, and Delegations of Authority Subpart C - Secretary's Delegations of Authority to Heads of Offices (ADM-2-82)	2535-AA01

Office of Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
939	24 CFR 44 Cost Principles for Nonprofit Organizations (ADM-1-85; FR-2044)	2535-AA08
940	24 CFR 11 Audit Requirements for the Fair Housing Assistance Program and the Community Housing Resource Boards (FH&EO-1-86; FR-2140)	2535-AA11
941	24 CFR 570 Federal Procurement of Cement Containing Fly Ash (ADM-1-84; FR-1938)	2535-AA05

HUD

Office of Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
942	48 CFR Chap. 24 Amendment of the HUD Acquisition Regulations (ADM-5-85; FR-2131)	2535-AA10
943	24 CFR 17 Administrative Claim: Implementing Certain Provisions of the Debt Collection Act of '82 (S-10-86; FR-1644)	2535-AA09
944	48 CFR 24 HUD Acquisition Regulation (ADM-2-84; FR-2098)	2535-AA06
945	24 CFR 965 Transfer of Authority to Settle Contract Disputes Concerning the Consolidated Supply Program (ADM-2-85; FR-2087)	2535-AA07

Office of Public and Indian Housing—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
946	24 CFR 905 Indian Housing Program--Revised Program Regulations (P-2-86; FR-2208)	2577-AA32

Office of Public and Indian Housing—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
947	24 CFR 904 Turnkey III Homeownership Opportunities Program (P-3-85; FR-2138)	2577-AA34
948	24 CFR 968 Public and Indian Housing - Cost Containment Procedures (P-1-86; FR-2191)	2577-AA37
949	24 CFR 812 Increase in Single Person Occupancy Limits (P-48-84; FR-2063)	2577-AA07
950	24 CFR 960 Public Housing -- Tenant Leases and PHA Grievance Hearings (P-26-79; FR-1164)	2577-AA18
951	24 CFR 964 Tenant Participation in Management of Public and Indian Housing Projects (P-1-85; FR-2033)	2577-AA30
952	24 CFR 990 Disallowance of Legal Expenses for Suits against HUD in Calculation of Operating Subsidy (P-2-85; FR-2134)	2577-AA33
953	24 CFR 990.105 Performance Funding System - Elimination of Inflation Factor for Fiscal Year 1987 (P-3-86; FR-2210)	2577-AA36

Office of Public and Indian Housing—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
954	24 CFR 905 Indian Preferences (P-51-83; FR-1808)	2577-AA26
955	24 CFR 965.303 Individual Metering of Utilities of Existing PHA-Owned Projects (P-36-83; FR-1769)	2577-AA27
956	24 CFR 990.110 Performance Funding System; Vacancy Rule Revisions (P-38-83; FR-1775)	2577-AA23

Office of Public and Indian Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
957	24 CFR 969 Public Housing Program-Continued Operation of Projects as Lower-Income Housing After Completion of Debt Service (P-60-79; FR-1202)	2577-AA15
958	24 CFR 970.2 Public Housing Program-Demolition of Buildings or Disposition of Real Property (P-23-84; FR-1892)	2577-AA02
959	24 CFR 990 Modification to the Performance Funding System (P-2-84; FR-1834)	2577-AA00

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Prerule Stage

Office of the Secretary (HUDSEC)

785. SECONDARY MARKET OPERATIONS OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA) (S-3-81)

Legal Authority: 12 USC 1723a; 42 USC 3535(d)

CFR Citation: 24 CFR 81.41; 24 CFR 81.45

Legal Deadline: None

Abstract: This rule would amend the definition of "FNMA security" at 24 CFR 81.41(b) to delete the exclusionary parenthetical and repeal the provision in 24 CFR 81.45(b) which allows FNMA debentures in book-entry form only.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Walter T. Cassidy, Assistant General Counsel for Finance, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7260

RIN: 2501-AA10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Proposed Rule Stage

Office of the Secretary (HUDSEC)

786. STANDARDS OF CONDUCT (S-5-85; FR-2146)

Legal Authority: EO 11222; 18 USC 201 to 209

CFR Citation: 24 CFR 00

Legal Deadline: None

Abstract: This rule would revise and improve the Department's Standards of Conduct regulation. It would clarify the current rule and eliminate redundant and outdated material. In addition, it would conform the current rule to subsequently enacted statutes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: David D. White, Asst. General Counsel for Administrative Law, Department of Housing and Urban Development, Office of the Secretary, Office of Equal Opportunity and Admin. Law, 202 755-7137

RIN: 2501-AA31

787. IMPLEMENTATION OF THE INTEREST PROVISIONS OF THE DEBT COLLECTION ACT OF 1982 (S-9-84; FR-2022)

Legal Authority: 42 USC 3535(d); 31 USC 3711; 31 USC 3717

CFR Citation: 24 CFR 17; 24 CFR 200; 24 CFR 201; 24 CFR 203; 24 CFR 207; 24 CFR 202; 24 CFR 220; 24 CFR 232; 24 CFR 241; 24 CFR 250; 24 CFR 255

Legal Deadline: None

Abstract: This rule implements increased charges for late payments made to the government by debtors. Regulatory changes include the imposition of interest at a minimum Annual rate of interest on the outstanding debt which is equal to the average investment rate of the Treasury tax and loan accounts as determined by the Secretary of the Treasury; assessment of penalty charges of up to six percent for payments over 90 days late; and charges for the administrative costs of processing the late payment. The Department must issue a demand letter to the debtor which indicates when the payment is due and the date used to calculate the interest and penalty charges.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Samuel B. Rothman, Attorney-Advisor, Department of Housing and Urban Development, Office of the Secretary, Office of Program Enforcement, 202 755-7184

RIN: 2501-AA24

788. PROTECTION OF HUMAN SUBJECTS IN RESEARCH (S-6-83; FR-1807)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 46

Legal Deadline: None

Abstract: On response to a Presidential Commission, an Interagency Task Force on the Protection of Human Subjects in Research has proposed that all Federal agencies adopt a common policy and uniform regulations for the protection of human subjects in research. HUD has agreed to adopt the policy and to issue a regulation based on a model previously promulgated by the Department of Health and Human Services on this subject, and as embodied in the planned Executive Order.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: Compliance costs for HUD's adoption of the model regulation will be minimal, because almost all research conducted by HUD falls within categories exempted from the requirements of the model regulation. The infrequent projects that may not be exempt (perhaps one every two years) have in the past been proposed by organizations already subject to the Department of Health and Human Services regulation, and thus would not have any incremental compliance costs for the organization, other than the actual project requirements.

Costs would be slight.

Affected Sectors: Profit and Non-profit Research Organizations.

Levels of Government Affected: only HUD itself.

The Executive Order will be published for public comment and then promulgated with changes, if any, resulting from the public.

HUD—HUDSEC

Proposed Rule Stage

Agency Contact: Arthur S. Newburg, Senior Advisor for Research Management, Department of Housing and Urban Development, Office of the Secretary, 202 755-6230

RIN: 2501-AA15

789. PROCEDURE FOR FLOODPLAIN MANAGEMENT AND THE PROTECTION OF WETLANDS. IMPLEMENTATION OF EXECUTIVE ORDERS 11988 AND 11990 (S-7-84; FR-865)

Legal Authority: EO 11988; EO 11900; 42 USC 3535(d)

CFR Citation: 24 CFR 50; 24 CFR 55; 24 CFR 58; 24 CFR 200

Legal Deadline: None

Abstract: This regulation sets forth the policy, procedure and responsibilities of the Department of Housing and Urban Development to implement and enforce Executive Order 11988, Floodplain Management, and Executive Order 11990, the Protection of Wetlands. This regulation replaces a general statement of Departmental policy (44 FR 47623; August 14, 1979) implementing these Executive Orders to specific HUD-assisted projects and through certain review procedures.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Walter Prybyla, Deputy Director, Environmental Management, Department of Housing and Urban Development, Office of Community Planning and Development, Division, Office of Environment & Energy, 202 755-6611

RIN: 2501-AA23

790. DEPARTMENTAL POLICIES, RESPONSIBILITIES, AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY (S-4-85; FR-2206)

Legal Authority: 42 USC 4321; PL 95-557

CFR Citation: 24 CFR 50

Legal Deadline: None

Abstract: This rule proposes revisions in the regulations governing HUD's consideration of environmental factors in decision-making under HUD programs other than the Community Development Block Grant, Urban Development Action Grant, Rental Rehabilitation, and Housing Development Grant Programs. The rule is intended to reduce regulatory burdens and procedural details based on experience under the existing regulations; reflect field office reorganization; and implement sec. 535 of the Housing Act of 1949, as amended.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Additional Information: Replaces RIN: 2506-AA10

Agency Contact: Fred D. Regetz, Environmental Specialist, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, 202 755-6611

RIN: 2501-AA30

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of the Secretary (HUDSEC)

Final Rule Stage

791. SUSPENSION AND DEBARMENT (S-2-79; FR-1676)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 24

Legal Deadline: None

Abstract: Would amend 24 CFR Part 24 to conform with Policy Letter 82-1, "Policy Guidance Concerning Government-wide Debarment, Suspension and Ineligibility" issued by the Office of General Procurement Policy, dated June 24, 1982. Additionally, it would clarify the criteria for imposing administrative sanctions on grantees and program participants other than procurement contractors, as well as to clarify the procedural safeguards afforded participants in suspension and debarment proceedings.

Timetable:

Action	Date	FR Cite
NPRM	10/11/83	48 FR 46072
NPRM Comment Period End	12/12/83	48 FR 46072
Final Action	00/00/00	

Small Entity: No

Agency Contact: Phillip L. Schulman, Asst Gen Coun for Insp Gen & Admn Proceedngs, Department of Housing and Urban Development, Office of the General Counsel, 202 755-5557

RIN: 2501-AA05

792. OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION: GENERAL FUNCTIONS AND ROLE IN THE DEPARTMENT'S PROCUREMENT PROCESS (S-8-84; FR-1894)

Legal Authority: 42 USC 3535(d)

CFR Citation: 41 CFR 0024

Legal Deadline: None

Abstract: The Department is considering amending its regulations on the role of the Office of Small and Disadvantaged Business Utilization (OSDBU) in the procurement process. The 1978 Amendments to the Small Business Act of 1958 identify responsibilities of the OSDBU to establish goals for the participation by small business concerns and small business concerns controlled by socially and economically disadvantaged individuals in HUD procurement.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Casey Mann, II, Special Assistant, Department of Housing and Urban Development, Office of the Secretary, Office of Small & Disadvantaged Business, Utilization, 202 755-3630

RIN: 2501-AA22

793. LEAD-BASED PAINT HAZARD ELIMINATION IN CERTAIN RESIDENTIAL STRUCTURES (P-4-86; FR-1748)

Significance: Regulatory Program

Legal Authority: 42 USC 4801; 42 USC 1437a; 42 USC 1437b; 42 USC 1437c; 42 USC 1437d; 42 USC 1437g; 42 USC 1437i; 42 USC 1437j; 42 USC 1437n; 42 USC 4822; PL 91-695; PL 93-151; PL 94-317

CFR Citation: 24 CFR 35.1; 24 CFR 35.3; 24 CFR 35.5; 24 CFR 35.24; 24 CFR 905.107; 24 CFR 965.701; 24 CFR 965.702; 24 CFR 965.703; 24 CFR 965.704; 24 CFR 965.705; 24 CFR 965.706; 24 CFR 965.707; 24 CFR 965.708; 24 CFR 968.4; 24 CFR 968.5

Legal Deadline: Judicial, August 1, 1986

Abstract: Would develop regulations (first for Public and Indian Housing, then for other HUD programs) consistent with the Lead-Based Paint Poisoning Prevention Act. Alternatives to address the problem are being developed at this time. The potential cost is estimated to exceed $100 million per year. This action would benefit children susceptible to lead-based paint poisoning and would avoid cost of medical treatment and reduce the occurrence of mental retardation traced to lead-base paint.

Timetable:

Action	Date	FR Cite
NPRM	02/14/86	51 FR 56666
Final Action	08/00/86	
NPRM Single Family Insurance, Sec 8 Existing & Vouchers, FHA, etc	09/00/86	
NPRM Block Grant & Rehabilitation	11/00/86	

Small Entity: No

Additional Information: Additional Agency Contact:

Grant Mitchell, Assistant General Counsel for Fiscal Management and Energy Programs.

202 755-6550

This Agenda Item replaces RIN 2502-AA06; H-81-82.

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2501-AA36

794. ENVIRONMENTAL REVIEW PROCEDURES - RENTAL REHABILITATION AND HOUSING DEVELOPMENT GRANT PROGRAM (S-6-84; FR-1965)

Legal Authority: 42 USC 1437o(i); 42 USC 5304(f)

CFR Citation: 24 CFR 58

Legal Deadline: None

Abstract: The final rule provides policies and procedures by which assisted communities and participating states discharge Federal environmental review responsibilities. The final rule also streamlines and reduces the environmental requirements. Such actions include: (1) an expanded listing of block grant activities and projects exempt or categorically excluded from the NEPA requirements; (2) the definitive list of related statutes and authorities that must be observed by grant recipients for the release of block grant funds as required by the HUD legislation; and (3) the further provisions needed to conform with and implement innovative measures of the HUD Amendments of 1981 such as the new state-administered block grant program for small cities and the assumption of the environmental oversight responsibilities by such states; and (4) the (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/07/84	49 FR 23610
Interim Rule Effective	07/31/84	49 FR 23610
Final Action	05/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: provisions and additions needed for extending and adopting the environmental procedures, including historic preservation requirements, to the programs established by title III of the Housing and Urban-Rural Recovery Act of 1983.

Includes: RIN 2506-AA05 (CPD-21-81; FR-1027)

Agency Contact: Charles E. Thomsen, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environmental and Energy, Environmental Management Division, 202 755-6611

RIN: 2501-AA25

795. PET OWNERSHIP IN ASSISTED RENTAL HOUSING FOR THE ELDERLY OR HANDICAPPED (S-8-86; FR-1936)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d); 12 USC 1701n-1; PL 98-181, Sec 227

CFR Citation: 24 CFR 942; 24 CFR 511; 24 CFR 243.2; 24 CFR 243.1; 24 CFR 243.3; 24 CFR 243.4; 24 CFR 243.10; 24 CFR 243.15; 24 CFR 243.20; 24 CFR 243.22; 24 CFR 243.24; 24 CFR 243.26; 24 CFR 243.30; 24 CFR 243.35; 24 CFR 243.40; ...

Legal Deadline: None

Abstract: Sec. 227 of the 1983 Statute permits tenants of rental housing projects for the elderly or handicapped to own common household pets. Owner, managers and housing authorities are prohibited from discriminating against persons in connection with admission to, or continued occupancy of, such housing because of ownership of pets. This rule would implement the statute and establish guidelines under which owners and managers of covered housing (1) may prescribe reasonable rules governing the keeping of common household pets and (2) must consult with tenants when prescribing the rules.

Timetable:

Action	Date	FR Cite
NPRM	12/28/84	
NPRM Comment Period End	02/26/85	49 FR 50562
Final Action	05/00/86	

Small Entity: No

Additional Information: This Agenda Item replaces RIN 2577-AA05; P-43-84.

Government Levels Affected: Local, State

Agency Contact: David Pass, Program Analyst, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-5989

RIN: 2501-AA35

796. SHARED HOUSING AND REVISED OCCUPANCY POLICIES IN THE SECTION 8 AND PUBLIC HOUSING PROGRAMS (S-6-86; FR-1829)

Significance: Regulatory Program

Legal Authority: 42 USC 1437d; 42 USC 1437d; 42 USC 1437f; 42 USC 3535(d); PL 98-181, Sec 211

CFR Citation: 24 CFR 882.105; 24 CFR 882; 24 CFR 883; 24 CFR 884.215; 24 CFR 884.226; 24 CFR 813; 24 CFR 880; 24 CFR 884; 24 CFR 913; 24 CFR 960; 24 CFR 882.102; 24 CFR 882.103; 24 CFR 881; 24 CFR 882.106; 24 CFR 882.102; ...

Legal Deadline: None

Abstract: Rule will provide for eligible applicants and tenants to share units in Section 8 assisted units and in public housing.

Timetable:

Action	Date	FR Cite
Final Action	04/00/86	

Small Entity: No

Additional Information:

This Agenda Item replaces RIN 2503-AB87; H-59-83.

Contact for Public and Indian Housing Programs:

Nancy Chisholm

Office of Policy

202 755-6713

Contract for Sec. 8 New Construction and Substantial Rehab:

James J. Tahash

Director, Program Planning Division

202 426-3944

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Department of Housing and Urban Development, Office of Housing, 202 755-6887

RIN: 2501-AA33

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of the Secretary (HUDSEC)

Completed Actions

797. TAX REFUND DEDUCTION PROGRAM (S-2-85; FR 12092)

Significance: Agency Priority

CFR Citation: 24 CFR 17

Completed:

Reason	Date	FR Cite
Withdrawn	09/30/85	

Small Entity: No

Agency Contact: Shirley A. Evans 202 755-6310

RIN: 2501-AA28

798. BOARD OF CONTRACT APPEALS RULES OF PROCEDURES (S-1-79; FR-1349)

CFR Citation: 24 CFR 20

Completed:

Reason	Date	FR Cite
Final Action	11/05/85	50 FR 45910
Final Action Effective	12/16/85	50 FR 45910

Small Entity: No

Agency Contact: David T. Anderson 202 755-0132

RIN: 2501-AA04

799. FLOOD INSURANCE REQUIREMENTS FOR MORTGAGE INSURANCE AND GRANT PROGRAMS (S-3-85; FR-2007)

Significance: Agency Priority

CFR Citation: 24 CFR 244; 24 CFR 250; 24 CFR 884; 24 CFR 511; 24 CFR 570; 24 CFR 207; 24 CFR 234; 24 CFR 238

Completed:

Reason	Date	FR Cite
Final Action	12/03/85	48 FR 4123
Final Action Effective	12/25/85	48 FR 34123

Small Entity: No

Agency Contact: Walter Prybyla 202 755-6611

RIN: 2501-AA29

800. RESTRICTIONS ON HOUSING ASSISTANCE TO INELIGIBLE ALIENS (S-7-86; FR-1588)

Significance: Agency Priority

CFR Citation: 24 CFR 236; 24 CFR 215; 24 CFR 886; 24 CFR 200; 24 CFR 247; 24 CFR 235; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 812; 24 CFR 880; 24 CFR 881; 24 CFR 912; 24 CFR 200.180; 24 CFR 200.181; ...

Completed:

Reason	Date	FR Cite
Final Action	04/00/86	51 FR 11198

Small Entity: No

Agency Contact: James J. Tahash 202 426-3944

RIN: 2501-AA34

801. REVIEW OF APPLICATIONS FOR HOUSING ASSISTANCE AND ALLOCATION OF HOUSING ASSISTANCE FUNDS (S-10-84; FR-1896)

Significance: Regulatory Program

CFR Citation: 24 CFR 791

Completed:

Reason	Date	FR Cite
Became Regulatory Program RIN 2502-AA73	02/27/86	

Small Entity: No

Agency Contact: Robert J. Coyle 202 426-0751

RIN: 2501-AA27

[FR Doc. 86-5773 Filed 04-18-86; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Prerule Stage

Office of Housing (OH)

802. SUPPLEMENT TO MINIMUM PROPERTY STANDARDS FOR SOLAR HEATING AND DOMESTIC HOT WATER SYSTEMS (H-6-80; FR-1320)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: Updates obsolete references in MPS 4930.2 and reflects current changes in solar heating.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Mark Holman, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, **202 755-5924**

RIN: 2502-AA99

803. FHA MORTGAGE INSURANCE ON INDIAN LAND WHERE THE TRIBE IS THE MORTGAGOR (H-8-85; FR-2059)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: Regulation to provide mortgage insurance on Indian reservations where there is a problem with marketability of title and where the tribe is mortgagor.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: No

Agency Contact: Brian Chappelle, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AC81

804. STATE AGENCY AMENDMENTS (H-70-84; FR-1997)

Legal Authority: 12 USC 1715z-16(b); 12 USC 1715z-16(c)

CFR Citation: 24 CFR 215; 24 CFR 221; 24 CFR 236; 24 CFR 245

Legal Deadline: None

Abstract: This rule would make the Department's regulations on prohibited lease terms applicable to projects owned by state housing agencies.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, **202 426-3970**

RIN: 2502-AC73

805. FLEXIBLE SUBSIDY PROGRAM (H-48-82)

Legal Authority: 12 USC 1715j; PL 95-551

CFR Citation: 24 CFR 219

Legal Deadline: None

Abstract: Would establish a flexible subsidy loan program for certain limited dividend projects for the correction of physical and cash flow deficiencies.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Includes: H-64-82.

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, **202 426-3944**

RIN: 2502-AA53

806. FLEXIBLE SUBSIDY PROGRAM; 1983 AMENDMENTS (H-50-84)

Legal Authority: PL 98-181, Sec 217

CFR Citation: 24 CFR 219

Legal Deadline: None

Abstract: Implements section 217 of the Housing and Urban Rural Recovery Act of 1983.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of the General Counsel, Office of Multifamily Housing Management, **202 426-3970**

RIN: 2502-AC31

807. GOVERNMENT OFFICIALS, CONFLICTS OF INTEREST (H-127-82)

Legal Authority: PL 97-35

CFR Citation: 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 886; 24 CFR 888; 24 CFR 889

Legal Deadline: None

Abstract: Would prevent possible conflicts of interest on the part of Federal, State and local government officials with regard to participation in projects assisted under Section 8.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: John J. Knapp, Department of Housing and Urban Development, Office of the General Counsel, **202 755-7244**

RIN: 2502-AA13

808. BOOK ENTRY SECURITIES OF PUBLIC HOUSING AUTHORITIES (H-64-83; FR-1845)

Legal Authority: 12 USC 1737h(c); 12 USC 1737i(a)

CFR Citation: 24 CFR 910

Legal Deadline: None

Abstract: This rule would permit local housing authorities to issue tax- exempt notes and bonds in book-entry form through the Federal Reserve Banks. Book-entry securities may be issued and marketed more efficiently than securities in certificate form.

HUD—OH

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Robert H. Menke, Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Financial Management, 202 755-1591

RIN: 2502-AB75

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Housing (OH)

Proposed Rule Stage

809. DISCLOSURE OF FINANCIAL INFORMATION TO MORTGAGE PURCHASERS (H-78-84; FR-2014)

Significance: Agency Priority

Legal Authority: 42 USC 3535(i); 12 USC 1713(k); 12 USC 1713(l)

CFR Citation: 24 CFR 15

Legal Deadline: None

Abstract: This rule would permit the Department to disclose profit and loss information to potential purchasers of HUD-held mortgages to facilitate mortgage sales. It is necessary to validate the release of this information under the Trade Secrets Act, 18 USC 1905.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: Undetermined

Agency Contact: Marvin Hillman, Director, Multifamily Property Disposition, Department of Housing and Urban Development, Office of Housing, 202 755-7343

RIN: 2502-AC65

810. FLOOD INSURANCE REQUIREMENTS FOR MORTGAGE INSURANCE AND GRANT PROGRAM (CPD-74-84; FR-2007)

Legal Authority: 42 USC 4012(a); 42 USC 4106(a)

CFR Citation: 24 CFR 56; 24 CFR 207; 24 CFR 232; 24 CFR 234; 24 CFR 238; 24 CFR 241; 24 CFR 242; 24 CFR 244; 24 CFR 250; 24 CFR 511; 24 CFR 570; 24 CFR 884; 24 CFR 904; 24 CFR 905

Legal Deadline: None

Abstract: This rule would implement HUD's responsibilities under the Flood Disaster Protection Act of 1973. It would add a new Part 56 to specify HUD's responsibilities to require that flood insurance be obtained for eligible properties. This part would then be cross-referenced in the rules governing programs involving mortgage insurance and housing assistance grants.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Walter Prybyla, Deputy Director, Environmental Mgt. Div., Department of Housing and Urban Development, Office of Housing, Office of Community Planning and Development, 202 755-6611

RIN: 2502-AC76

811. USE OF MATERIALS BULLETIN NO. 86 - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR EPDM ROOFING (H-106-82)

Legal Authority: 42 USC 3535(d); 12 USC 1715(b)

CFR Citation: 24 CFR 200.935

Legal Deadline: None

Abstract: Would promulgate HUD Use of Materials Bulletin No. 86 (UM 86). UM 86 accepts recently published product standards for EPDM roofing membrane. In addition, it would provide for a certification program for these products.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Tsou-Liang Tang, Structural Engineer, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, 202 755-5929

RIN: 2502-AA68

812. USE OF MATERIAL BULLETIN NO. 78A, PLASTIC SUPPLY PIPING FOR DOMESTIC COLD WATER (H-33-79; FR 1154)

Legal Authority: 42 USC 3535(d); 12 USC 1715(b)

CFR Citation: 24 CFR 200.929

Legal Deadline: None

Abstract: UM 78 originally outlined the requirements and conditions for HUD field office acceptance of a number of plastic piping materials for use in domestic water service, (from water main to house), and included references covering polybutylene piping (PB). UM 78 identified national standard references for plastic piping which is normally used in residential construction for domestic cold water service. This revision will update references to industry standards and combine UM 78 and UM 76, "CPCV and PB Plastic Hot and Cold Water Distribution."

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Donald R. Fairman, Chief, Department of Housing and Urban Development, Office of Housing, Technical Support Branch, 202 755-5718

RIN: 2502-AB05

813. USE OF MATERIALS BULLETIN (UM) NO. 52B - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR WOOD FLUSH DOORS (H-83-84; FR-2115)

Legal Authority: 45 USC 3535(d); 12 USC 1715(b)

CFR Citation: 24 CFR 200.935; 24 CFR 200.944

Legal Deadline: None

Abstract: Would promulgate HUD Use of Materials Bulletin (UM) No. 52b, which is a revision of an existing UM for Wood Flush Doors. UM52b references a revised industry consensus standard that covers the manufacture, testing, and a certification and labeling of such products. In addition, it establishes a certification and labeling program for doors to be acceptable under HUD program.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Donald R. Fairman, Chief, Department of Housing and Urban Development, Office of Housing, Technical Support Branch, 202 755-5718

RIN: 2502-AC78

814. USE OF MATERIALS BULLETIN NO. 48A - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR PRESSURE TREATED LUMBER AND PLYWOOD (H-17-85)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: This bulletin would revise an existing bulletin covering pressure treated lumber and plywood for use above ground, at ground contact and for ground contact foundations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Donald R. Fairman, Chief, Technical Support Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and Regulatory Functions, 202 755-5718

RIN: 2502-AC98

815. USE OF MATERIALS BULLETIN NO. 71 - POLYSTYRENE FOAM BOARD (H-20-85)

Legal Authority: 12 USC 1735e

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: This rule would establish standards for Polystyrene Foam Board approved for use in structures insured under the National Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Undetermined

Agency Contact: Donald Fairman, Chief, Technical Support Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and Regulatory Functions, 202 755-5718

RIN: 2502-AD00

816. USE OF MATERIALS BULLETIN NO. 40C - GRADEMARKING OF PLYWOOD (H-21-85)

Legal Authority: 12 USC 1735e

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: This rule would establish standards for Grademarking of Plywood approved for use in structures insured under the National Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Undetermined

Agency Contact: Donald Fairman, Chief, Technical Support Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and Regulatory Functions, 202 755-5718

RIN: 2502-AD01

817. USE OF MATERIALS BULLETIN NO. 88 - MAT FORMED PARTICLEBOARD (H-22-85)

Legal Authority: 12 USC 1735e

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: This rule would establish standards for mat formed particle board approved for use in structures insured under the National Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Donald Fairman, Chief, Technical Support Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and Regulatory Functions, 202 755-5718

RIN: 2502-AD02

818. ● MISCELLANEOUS AMENDMENTS TO PART 201--PROPERTY IMPROVEMENT AND MANUFACTURED HOME LOANS (FR-2171; H-4-86)

Significance: Regulatory Program

Legal Authority: 12 USC 1703

CFR Citation: 24 CFR 0201.21; 24 CFR 0201.25; 24 CFR 0201.60; 24 CFR 0201.61; 24 CFR 0201.62; 24 CFR 0201.63; 24 CFR 0201.64

Legal Deadline: None

Abstract: The proposed rule would (1) change the period for the financing of premiums for comprehensive and extended hazard insurance from three years to one year; and (2) add a new subpart G to govern collection of claims owed to HUD under Title I loans.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: William C. Sorrentino, Dir. Ofc of Manufacture Hsg & Reg Functions, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502-AD37

819. MORTGAGEE APPROVAL - ELIGIBILITY REQUIREMENTS (H-64-78; FR-903)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: Amends Part 203 to simplify and reorganize mortgage approval requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: Andrew Zirneklis, Mortgagee Review Board Officer, Department of Housing and Urban Development, Office of Housing, Office of Lender Activities and Land Sales Registration, **202 755-6924**

RIN: 2502-AB12

820. VETERAN QUALIFICATIONS--ELIGIBILITY REQUIREMENTS FOR MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS (H-47-83; FR-1801)

Legal Authority: 12 USC 1709; 12 USC 1715b; 12 USC 3535(d)

CFR Citation: 24 CFR 203.18

Legal Deadline: None

Abstract: Rule proposes to eliminate the requirement that a veteran submit a Certificate of Veteran Status from the Veterans Administration in order to establish eligibility for special loan terms for veterans. The proposed change would permit a veteran to certify that he or she qualifies as a veteran and would require the veteran to submit only a copy of his or her discharge papers. This change would expedite the processing of FHA mortgage insurance for veterans and eliminate the fee charged by the Veterans Administration for issuance of a Certificate of Veteran Status.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Brian Chappelle, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AB89

821. MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS; ELIMINATION OF RESTRICTIONS ON CONTIGUOUS PROPERTIES APPLICABLE TO INVESTOR MORTGAGORS (H-1-84; FR-1831)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This proposed rule would amend 24 CFR 203.42(a). The current rule prohibits the insuring of a mortgage on property on which there is a dwelling to be rented by a mortgagor, if the property is part of, or contiguous to, a subdivision or group of similar properties and if the mortgagor has a financial interest in eight or more of the contiguous properties. This rulemaking would modify this rental property mortgage restriction, thereby enabling investors to more freely apply for FHA mortgage insurance to purchase one-to-four family rental units.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Brian Chappelle, Director, Department of Housing and Urban Development, Office of Housing, Single Family Housing Division, **202 755-6720**

RIN: 2502-AC17

822. ONE-TIME MORTGAGE INSURANCE PREMIUM FOR NON-MUTUAL FUND - SINGLE FAMILY INSURANCE PROGRAM (H-40-84; FR-1930)

Legal Authority: 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 203; 24 CFR 221; 24 CFR 226; 24 CFR 227; 24 CFR 234

Legal Deadline: None

Abstract: This rule would extend the one-time mortgage insurance premium provision for single-family mortgages to funds other than the Mutual Mortgage Insurance Fund.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Undetermined

Agency Contact: James B. Mitchell, Director, Department of Housing and Urban Development, Office of Housing, Financial Policy Division, **202 426-4325**

RIN: 2502-AC35

823. SINGLE FAMILY MORTGAGE INSURANCE ON HAWAIIAN HOME LANDS (H-39-84; FR-1928)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d); PL 98-181, Sec 421

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: Regulation to provide mortgage insurance for certain property located within Hawaiian homelands.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Alan Kappeler, Director, Department of Housing and Urban Development, Office of Housing, Office of Single Family Housing, **202 755-3046**

RIN: 2502-AC36

824. INSURANCE OF SINGLE FAMILY SHARED APPRECIATION MORTGAGES (H-33-84; FR-1917)

Legal Authority: 12 USC 1715z; PL 98-181, Sec 444

CFR Citation: 24 CFR 203; 24 CFR 234

Legal Deadline: None

Abstract: HUD proposes regulations governing the insurance of mortgages, the terms of which permit the lender to share in the net appreciated value of the mortgaged property at the time of its sale.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Brian Chappelle, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, Office of Insured Single Family Housing, **202 755-6720**

RIN: 2502-AC42

825. RETENTION PERIOD FOR MORTGAGEE SINGLE FAMILY CLAIM RECORDS (H-81-84)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: Under the new Single Family Claims System, the mortgagee is not required to provide documentation to support the fiscal data reported or entered on the new claim form. Instead, the mortgagee will be randomly audited; at which time, the mortgagee is expected to produce all the supporting receipts, payment ledger records, etc.

We plan to change the regulations to specify the retention period and file contents for records supporting single family claim payments and mortgage reviews.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Yes

Agency Contact: S.A. Evans, Director, Department of Housing and Urban Development, Office of Administration, Office of Finance and Accounting, **202 755-6310**

RIN: 2502-AC50

826. LIMIT ON CLAIM COST (H-82-84)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: Due to the costs of processing single family claims to both HUD and the mortgagee, we propose a regulation change which will set a limit of $50 or less on the amount of refund HUD will expect from the mortgagee; and the amount of claim the mortgagee will file with HUD.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Richard Buchheit, Director, Single Family Servicing Division, Department of Housing and Urban Development, Office of Housing, Office of Insured Single Family Housing, **202 755-6672**

RIN: 2502-AC52

827. PENALTY FOR LACK OF DOCUMENTATION (H-80-84)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: The new single family process provides for "random audits" of mortgagees' records which file S/F claims with HUD for insurance benefits. During the audit, the mortgagee will be required to provide specific supporting documentation. When the mortgagee cannot produce the required documentation, HUD will penalize the mortgagee for the amount not supported plus the current interest rate on that unsupported amount from the date of payment.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: S.A. Evans, Director, Department of Housing and Urban Development, Office of Administration, Office of Finance and Accounting, **202 755-6310**

RIN: 2502-AC54

828. HUD INSPECTIONS - NO DUTY OF CARE (H-1-85; FR-2025)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203; 24 CFR 234

Legal Deadline: None

Abstract: Proposed regulation to protect HUD against claims brought under the Federal Tort Claims Act, which claim negligent HUD inspection of FHA-insured properties.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AC92

829. RELATION OF INCOME TO MORTGAGE PAYMENTS (H-35-85; FR-2117)

Legal Authority: 12 USC 1709; 12 USC 1715b

CFR Citation: 24 CFR 203.33

Legal Deadline: None

Abstract: To be more consistent with the underwriting practices of conventional mortgage lenders, this rule would substitute gross income for net income for purposes of HUD's determinations on the adequacy and stability of a mortgagor's income for FHA mortgage insurance. In addition, this rule would make appropriate adjustments to percentages of gross income to housing expense and other recurring charges.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Brian Chappelle, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-3046**

RIN: 2502-AD30

830. TEMPORARY MORTGAGE ASSISTANCE PAYMENTS (TMAP), AND ASSIGNMENTS TO HUD (H-44-85; FR-2147)

Significance: Regulatory Program

Legal Authority: 12 USC 1715b; 12 USC 1715u

CFR Citation: 24 CFR 203; 24 CFR 204

Legal Deadline: None

Abstract: Amendments to TMAP and Assignment rule in light of statutory changes, the District Court holdings in FERRELL, and policy developments. Because of the number of changes in the rule, it is to be published as a proposed rule. This rule was identified in earlier Agendas as RIN 2502-AB79 (H-29-81; FR-1415).

Timetable:

Action	Date	FR Cite
NPRM	01/03/86	51 FR 216
NPRM Comment Period End	03/04/86	51 FR 216
Final Action	07/00/86	

Small Entity: No

Agency Contact: Richard B. Buchheit, Director, Department of Housing and Urban Development, Office of Housing, Single Family Service Division, 202 755-6672

RIN: 2502-AD34

831. ● SINGLE FAMILY FORECLOSURES--DEFICIENCY JUDGEMENTS (H-6-86; FR-2193)

Significance: Regulatory Program

Legal Authority: 12 USC 1709

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This rule would permit HUD to request lenders to seek deficiency judgments after a single family home foreclosure and to reimburse the lender for its costs.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Agency Contact: Richard Buchheit, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, 202 755-8680

RIN: 2502-AD38

832. ● ELIMINATION OF CLOSING COSTS AS AN ITEM ELIGIBLE FOR INCLUSION AS PART OF AN FHA INSURED SINGLE FAMILY MORTGAGE (H-10-86; FR-2203)

Significance: Regulatory Program

Legal Authority: 12 USC 1709; 12 USC 1715y

CFR Citation: 24 CFR 203; 24 CFR 220; 24 CFR 221; 24 CFR 234

Legal Deadline: None

Abstract: Current HUD policy is to allow a high percentage of closing costs associated with the financing of single family homes to be included as part of the insurable mortgage amount. This results from the HUD treating closing costs as part of the appraised value or cost of acquisition of a single family property. It is proposed that HUD regulations be revised so that "appraised value" or "costs of acquisition" are applied in a manner which prohibits the inclusion of closing-related costs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Alan Kappeler, Director, Office of Insured SF Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AD39

833. ● REFINANCING OF EXISTING HUD-INSURED MORTGAGES (H-8-86; FR-2197)

Significance: Regulatory Program

Legal Authority: 12 USC 1709

CFR Citation: 24 CFR 203.43; 24 CFR 221; 24 CFR 234

Legal Deadline: None

Abstract: This proposed rule would revise HUD's present regulations at 24 CFR Parts 203, 221, and 234 to provide for insured refinancing of HUD insured mortgages.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Brian Chappelle, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2502-AD41

834. MULTIFAMILY MORTGAGE INSURANCE (H-96-82)

Legal Authority: 12 USC 1715z-6; 12 USC 1752-9; 12 USC 1715l; 12 USC 1715z-7

CFR Citation: 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 232; 24 CFR 241; 24 CFR 242; 24 CFR 244

Legal Deadline: None

Abstract: Would amend mortgage insurance regulations to require payment of fees for rehabilitation feasibility processing and for reprocessing of outstanding commitments after appropriate extensions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing Development, 202 755-6223

RIN: 2502-AA63

835. MORTGAGE INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT (H-48-81; FR-1525)

Legal Authority: 12 USC 1713; 12 USC 1715

CFR Citation: 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 231; 24 CFR 232; 24 CFR 234; 24 CFR 242

Legal Deadline: None

Abstract: Would amend Parts 207, 213, 220, 221, 231, 232, 234, 242 and 244 to allow up to a 20% increase in maximum project mortgage amounts to cover increased costs due to the installation of a solar energy system or residential energy conservation measures.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing Development, 202 755-6223

RIN: 2502-AA90

836. COOPERATIVE HOUSING MORTGAGE INSURANCE SUBORDINATED SECRETARY-HELD MORTGAGES (H-33-83; FR-1756)

Significance: Agency Priority

Legal Authority: 12 USC 1713; 12 USC 1715e; 12 USC 1715b

CFR Citation: 24 CFR 207; 24 CFR 213

Legal Deadline: None

Abstract: The rule will permit unsubsidized multifamily rental housing projects with Secretary-held mortgages to be converted to cooperatives by

subordinating the Secretary-held mortgage to a new first mortgage. The rule would benefit tenants by giving them the opportunity for cooperative homeownership at a lower cost. The government would benefit by sharing half of the equity appreciation received by the project owner in selling the project to a Cooperative.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: Undetermined

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing Development, 202 755-6223

RIN: 2502-AB97

837. INSURANCE OF MULTIFAMILY SHARED APPLICATION MORTGAGES (H-41-84; FR-1934)

Legal Authority: 12 USC 1715z; PL 98-181, Sec 445

CFR Citation: 24 CFR 207; 24 CFR 220; 24 CFR 222; 24 CFR 231

Legal Deadline: None

Abstract: Regulation will govern the insuring of mortgages, the terms of which permit the lender to share in the net appreciated value of the mortgaged project at the time of its sale.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing Dev., 202 755-6223

RIN: 2502-AC34

838. LIMITATION ON PREPAYMENT OF MORTGAGES ON MULTIFAMILY RENTAL HOUSING (H-54-84; FR-1952)

Significance: Regulatory Program

Legal Authority: 12 USC 1715z-15

CFR Citation: 24 CFR 207; 24 CFR 221; 24 CFR 215; 24 CFR 886; 24 CFR 245; 24 CFR 277; 24 CFR 219; 24 CFR 231; 24 CFR 242; 24 CFR 244

Legal Deadline: None

Abstract: Rule will restrict prepayment of multifamily project mortgages whenever Secretary has prepayment approval responsibilities. Prepayment will not be approved unless project is no longer needed for lower income housing, tenants have been given notice and opportunity to comment, and a relocation assistance plan has been put in place. Similar restrictions will apply to termination of insurance. Where the Secretary is not responsible for approving prepayment and therefore cannot restrict it, priority will be given for additional section 8 and troubled project assistance in order to discourage prepayment.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Agency Contact: James Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning, Office of Multifamily Housing Management, 202 755-3970

RIN: 2502-AC49

839. REVISION OF MAXIMUM INSURABLE MORTGAGE AMOUNT IN MULTIFAMILY REFINANCINGS UNDER SECTION 223(F) (H-38-85; FR-2126)

Legal Authority: 12 USC 1713; 12 USC 1715z(9)

CFR Citation: 24 CFR 207.32a; 24 CFR 255.203

Legal Deadline: None

Abstract: This rule proposes to substitute for existing limits on insurable mortgage amounts in connection with the refinancing of existing multifamily housing projects, a new limit which will be lesser of (1) 85 percent of value or (2) where the property was purchased within 48 months of the refinancing transaction, the following percentages of the original cost of acquisition of the property - 85 percent where property purchased within 12 months, 90 percent if purchased within 24-36 months and 100 percent if purchased within 36 to 48 months.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: James Hamernick, Director, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing Dev., 202 755-6500

RIN: 2502-AD31

840. PREFERENCE IN THE PROVISION OF HOUSING FOR FAMILIES WHO ARE OCCUPYING SUBSTANDARD HOUSING, ARE INVOLUNTARILY DISPLACED, OR ARE PAYING MORE THAN 50% OF FAMILY INCOME (H-22-80; FR-1597)

Significance: Regulatory Program

Legal Authority: 12 USC 1701s; 42 USC 1437d; 42 USC 1437f; PL 98-181, Sec 203

CFR Citation: 24 CFR 215; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 886; 24 CFR 904; 24 CFR 905; 24 CFR 960; 24 CFR 885

Legal Deadline: None

Abstract: Would establish preferences in the Section 8 and Rent Supplement programs for those "living in substandard housing", for those who are "involuntarily displaced" and for those paying more than 50 percent of their income for rent. The Department will be publishing a proposed rule again because of the change in position taken by the Department as a result of the public comments received on the 09/26/84 proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Additional Information: Additional contact persons:

1. Nancy Chisholm

Office of Policy

Office of Public and Indian Housing

202 755-6713

2. Madeline Hastings

Existing Housing Division

Office of Housing

202 755-6887

Agency Contact: James Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, 202 426-3970

RIN: 2502-AA34

HUD—OH

Proposed Rule Stage

841. AMENDMENTS TO THE SECTION 235 PROGRAM (H-3-85; FR-2037)

Legal Authority: PL 98-181, Sec 226; 42 USC 3535(d); PL 98-479, Sec 104

CFR Citation: 24 CFR 235

Legal Deadline: None

Abstract: A regulation to codify program changes in the section 235 program required by section 226 of the Housing and Urban-Rural Recovery Act of 1983 and the 1984 Supplemental Appropriations Act (Pub. L. 98-396). The regulation may include other changes to existing regulations as well as those specifically required by the cited legislation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Brian Chappelle, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6720

RIN: 2502-AC93

842. MANDATORY MEALS PROGRAMS IN HUD-ASSISTED HOUSING PROJECTS (H-43-85; FR-2179)

Significance: Regulatory Program

Legal Authority: PL 86-372, Sec 202

CFR Citation: 24 CFR 231; 24 CFR 221; 24 CFR 236; 24 CFR 277; 24 CFR 880; 24 CFR 881; 24 CFR 883; 24 CFR 884; 24 CFR 885

Legal Deadline: None

Abstract: This proposed rule will put in regulatory form the administrative policy that allows mandatory meals in elderly housing projects with prior HUD approval. The rule will provide the guidelines that owners shall use in requiring mandatory participation in their meals programs in order to ensure that tenants with unique circumstances are not required to participate in a meal program for which they receive no benefit but must pay for.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502-AD27

843. ● REVIEW OF APPLICATIONS FOR HOUSING ASSISTANCE AND ALLOCATION OF HOUSING ASSISTANCE FUNDS (S-10-84; FR-1896)

Legal Authority: 42 USC 1439

CFR Citation: 24 CFR 791

Legal Deadline: None

Abstract: The rule revises HUD's regulations for the allocation of housing assistance funds to conform with statutory changes made by the Housing and Urban-Rural Recovery Act of 1983. It contains an explicit description of the allocation formula and deletes specific requirements on allocating funds in accordance with approved Housing Assistance Plans; and eliminates the requirements for local consultation in the allocation process. Part 791 would also be amended to consolidate local government submission requirements and HUD criteria for review of applications for housing.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Additional Information: Includes: H-4-81, FR-1512.

Agency Contact: Robert J. Coyle, Department of Housing and Urban Development, Office of Housing, 202 426-0751

RIN: 2502-AA73

844. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM-EXISTING HOUSING-QUALITY STANDARDS-LEAD BASED PAINT (H-2-83; FR-1528)

Significance: Agency Priority

Legal Authority: 42 USC 1437f

CFR Citation: 24 CFR 882

Legal Deadline: None

Abstract: This rule would limit the applicability of HUD's Lead Based Paint regulation for units leased under the Section 8 Existing Housing and Moderate Rehabilitation Programs to those units built before 1950 and in which assisted families with children under age seven choose to live.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: No

Agency Contact: Gerald J. Benoit, Director, Department of Housing and Urban Development, Office of Housing, Existing Housing Division, 202 755-6477

RIN: 2502-AC55

845. ● SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM-PUBLIC HOUSING AGENCY ADMINISTRATIVE FEES (H-12-86; FR-2207)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 882; 24 CFR 887

Legal Deadline: None

Abstract: Under the Section 8 housing program, housing assistance payments are made to owners on behalf of eligible families. Generally, the Department administers this program through public housing agencies (PHAs). In exchange for providing the administrative support for the program PHAs receive an administrative fee. This rule will revise two aspects of the administrative fee element of the program. First, the Department proposes to revise the base Fair Market Rent used to compute the Administrative Fee and second, the Department proposes to make the amount uniform for the Section 8 Certificate and Housing Voucher programs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: Madeline Hasting, Director, Existing Housing Division, Department of Housing and Urban Development, Office of Housing, 202 755-6887

RIN: 2502-AD42

846. ● SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - REQUESTING EXCEPTION RENTS TO THE FAIR MARKET RENTS (H-14-86; FR-2213)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 882; 24 CFR 888

Legal Deadline: None

Abstract: The Section 8 Existing Housing Assistance Payments Program is authorized by the United States Housing Act of 1937. HUD provides assistance payments on behalf of eligible families to owners. By regulations, the Department also encourages PHAs administering the Section 8 Certificate Program to promote greater choice of housing opportunities for eligible families in the program. Currently, PHAs are encouraged to enter into administrative arrangements with other PHAs to permit certificate holders to seek housing in the broadest range of areas. While there are several voluntary mobility programs in operation around the country, a Section 8 Certificate holder only has limited opportunity to relocate. Accordingly, the Department proposes to revise its regulations to condition the granting of exception Fair Market Rents on the existence of interjurisdictional (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: mobility agreements between neighboring jurisdictions.

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, 202 755-6887

RIN: 2502-AD44

847. MANAGEMENT RULES AND COMPREHENSIVE HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS (H-34-83; FR-1761)

Legal Authority: 12 USC 1701q; 42 USC 3535(d)

CFR Citation: 24 CFR 885

Legal Deadline: None

Abstract: This rule would amend HUD's current regulations on loans for housing for the elderly or handicapped. The proposed regulation would add regulatory provisions to govern section 202/8 project operations and management and would incorporate changes required by recent statutory amendments governing housing assistance payments and contracts.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Undetermined

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC03

848. MISCELLANEOUS REVISIONS TO PART 886 (H-59-84; FR-1950)

Legal Authority: 42 USC 1437a; 14 USC 1437c; 14 USC 1437f; 42 USC 3535(d)

CFR Citation: 24 CFR 247; 24 CFR 886

Legal Deadline: None

Abstract: This rule would make various amendments to Part 886-Section 8 Housing Assistance Payments Programs-Special Allotments. The changes would (1) apply 24 CFR Part 247 - Evictions from Certain Subsidized and HUD-Owned Projects, to terminations of tenancy under Part 886; (2) modify the maximum monthly rent provisions of Subpart C to reflect Section 102(b)(7) of the Housing and Community Development Technical Amendments of 1984; (3) amend the work write-up, cost estimate and cost certification provisions governing the rehabilitation of properties under Subpart C; and (4) make other miscellaneous changes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC59

849. ● PROVISION OF SECTION 8 EXISTING HOUSING ASSISTANCE FOR PROJECTS AT FORECLOSURE SALES (H-3-86; FR-2158)

Legal Authority: 42 USC 1437f; 12 USC 3706; 12 USC 3717; 12 USC 1713(k)

CFR Citation: 24 CFR 886; 24 CFR 27

Legal Deadline: None

Abstract: This interim rule would amend Parts 886 and 27 to provide that Section 8 assistance be available for projects sold at foreclosure sales.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AD43

850. ● SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS -- PUBLIC COMMENTS ON PROPOSED FAIR MARKET RENTS (H-13-86; FR-2212)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 888

Legal Deadline: None

Abstract: Section 8 of the United States Housing Act of 1937 authorizes a system of housing assistance payments to aid lower income families in renting decent, safe and sanitary housing. Housing assistance payments are determined in relation to the area-wide Fair Market Rent established at least annually by the Department. To assist the Department in making decisions about increasing proposed Fair Market Rents in response to public comments, the Department will amend its regulations to require additional data. Thus, not only will commenters be requested to comment on the accuracy

of the proposed rents, but commenters also will be asked to submit data showing that the current or proposed Section 8 assistance is not adequate and makes the program or project (as appropriate) unworkable unless changed.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information:

Additional Contact:

Edward M. Winiarski

Chief Appraiser

Technical Support Division

Office of Multifamily Housing Development

Office of Housing

202 426-7625

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, 202 755-6887

RIN: 2502-AD40

851. TRANSPORTATION, DURABILITY, TESTING - MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS (H-23-85)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Legal Deadline: None

Abstract: This rule will amend the standards applicable to manufactured homes to assure that they withstand the adverse effects of transportation shock and vibration.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: No

Agency Contact: Mark Holman, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufac. Housing and Reg. Functions, 202 755-6590

RIN: 2502-AD03

852. REAL ESTATE SETTLEMENT PROCEDURES ACT -- CONTROLLED BUSINESS PROVISIONS AND MISCELLANEOUS AMENDMENTS (H-45-84; FR-1942)

Significance: Agency Priority

Legal Authority: 12 USC 2601; 12 USC 2607; PL 98-181, Sec 461

CFR Citation: 24 CFR 3500

Legal Deadline: None

Abstract: The rule will implement statutory amendments established by Section 461 of the Housing and Urban Rural Recovery Act of 1983 (Pub.L.98-181). The amendments address a problem identified as "controlled business" and the manner in which Section 8 of the Real Estate Settlement Procedures Act (12 USC 2607), the kickback prohibition of RESPA is to be applied to such arrangements. No alternatives are being considered because of the statutory mandate. The potential costs cannot be accurately projected but are believed to be incidental. The rule will also contain other miscellaneous changes to clarify and update the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Brian Chappelle, Director, Single Family Development Division, (202) 755-6720.

Agency Contact: Grant E. Mitchell, Assistant General Counsel, Department of Housing and Urban Development, Office of the General Counsel, Office of Equal Opportunity and Admin. Law, Fiscal Management and Energy Division, 202 755-6550

RIN: 2502-AC09

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Housing (OH)

Final Rule Stage

853. APPLICABILITY OF MINIMUM PROPERTY STANDARDS MANUFACTURED HOMES UNDER TITLE II OF THE NATIONAL HOUSING ACT (H-82-82; FR-1578)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200; 24 CFR 203

Legal Deadline: None

Abstract: Would insure financing of properties with manufactured homes under Title II of the National Housing Act, as a means to broaden affordable home ownership opportunities. To qualify for such financing, the manufactured homes, foundations and sites must meet prescribed standards to insure adequate security for HUD-insured mortgages. By such action homeowners can expect reduced housing cost without sacrificing housing quality or durability.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6720

RIN: 2502-AB24

854. MINIMUM PROPERTY STANDARDS FOR CARE-TYPE HOUSING -- MPS (H-39-83; FR-1776)

Significance: Agency Priority

Legal Authority: PL 98-181, Sec 405

CFR Citation: 24 CFR 200.925

Legal Deadline: None

Abstract: Would eliminate the current Minimum Property Standards (MPS) for Care-Type Housing and revise the current MPS for Multifamily Housing to include Care-Type Housing. By doing this, marketability and livability criteria would be deleted to the same extent as they were deleted from multifamily housing. This would also adopt by reference, nationally recognized model building codes or State or local codes,

if acceptable, to provide health and safety criteria.

Timetable:

Action	Date	FR Cite
NPRM	02/15/85	50 FR 6359
NPRM Comment Period End	04/16/85	50 FR 6359
Final Action	00/00/00	

Small Entity: No

Agency Contact: Mark Holman, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, 202 755-5924

RIN: 2502-AB86

855. USE OF MATERIALS BULLETIN (UM) NO. 44D-HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR CARPET AND ATTACHED CUSHION (H-85-84; FR-2104)

Legal Authority: 42 USC 3535(d); 12 USC 1715(b)

CFR Citation: 24 CFR 200.935; 24 CFR 200.942

Legal Deadline: None

Abstract: Would promulgate HUD Use of Materials Bulletin (UM) No. 44d, which is a revision of existing UM 44c, and accepts national industry consensus standards for manufacture, sampling, testing, and acceptance of carpet and carpet with attached cushion. In addition, it would provide for a certification and labeling program for carpet to be acceptable under HUD programs.

Timetable:

Action	Date	FR Cite
NPRM	10/15/85	50 FR 41699
NPRM Comment Period End	12/16/85	50 FR 41699
Final Action	04/00/86	

Small Entity: No

Agency Contact: Donald R. Fairman, Chief, Department of Housing and Urban Development, Office of Housing, Technical Support Branch, 202 755-5718

RIN: 2502-AC71

856. ELIGIBILITY OF MORTGAGES INVOLVING A DWELLING UNIT IN A COOPERATIVE HOUSING DEVELOPMENT (H-93-82; FR-1742)

Legal Authority: 12 USC 1709

CFR Citation: 24 CFR 203.43c; 24 CFR 203.437

Legal Deadline: None

Abstract: Would relax some restrictions which have unnecessarily inhibited activity under the program. The rule would delete the requirement that corporations waive the right of first refusal and it would eliminate the limitation of the mortgage term on an individual share to the term remaining on the blanket mortgage. The 1983 statute extends the availability of mortgage insurance in existing conventionally financed cooperatives provided construction has been completed one year. The statute removed the requirement that the cooperative have an insured blanket mortgage.

Timetable:

Action	Date	FR Cite
NPRM	10/15/84	49 FR 40188
NPRM Comment Period End	12/14/84	49 FR 40188
Final Action	05/00/86	

Small Entity: No

Agency Contact: Brian Chappelle, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6720

RIN: 2502-AA61

857. MORTGAGE INSURANCE FOR ONE-TO-FOUR-FAMILY RESIDENCES--ADJUSTMENT FOR DAMAGES OR NEGLECT (H-19-79; FR-837)

Legal Authority: 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: Allows conveyance or assignment of fire damaged property when the fire insurance policy has been terminated (or renewal refused) and the mortgagee has been unable to obtain adequate insurance to protect its investment.

Timetable:

Action	Date	FR Cite
Final Action	06/00/86	

Small Entity: No

Agency Contact: Richard Buchheit, Director, Department of Housing and Urban Development, Office of Housing, Single Family Servicing Division, 202 755-6672

RIN: 2502-AB03

858. ● CONVEYANCE OF ONE- TO FOUR-FAMILY PROPERTIES OCCUPIED BY TENANTS OR FORMER MORTGAGORS (H-9-85; FR-2064)

Legal Authority: 12 USC 1709; 12 USC 1715b

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This proposed rule would amend the current rule on occupied conveyances of HUD-acquired properties. Included in this proposed rule are revised criteria for determining when HUD will accept conveyance of a one- to four-family property by a mortgagee when there are tenants of a former mortgagor in occupancy.

Timetable:

Action	Date	FR Cite
NPRM	02/25/86	51 FR 6556
Final Action	09/00/86	

Small Entity: Undetermined

Agency Contact: Jacqueline B. Campbell, Director, Department of Housing and Urban Development, Office of Housing, Single Family Property Disposition Division, 202 755-5740

RIN: 2502-AB10

859. PAYMENT OF SINGLE FAMILY MORTGAGE INSURANCE WITHOUT CONVEYANCE OF TITLE (H-38-84; FR-1927)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200; 24 CFR 203; 24 CFR 204; 24 CFR 220; 24 CFR 228

Legal Deadline: None

Abstract: Would authorize the Secretary to pay insurance claims without acquiring title to the property where (1) foreclosure sale produces price equal to property's fair market value (less appropriate adjustments for acceptable costs) and (2) insurance claim is assigned to the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	01/10/85	50 FR 1233
NPRM Comment Period End	03/11/85	50 FR 1233
Final Action	00/00/00	

Small Entity: No

Agency Contact: Alan Kappeler, Director, Department of Housing and Urban Development, Office of Housing, Office of Insured Single Family Housing, **202 755-3046**

RIN: 2502-AC37

860. SINGLE FAMILY MORTGAGE INSURANCE - INDIAN RESERVATIONS (H-36-84; FR-1921)

Legal Authority: 12 USC 1701; 12 USC 1715z-18; 42 USC 3535(d); 12 USC 1715b; 12 USC 1709; 12 USC 1713; 12 USC 1715k; 12 USC 1715h; 12 USC 1715m; 12 USC 1748f; 12 USC 1748h-z; PL 98-181, Sec 422

CFR Citation: 24 CFR 203.17; 24 CFR 203.43h; 24 CFR 200.163; 24 CFR 203.350; 24 CFR 203.438; 24 CFR 203.604; 24 CFR 203.695; 24 CFR 204.1; 24 CFR 204.400; 24 CFR 220.1; 24 CFR 220.251; 24 CFR 220.900; 24 CFR 221.1; 24 CFR 221.251; 24 CFR 221.800; ...

Legal Deadline: None

Abstract: Regulation to provide mortgage insurance on Indian reservations.

Timetable:

Action	Date	FR Cite
NPRM	10/19/84	49 FR 41212
NPRM Comment Period End	02/18/85	49 FR 41212
Final Action	05/00/86	

Small Entity: No

Agency Contact: Brian Chappelle, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6720

RIN: 2502-AC39

861. INSURANCE OF SINGLE FAMILY ADJUSTABLE RATE MORTGAGES (H-32-84; FR-1916)

Legal Authority: 12 USC 1715z; PL 98-181, Sec 443

CFR Citation: 24 CFR 203.49

Legal Deadline: None

Abstract: HUD will propose regulations governing the insuring of mortgages, the terms of which permit adjustments to a mortgagor's payments based on changes in an interest rate index.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/06/84	49 FR 23580
Interim Rule Effective	07/30/84	49 FR 23580
Final Action	08/00/86	

Small Entity: No

Additional Information: Under the 1985 Regulatory Program this appeared as part of RIN 2502-AD20.

Agency Contact: Brian Chappelle, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, Office of Insured Single Family Housing, **202 755-6720**

RIN: 2502-AC43

862. INSURANCE OF SINGLE FAMILY INDEXED MORTGAGES (H-31-84; FR-1915)

Significance: Agency Priority

Legal Authority: 12 USC 1715z-10; PL 98-181, Sec 441

CFR Citation: 24 CFR 203; 24 CFR 234

Legal Deadline: None

Abstract: HUD will propose regulations governing the insuring of a mortgage, the terms of which permit for adjustments to the principal balance of the loan, and mortgagee payments based upon periodic changes in a price index.

Timetable:

Action	Date	FR Cite
NPRM	06/04/84	49 FR 23063
NPRM Comment Period End	08/03/84	49 FR 23063
Final Action	00/00/00	

Small Entity: No

Agency Contact: Brian Chappelle, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, Office of Insured Single Family Housing, **202 755-6720**

RIN: 2502-AC44

863. SINGLE FAMILY COINSURANCE PROGRAM REVISIONS (H-28-80; FR-1094)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 204

Legal Deadline: None

Abstract: Would revise the single family coinsurance requirements to adopt a recently proposed rule and to incorporate certain public comments received in response to that proposal. This revision: (1) extends coverage to include mortgages on condominiums and non-occupant owner transactions; (2) replaces the stop-loss provision with a hold-harmless provision intended to protect the secondary market against failure of lenders to pass through insurance benefits paid by HUD; (3) clarifies and simplifies various requirements in light of several years' experience with the program; and (4) permits coinsuring mortgagees to obtain mortgage insurance to cover the risk of their 10 percent exposure. Includes H-59-81.

Timetable:

Action	Date	FR Cite
Final Action	04/00/86	

Small Entity: No

Additional Information: Includes: H-59-81.

Agency Contact: Brian Chappelle, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AB01

864. MULTIFAMILY HOUSING MORTGAGE INSURANCE - ASSIGNMENT OF INSURED MORTGAGES (H-35-83; FR-1768)

Legal Authority: 12 USC 1713; 42 USC 3535(d)

CFR Citation: 24 CFR 207

Legal Deadline: None

Abstract: The proposed rule would amend 24 CFR 207.261 to permit a mortgagee to sell or syndicate the entire or any portion of its beneficial interest in an insured multifamily mortgage or pool of multifamily mortgages without prior HUD consent if certain conditions are met. These conditions would maintain the rights, benefits, and obligations of all parties potentially affected by an assignment of insured mortgages.

HUD—OH

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/10/84	49 FR 39688
NPRM Comment Period End	12/10/84	49 FR 39688
Final Action	07/00/86	

Small Entity: No

Agency Contact: James T. Tahash, Director, Program Planning Div., Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC14

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865. CHANGE IN DEFAULT NOTICE REPORTING PERIOD - MULTIFAMILY INSURANCE (H-4-84; FR-1842)

Legal Authority: 42 USC 3535(d); 12 USC 1713

CFR Citation: 24 CFR 207

Legal Deadline: None

Abstract: The Department proposes to amend its default notification regulation to move up the date upon which a mortgagee must notify HUD of a mortgagor's non-payment.

Timetable:

Action	Date	FR Cite
NPRM	08/09/85	50 FR 32233
NPRM Comment Period End	10/08/85	50 FR 32233
Final Action	06/00/86	

Small Entity: No

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AC18

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866. MULTIFAMILY MORTGAGE INSURANCE PROGRAMS; REQUIREMENT OF INCREASED EQUITY LIMITED RECOURSE OR SPECIAL ESCROW (H-15-84; FR-1871)

Legal Authority: 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 207.504; 24 CFR 207.19; 24 CFR 220.507; 24 CFR 220.508; 24 CFR 221.514; 24 CFR 221.515; 24 CFR 221.531; 24 CFR 221.532; 24 CFR 231.3; 24 CFR 231.4; 24 CFR 232.30; 24 CFR 232.32; 24 CFR 232.61

Legal Deadline: None

Abstract: This rule limits profit-motivated and limited dividend multifamily mortgagors to mortgages of 85 percent of value or replacement cost except where the mortgagor agrees either to accept limited personal liability for loan repayment or to establish an up-front rent-up escrow.

Timetable:

Action	Date	FR Cite
NPRM	09/20/84	49 FR 36871
NPRM Comment Period End	11/19/84	49 FR 36871
Final Action	00/00/00	

Small Entity: No

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing Development, 202 755-6223

RIN: 2502-AC19

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867. DEREGULATION OF RENTS (H-28-84; FR-1905)

Significance: Agency Priority

Legal Authority: PL 98-181, Sec 431

CFR Citation: 24 CFR 207; 24 CFR 220; 24 CFR 221

Legal Deadline: None

Abstract: This final rule implements a recent statutory amendment granting the Secretary discretion to regulate rents, among other things, in unsubsidized multifamily projects with mortgages insured pursuant to section 207 of the National Housing Act after 11/30/83. Before this amendment, the statute mandated that the Secretary regulate rents in those projects. The rule also adds an alternative method of determining rents in projects insured before 11/30/83 under sections 207, 220 and 221.

Timetable:

Action	Date	FR Cite
NPRM	10/10/84	49 FR 39690
NPRM Comment Period End	12/10/84	49 FR 39690
Final Action	04/00/86	

Small Entity: No

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, 202 426-3944

RIN: 2502-AC21

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868. INSURANCE OF MULTIFAMILY GRADUATED PAYMENT MORTGAGES (H-16-84; FR-1872)

Legal Authority: 12 USC 1715z-1; 12 USC 1713; 12 USC 1715k; 12 USC 1715l; 12 USC 1715v; PL 98-181, Sec 442

CFR Citation: 24 CFR 207.31e; 24 CFR 220.528; 24 CFR 221.560d; 24 CFR 231.17; 24 CFR 207.252f; 24 CFR 221.755

Legal Deadline: None

Abstract: These Amendments would permit the Department to insure graduated payment mortgages - loans that provide for rates of amortization corresponding to anticipated increases in project income.

Timetable:

Action	Date	FR Cite
NPRM	10/19/84	49 FR 41068
NPRM Comment Period End	12/18/84	49 FR 41068
Final Action	00/00/00	

Small Entity: No

Additional Information: These rules may be published separately.

Agency Contact: Joseph Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing Dev., 202 755-6223

RIN: 2502-AC27

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869. INSURANCE OF MULTIFAMILY PARTIALLY AMORTIZED MORTGAGES (H-34-84; FR-1918)

Legal Authority: 42 USC 1715z; PL 98-181, Sec 446

CFR Citation: 24 CFR 207.31c; 24 CFR 220.526; 24 CFR 221.560b; 24 CFR 231.15; 24 CFR 207.31d; 24 CFR 207.252d; 24 CFR 220.527; 24 CFR 221.560c; 24 CFR 221.755; 24 CFR 231.16

Legal Deadline: None

Abstract: Regulations governing the Department's insuring of mortgages, the terms of which do not require full amortization of the loan over the mortgage term.

Timetable:

Action	Date	FR Cite
NPRM	10/30/84	49 FR 43561
NPRM Comment Period End	12/31/84	49 FR 43561
Final Action	00/00/00	

Small Entity: No

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing Development, 202 755-6223

RIN: 2502-AC41

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870. REMOVAL OF REFINANCING LIMITATIONS (H-2-85; FR-2028)

Legal Authority: 12 USC 1715k; 45 USC 3535(d); PL 98-181, Sec 432

CFR Citation: 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 232; 24 CFR 242; 24 CFR 244; 24 CFR 251; 24 CFR 885

Legal Deadline: None

Abstract: This rule revises certain financing limitations imposed on the rehabilitation of property where the mortgage covering such property is to be insured under one of the programs set out in Title II of the National Housing Act.

Timetable:

Action	Date	FR Cite
Final Action	05/00/86	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: James Hamernick, Director, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, 202 755-5720

RIN: 2502-AC89

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871. DEFINITION OF INCOME RENTS AND REEXAMINATION OF FAMILY INCOME FOR THE RENT SUPPLEMENT AND SECTION 236 PROGRAMS (H-140-82, H-141-82; FR-1702)

Significance: Agency Priority

Legal Authority: 12 USC 1701s; 12 USC 1715b; 12 USC 1715z-1; 42 USC 3535(d)

CFR Citation: 24 CFR 215; 24 CFR 236; 24 CFR 886

Legal Deadline: None

Abstract: This rule will implement recent statutory changes affecting the definition of income for purposes of eligibility and rent determination as well as rent requirements and reexamination of income under the Rent Supplement and Section 236 Programs. It adopts definitions and procedures similar to those adopted for the Section 8 and Public and Indian Housing Programs under related statutory amendments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/23/84	49 FR 29580
Interim Rule Effective	10/01/84	49 FR 29580
Final Action	05/00/86	

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC05

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872. INTEREST RATES FOR FIRE SAFETY EQUIPMENT IN NURSING HOMES TO BE SET BY FR NOTICE (H-10-85; FR-2065)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 232

Legal Deadline: None

Abstract: This final rule would interpret Section 104(b) of the Housing and Community Development Technical Amendments of 1984, to authorize the Department's publishing of interest rates for fire safety equipment in nursing homes to be set by Federal Register Notice.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Michael Phillips, Attorney-Advisor, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7055

RIN: 2502-AC85

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873. CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE-1983 ACT AMENDMENTS (H-71-84; FR-1999)

Legal Authority: 12 USC 1715y

CFR Citation: 24 CFR 234

Legal Deadline: None

Abstract: This rule will revise the requirements for condominium mortgage insurance.

Timetable:

Action	Date	FR Cite
Final Action	05/00/86	

Small Entity: No

Additional Information: Includes: FR-1388

Agency Contact: Brian Chappelle, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6270

RIN: 2502-AC79

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874. MAXIMUM MORTGAGE AMOUNTS FOR HOSPITALS (H-72-84; FR-2004)

Significance: Regulatory Program

Legal Authority: 12 USC 1715-7

CFR Citation: 24 CFR 241; 24 CFR 242

Legal Deadline: None

Abstract: Proposed rule to require greater equity contribution for insurance of mortgages related to projects that have estimated replacement costs greater than $100 million.

Timetable:

Action	Date	FR Cite
NPRM	10/12/84	49 FR 40044
NPRM Comment Period End	12/11/84	49 FR 40044
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: James Hamernick, Director, Department of Housing and Urban Development, Office of Housing, Insured Multifamily Housing Development, 202 755-6500

RIN: 2502-AC64

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875. MORTGAGE INSURANCE REQUIREMENTS FOR PRIVATE AND PUBLIC HOSPITALS (H-69-84; FR-1992)

Significance: Regulatory Program

HUD—OH

Final Rule Stage

Legal Authority: 12 USC 1715z-7; PL 98-181, Sec 436; PL 98-479, Sec 104

CFR Citation: 24 CFR 242.23; 24 CFR 242.51; 24 CFR 242.67; 24 CFR 242.57

Legal Deadline: None

Abstract: Proposed rule prescribes requirements governing insurance of mortgages for public hospitals, and includes new eligibility provisions for tax supported hospitals.

Timetable:

Action	Date	FR Cite
NPRM	10/12/84	49 FR 40047
NPRM Comment Period End	12/11/84	49 FR 40047
Final Action	00/00/00	

Small Entity: No

Agency Contact: James Hamernick, Director, Department of Housing and Urban Development, Office of Housing, Insured Multifamily Housing Development, **202 755-6500**

RIN: 2502-AC61

876. HUD-OWNED MULTIFAMILY PROJECTS-MANAGEMENT AND DISPOSITION (H-69-78; FR-432)

Significance: Regulatory Program

Legal Authority: 12 USC 1715z-16; 12 USC 1701z-11; 12 USC 1701z-12; 12 USC 1713; 12 USC 1715b

CFR Citation: 24 CFR 290; 24 CFR 886

Legal Deadline: None

Abstract: Would conform current regulation more closely to Section 203 of the Housing and Community Development Act of 1978, as amended; decrease reliance on project-based Section 8 subsidies as a means of maintaining availability of units for low- and moderate-income persons. Changes in the proposed rule that would conform the rental structure in HUD-owned properties to statutory housing programs are being implemented by separate final rule.

Timetable:

Action	Date	FR Cite
NPRM	10/18/84	49 FR 40888
NPRM Comment Period End	12/17/84	49 FR 40888
Final Action	00/00/00	

Small Entity: No

Agency Contact: Marvin T. Hilman, Director, Multifamily Property Dispos. Div., Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, **202 755-7343**

RIN: 2502-AC68

877. HUD-OWNED MULTIFAMILY PROJECTS - MANAGEMENT AND DISPOSITION - RENT SETTING PROVISIONS (H-41-85; FR-2142)

Significance: Agency Priority

Legal Authority: 12 USC 1715z-1b; 12 USC 1701z-11; 12 USC 1713

CFR Citation: 24 CFR 290.17

Legal Deadline: None

Abstract: Would implement changes to the rent setting procedures for HUD-owned multifamily projects that were part of the proposed rule published at 49 FR 40888 on October 18, 1984. These changes would give the Department greater flexibility in setting rents while furthering the objectives of section 203 of the Housing and Community Development Amendments of 1978 which govern the management and disposition of HUD-owned multifamily rental projects.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Additional Information: Split from: FR-432 (N-69-78) RIN 2502-AC68

Agency Contact: Marvin Hillman, Director, Multifamily Property Disposition Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, **202 755-7343**

RIN: 2502-AD33

878. SECURITIZATION OF ADJUSTABLE RATE MORTGAGES (H-61-84; FR-1962)

Significance: Agency Priority

Legal Authority: 12 USC 17219g; 12 USC 1723(a)

CFR Citation: 24 CFR 390

Legal Deadline: None

Abstract: This rule would amend 24 CFR Part 390 to enable GNMA to guarantee securities based on mortgages that do not contain fixed rate, level payment provisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/06/84	49 FR 23586
Interim Rule effective	07/30/84	49 FR 23586
Final Action	08/00/86	

Small Entity: No

Agency Contact: Cheryl Patton, Department of Housing and Urban Development, Office of Housing, Office of Mortgage Finance, Government National Mortgage Association, **202 755-5593**

RIN: 2502-AC70

879. HOUSING DEVELOPMENT GRANT PROGRAM (H-26-84; FR-1902)

Legal Authority: 42 USC 1437o

CFR Citation: 24 CFR 850

Legal Deadline: None

Abstract: Implements the Housing Development Grant Program established by Section 301 of the Housing and Urban-Rural Recovery Act of 1983. Under this Program, the Secretary is authorized to make grants to cities and urban counties and to States acting on behalf of units of general local government to support new construction or substantial rehabilitation of residential rental housing. At least 20 percent of the units in a project assisted under this Program must be leased to, or made available for occupancy by, lower income families for a period of 20 years. The rent for these units cannot exceed 30 percent of the adjusted income of a family at 50 percent of area median income. Assisted projects must be located within eligible areas, special purpose areas or neighborhood preservation areas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/14/84	49 FR 24634
Interim Rule effective	08/07/84	49 FR 24634
Final Action	00/00/00	

Small Entity: No

HUD—OH

Final Rule Stage

Agency Contact: Jessica Franklin, Acting Director, Department of Housing and Urban Development, Office of Housing, Development Grant Division, 202 755-6142

RIN: 2502-AC23

880. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - MODERATE REHABILITATION (H-38-81; FR-1527)

Legal Authority: PL 95-557; 42 USC 1437

CFR Citation: 24 CFR 882

Legal Deadline: None

Abstract: Simplifies and reduces program requirements for local PHAs and participating owners, provides greater local flexibility and implements provision of the HCD Amendments of 1981.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Louise Kleffner, Director, Moderate Rehabilitation Branch, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, Existing Housing Division, 202 755-6887

RIN: 2502-AA86

881. TARGETING OF SECTION 8 CERTIFICATES OF FAMILY PARTICIPATION (H-22-83; FR-1736)

Legal Authority: 42 USC 1347f

CFR Citation: 24 CFR 882

Legal Deadline: None

Abstract: Amends 24 CFR Part 882 to eliminate restrictions on targeting Section 8 Certificates of Family Participation under certain circumstances. The rule permits HUD to provide Section 8 Certificates of Family Participation to families residing in (1) a property to be rehabilitated under the Rental Rehabilitation Program, (2) a HUD-owned multifamily project that HUD determines to sell or vacate, (3) a multifamily project with a HUD-held mortgage purchased at foreclosure by a party other than HUD, or (4) a unit covered by a project-based Housing Assistance Payments contract when the owner elects not to renew the contract for an additional term.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/09/84	49 FR 31858
Interim Rule Effective	10/04/84	49 FR 31858
Final Action	06/00/86	

Small Entity: No

Agency Contact: Gerald J. Benoit, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, 202 755-5720

RIN: 2502-AB47

882. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS PORTABILITY OF SECTION 8 EXISTING HOUSING CERTIFICATES (H-46-83; FR-1800)

Legal Authority: 42 USC 1437f; PL 98-181, Sec 207

CFR Citation: 24 CFR 882.218

Legal Deadline: None

Abstract: This rule provides for a system of permitting national mobility of certificate holders and participants in the Section 8 Existing Housing Program. This would enable families to move from the jurisdiction of one PHA to another and would supplement the mobility mechanisms that are already in place.

Timetable:

Action	Date	FR Cite
NPRM	10/19/84	49 FR 41072
NPRM Comment Period End	12/18/84	49 FR 41072
Final Action	00/00/00	

Small Entity: No

Agency Contact: Madeline Hastings, Director, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, Existing Housing Division, 202 755-6887

RIN: 2502-AB88

883. SECTION 8 EXISTING HOUSING ASSISTANCE PAYMENTS PROGRAM CAUSES FOR TERMINATION FROM TENANCY (H-37-85; FR-2114)

Legal Authority: 42 USC 1437f

CFR Citation: 24 CFR 882.215

Legal Deadline: None

Abstract: This rule would revise 24 CFR 882.215 to make it clear that an owner may not, during the first year of the term of a lease, terminate a tenancy for business or economic reasons or because the owner desires to use the property for the owner's personal residence.

Timetable:

Action	Date	FR Cite
Final Action	05/00/86	

Small Entity: No

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, 202 755-6887

RIN: 2502-AD29

884. SECTION 202 - LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED (H-10-84; FR-1899)

Significance: Agency Priority

Legal Authority: PL 98-479, Sec 102; PL 98-181, Sec 223

CFR Citation: 24 CFR 885

Legal Deadline: None

Abstract: This rule would establish requirements on prepayment of Section 202 direct loan mortgages and incorporate amendments to programs made by the Housing and Urban-Rural Recovery Act of 1983 and the Technical Amendments Act of 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/86	

Small Entity: No

Additional Information: Includes: FR-1857

Agency Contact: Robert W. Wilden, Director, Assisted Elderly and Handicapped, Department of Housing and Urban Development, Office of Housing, Housing Division, 202 426-8730

RIN: 2502-AC53

885. ADDITIONAL ASSISTANCE PROGRAM FOR PROJECTS WITH HUD-INSURED OR HUD-HELD MORTGAGES (H-89-78)

Significance: Agency Priority

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 886

Legal Deadline: None

Abstract: Amended 24 CFR 886, Subpart A to remove the requirement that HUD annually inspect 100% of the units under HUD-insured or HUD-held mortgages and to call for inspections based on a reasonable sample. This brings this requirement in line with other programs which permit inspections on a sample basis.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AA41

886. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - HOUSING VOUCHERS (H-42-85; FR-2170)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Department has proposed legislation to make the Housing Vouchers Demonstration Program a permanent housing assistance payment program and currently is developing a final rule based on the Housing Voucher Notices of Funding Availability for Fiscal Years 1984, 1985, and 1986. The rule will enhance the administration of the Housing Voucher Program. If approved as a permanent program, Housing Vouchers would become the principal vehicle for future funding of housing assistance payments under Section 8 of the United States Housing Act of 1937.

Timetable:

Action	Date	FR Cite
Final Action	08/00/86	
Final Action Effective	10/00/86	

Small Entity: No

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, 202 755-6887

RIN: 2502-AD26

887. SECTION 8-LITIGATION BY PHAS TO RECOVER WRONGFULLY USED SECTION 8 FUNDS (H-126-82; FR-1692)

Significance: Agency Priority

Legal Authority: 42 USC 1437f; PL 97-35, Sec 326

CFR Citation: 24 CFR 892

Legal Deadline: None

Abstract: Would permit PHAs to retain, out of judgments obtained by them in recovering amounts wrongfully paid as a result of fraud and abuse in the Section 8 program, an amount equal to the greater of legal expenses incurred in obtaining the judgment; or 50 percent of the amount actually collected on the judgments.

Timetable:

Action	Date	FR Cite
NPRM	02/23/83	48 FR 7590
NPRM Comment Period End	04/25/83	48 FR 7590
Final Action	06/00/86	

Small Entity: No

Agency Contact: Gershon M. Ratner, Associate General Counsel of Litigation, Department of Housing and Urban Development, Office of the General Counsel, 202 755-1300

RIN: 2502-AA12

888. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - STANDARDS REVISION (H-30-85; FR-2137)

Significance: Agency Priority

Legal Authority: 42 USC 5403, Sec 604; 42 USC 5424, Sec 625

CFR Citation: 24 CFR 3280.3

Legal Deadline: None

Abstract: The final rule will amend those portions of the Manufactured Home Construction Standards to correct a number of problems that have been discovered as a result of experience with the standards and research.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Additional Information: In the 1985 Regulatory Program this appeared as part of RIN 2502-AD19.

Agency Contact: Mark W. Holman, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and Regulatory Functions, 202 755-6584

RIN: 2502-AD10

889. REVISION OF MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - SUBPART F - THERMAL PROTECTION (H-31-85; FR-2183)

Significance: Agency Priority

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Legal Deadline: None

Abstract: This action will include, in the Manufactured Home Construction and Safety Standards, the requirement for options for increasing thermal efficiency.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Mark W. Holman, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Homes and Regulatory Functions, 202 755-6584

RIN: 2502-AD11

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Housing (OH)

Completed Actions

890. USE OF MATERIALS BULLETIN NO. 38I - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR THE GRADEMARKING OF LUMBER (H-104-82; FR-2109)

CFR Citation: 24 CFR 200.935; 24 CFR 200.943

Completed:

Reason	Date	FR Cite
Final Action	01/13/86	51 FR 1369

Small Entity: No

Agency Contact: Jerome Tobias 202 755-5929

RIN: 2502-AA66

891. RESTRICTIONS ON HOUSING ASSISTANCE TO INELIGIBLE ALIENS (H-26-82; FR-1588)

CFR Citation: 24 CFR 200; 24 CFR 215; 24 CFR 235; 24 CFR 236; 24 CFR 812; 24 CFR 912

Completed:

Reason	Date	FR Cite
Withdrawn Replaced by Agenda Item S-7-86	01/31/86	

Small Entity: No

Agency Contact: James J. Tahash 202 426-3944

RIN: 2502-AC13

892. PROPERTY IMPROVEMENT AND MANUFACTURED HOME LOAN PROGRAM DEREGULATION AMENDMENTS (H-57-81; FR-1656)

Significance: Regulatory Program

CFR Citation: 24 CFR 201

Completed:

Reason	Date	FR Cite
Final Action	10/25/85	50 FR 43516
Final Action Effective	01/15/86	50 FR 43516

Small Entity: No

Agency Contact: Christopher Peterson 202 755-5210

RIN: 2502-AA93

893. USE OF COMMITMENT CORRESPONDENTS IN CONNECTION WITH FHA MORTGAGE INSURANCE (H-60-84; FR-1954)

Significance: Agency Priority

CFR Citation: 24 CFR 200; 24 CFR 203

Completed:

Reason	Date	FR Cite
Final Action	12/19/85	50 FR 51673

Small Entity: No

Agency Contact: Brian Chappelle 202 755-6720

RIN: 2502-AC66

894. REFINANCING OF FHA SINGLE FAMILY LOANS-TECHNICAL REVISIONS (H-66-84; FR-1979)

CFR Citation: 24 CFR 203

Completed:

Reason	Date	FR Cite
Merged with FR-2197, RIN 2502-AD41	01/24/86	

Small Entity: No

Agency Contact: Brian Chappelle 202 755-6720

RIN: 2502-AC80

895. CONVEYANCE OF ONE- TO FOUR-FAMILY PROPERTIES OCCUPIED BY TENANTS OR FORMER MORTGAGORS (H-9-85; FR-2064)

CFR Citation: 24 CFR 203

Completed:

Reason	Date	FR Cite
Became part of Regulatory Program RIN 2502-AB10	02/27/86	

Small Entity: Undetermined

Agency Contact: Jacqueline B. Campbell 202 755-5740

RIN: 2502-AC86

896. DEFICIENCY JUDGEMENTS - SINGLE FAMILY MORTGAGES (H-95-82; FR-1717)

Significance: Agency Priority

CFR Citation: 24 CFR 203

Completed:

Reason	Date	FR Cite
Merged with FR-2193	12/11/85	

Small Entity: No

Agency Contact: Richard Buchheit 202 755-6772

RIN: 2502-AD25

897. LIMITATION ON PREPAYMENT FOR BOND FINANCED PROJECTS (H-54-83; FR-1819)

CFR Citation: 24 CFR 207; 24 CFR 220; 24 CFR 221; 24 CFR 231; 24 CFR 232; 24 CFR 241

Completed:

Reason	Date	FR Cite
Final Action	01/16/86	51 FR 2358

Small Entity: Undetermined

Agency Contact: Joseph E. Malloy 202 755-6223

RIN: 2502-AC01

898. REFINANCING OF HOSPITAL MORTGAGES (H-50-83; FR-1806)

CFR Citation: 24 CFR 242; 24 CFR 207; 24 CFR 232

Completed:

Reason	Date	FR Cite
Final Action	11/20/85	50 FR 47726

Small Entity: No

Agency Contact: Joseph E. Malloy 202 755-6223

RIN: 2502-AC15

899. TRANSFER FROM NONPROFIT TO PROFIT MOTIVATED OWNERSHIP FOR MULTIFAMILY HOUSING PROJECTS WITH HUD-INSURED OR HUD-HELD MORTGAGES (H-37-83; FR-1771)

CFR Citation: 24 CFR 265.13

Completed:

Reason	Date	FR Cite
Withdrawn	06/05/85	

Small Entity: No

Agency Contact: James J. Tahash 202 426-3970

RIN: 2502-AB93

900. SINGLE ROOM OCCUPANCY HOUSING (H-25-84; FR-1898)

CFR Citation: 24 CFR 882

Completed:

Reason	Date	FR Cite
Merged into 2502-AC56 which was then completed	09/25/85	

Small Entity: No

HUD—OH

Completed Actions

Agency Contact: Madeline Hastings 202 755-6887

RIN: 2502-AC25

901. HOUSING FOR THE ELDERLY OR HANDICAPPED (H-99-82)

CFR Citation: 24 CFR 885

Completed:

Reason	Date	FR Cite
Withdrawn	02/06/86	

Small Entity: No

Agency Contact: Robert W. Wilden 202 426-8730

RIN: 2502-AB28

902. SECTION 202 LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED COMMUNITY REPRESENTATION ON BORROWER'S BOARD (H-46-78)

CFR Citation: 24 CFR 885

Completed:

Reason	Date	FR Cite
Withdrawn	01/13/86	

Small Entity: Undetermined

Agency Contact: Joseph F. Gelletich 202 755-5470

RIN: 2502-AC99

903. SECTION 8-LIMIT ON CONTRACT RENT INCREASES (H-132-82; FR-1703)

CFR Citation: 24 CFR 880.602; 24 CFR 880.609; 24 CFR 881.602; 24 CFR 881.109; 24 CFR 883.710; 24 CFR 884.109; 24 CFR 886.112; 24 CFR 883.703

Completed:

Reason	Date	FR Cite
Withdrawn	02/00/86	

Small Entity: No

Agency Contact: James J. Tahash 202 426-3970

RIN: 2502-AA18

904. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - FISCAL YEAR 1986 FAIR MARKET RENTS - EXISTING HOUSING (H-86-84; FR-2133)

CFR Citation: 24 CFR 888

Completed:

Reason	Date	FR Cite
Withdrawn	02/05/86	

Small Entity: No

Agency Contact: Gerald J. Benoit 202 755-5720

RIN: 2502-AC67

905. TECHNICAL AMENDMENTS TO THE INTERSTATE LAND SALES REGISTRATION REGULATIONS (H-15-85; FR-2080)

Significance: Agency Priority

CFR Citation: 24 CFR 1710; 24 CFR 1720

Completed:

Reason	Date	FR Cite
Final Action	03/19/85	50 FR 10942
Final Action Effective	04/29/85	50 FR 10942

Small Entity: No

Agency Contact: John L. Brady 202 755-0502

RIN: 2502-AC83

906. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS: ENERGY EFFICIENCY STANDARDS (H-40-85; FR-2136)

CFR Citation: 24 CFR 3280

Completed:

Reason	Date	FR Cite
Merged with FR-2183 - RIN 2502-AD11	01/19/85	

Small Entity: No

Agency Contact: Mark W. Holman 202 755-6584

RIN: 2502-AD32

907. MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS; PRIMARY INSPECTION AGENCY (PIA) RATING (H-28-85)

CFR Citation: 24 CFR 3282

Completed:

Reason	Date	FR Cite
Withdrawn	02/03/86	

Small Entity: No

Agency Contact: G. Robert Fuller 202 755-6920

RIN: 2502-AD08

908. MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS, SUBPART G - ADMINISTRATIVE AGENCIES (H-32-85; FR-2113)

CFR Citation: 24 CFR 3282

Completed:

Reason	Date	FR Cite
Withdrawn	02/03/86	

Small Entity: Undetermined

Agency Contact: Tobias Gottesman 202 755-6584

RIN: 2502-AD12

[FR Doc. 86-5773 Filed 04-18-86; 8:45 am]
BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Community Planning and Development (CPD)

Prerule Stage

909. DESIGNATION OF ENTERPRISE ZONES (CPD-11-83; FR-1913)

Significance: Regulatory Program

Legal Authority: Yet to be determined

CFR Citation: 24 CFR 0596

Legal Deadline: None

Abstract: Provides procedures for nomination of geographic areas by States and Local governments for designation as an enterprise zone by Secretary of HUD. Program intended to stimulate the creation of new jobs, particularly for disadvantaged workers and long-term unemployed individuals, and to promote re-evaluation of distressed areas through tax incentives and actions to reduce regulatory requirements to encourage free enterprise by the private sector within the zones.

HUD—CPD

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Michael T. Savage, Program Advisor, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6300

RIN: 2506-AA45

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Community Planning and Development (CPD)

Proposed Rule Stage

910. SECTION 312 REHABILITATION LOAN PROGRAM AND COMMUNITY DEVELOPMENT ACTION RELOCATION REQUIREMENTS (CPD-4-85; FR-2151)

Legal Authority: 42 USC 1452b; 42 USC 5301 to 5320

CFR Citation: 24 CFR 510; 24 CFR 570

Legal Deadline: None

Abstract: The rule will revise the relocation/displacement requirements for the Section 312 Rehabilitation Loan Program and the Urban Development Action Grants Program. These regulations are being developed in an effort to establish comparable treatment for persons who are displaced by HUD assisted projects. A separate rulemaking contains a newly revised Part 42, the Department's regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: Melvin Geffner, Deputy Director, Relocation and Real Estate, Office of Urban Rehabilitation, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6336

RIN: 2506-AA65

911. TECHNICAL ASSISTANCE: DISCRETIONARY AWARDS (CPD-6-79; FR-1115)

Legal Authority: 42 USC 5307; PL 98-181, Sec 107

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: Would amend 24 CFR 570.402 to update and clarify the priorities for Technical Assistance funding and to clarify application and review procedures for awards.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Jerome Friedman, Director, Policy Development Division, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Program Policy Development, 202 755-8909

RIN: 2506-AA30

912. 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 the 1983 amendments. This includes: definitions of low and moderate income persons, requirements for meeting the three national objectives, the 51% test for low and moderate income benefit, added local and state public participation, coverage of program income, performance reporting and record keeping, and consequences of states dropping program administration after FY 85.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Richard J. Kennedy, Asst. Dir. State Small Cities Div., Department of Housing and Urban Development, Office of Community Planning and Development, Office of Block Grant Assistance, State and Small Cities Division, 202 755-6322

RIN: 2506-AA38

913. COMMUNITY DEVELOPMENT BLOCK GRANTS URBAN DEVELOPMENT ACTION GRANTS (CPD-14-83)

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: The proposed regulations will correct a number of inaccuracies of a technical nature. These include Davis-Bacon Act Relationship to Indian tribes, and various corrections to eligibility matters including use of new census

HUD—CPD

Proposed Rule Stage

data. The alternative was a set of technical amendments which the Office of General Counsel advised against. The cost of this regulation should be negligible while the benefits are significant in terms of providing corrections and updated information of a technical nature to applicants and recipients.The regulation will also incorporate changes made by the Housing and Urban-Rural Recovery Act of 1983. Further development on the rule is pending congressional action on the program.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Michael McMahon, Director, Program Policy and Support Div., Department of Housing and Urban Development, Office of Community Planning and Development, Office of Urban Development Action Grants, 202 755-8227

RIN: 2506-AA40

914. ● COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: ESCROW ACCOUNTS (CPD-2-86; FR-2164)

Legal Authority: 42 USC 5301 to 5321

CFR Citation: 24 CFR 0570.511

Legal Deadline: None

Abstract: The Department is proposing to establish a rule that would govern the circumstances under which CDBG program recipients could establish escrow accounts for the purpose of disbursing funds to contractors expeditiously. The rule reflects U.S. Treasury Department requirements governing cash withdrawals.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Paul D. Webster, Dir., Financial Management Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-1871

RIN: 2506-AA66

915. INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: REVISION TO CORRECTIVE AND REMEDIAL ACTION (CPD-13-84; FR-2102)

Legal Authority: 42 USC 5301 to 5320

CFR Citation: 24 CFR 571.702 (b); 24 CFR 571.302(a)

Legal Deadline: None

Abstract: This rule would amend the corrective and remedial actions to be taken against grant recipients who fail to perform properly. One of the actions to be taken is to require recipients to reimburse their program account of Letter of Credit in any amounts improperly expended. This amendment would allow the recipient to make such reimbursement through an in-kind contribution if sufficient cash is not available. In addition, it would allow alternative, non-cash transfer remedies to prevent a recurrence of the previous problems.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Leroy P. Gonnella, Director, Secretary's Fund Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6092

RIN: 2506-AA58

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Community Planning and Development (CPD)

Final Rule Stage

916. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION (S-11-86; FR-2106)

Legal Authority: 42 USC 4601

CFR Citation: 24 CFR 42; 24 CFR 43

Legal Deadline: None

Abstract: Would revise HUD rules to conform to the Uniform Act regulations developed by the Uniform Act Interagency Regulatory Review Working Group formed by OMB and publish jointly by over 20 Federal agencies. The rule would establish Uniform policies and procedures for all Federal agencies responsible for implementing the Uniform Act.

Timetable:

Action	Date	FR Cite
NPRM	05/28/85	50 FR 21712
NPRM Comment Period End	07/29/85	50 FR 21712
Final Action	05/00/86	

Small Entity: Not Applicable

Additional Information: Includes CPD-4-81 (RIN-2506-AA14).

Agency Contact: Melvin J. Geffner, Deputy Director, Relocation and Real Estate, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Urban Rehabilitation, 202 755-6336

RIN: 2506-AA46

917. RESIDENTIAL RENTAL REHABILITATION PROGRAM (CPD-7-84; FR-1901)

Legal Authority: 42 USC 1437o; 42 USC 3535(d); PL 98-479, Sec 103; PL 98-181, Sec 302; PL 98-181, Sec 301

CFR Citation: 24 CFR 511

Legal Deadline: None

Abstract: This rule implements the Rental Rehabilitation Program authorized by section 17 of the U.S. Housing Act of 1937. The regulation (1) sets out a variety of program and other requirements to be met by grantees, State recipients and others that use or benefit from rental rehabilitation grants amounts, (2) enumerates the requirements for participating in the Rental Rehabilitation Program, (3) sets

forth the formula by which allocations of rental rehabilitation grant amounts will be made to eligible grantees, (4) explains the rental housing assistance available for tenants, (5) enumerates administrative requirements for the Program, and (6) explains how HUD will review program performance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/84	49 FR 16936
Interim Rule Effective	05/24/84	49 FR 16936
Final Action	09/00/86	

Small Entity: No

Additional Information: Includes: CPD-17-82; CPD-8-84; FR-1912

Agency Contact: Robert I. Dodge III, Director, Office of Urban Rehabilitation, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5685

RIN: 2506-AA55

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918. PERFORMANCE ADJUSTMENTS TO FORMULA ALLOCATIONS-RENTAL REHABILITATION PROGRAM (CPD-14-84; FR-2055)

Legal Authority: 42 USC 1437o; PL 98-181, Sec 301

CFR Citation: 24 CFR 511

Legal Deadline: None

Abstract: This rule sets forth the performance adjustment standards for the Rental Rehabilitation Program. Beginning with Fiscal Year 1987, the Secretary of HUD may adjust the allocation for a city, urban county, consortia, or State administering a rental rehabilitation program by up to 15 percent above or below the amount of its annual allocation based on an annual review of performance in carrying out the performance adjustment standards established in HUD legislation enacted in 1983 and this rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/10/85	50 FR 50594
Final Action	08/00/86	

Small Entity: No

Agency Contact: Craig Nickerson, Director, Rental Rehabilitation Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5970

RIN: 2506-AA60

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919. ● RENTAL REHABILITATION GRANT PROGRAM--REVISION OF LIMIT ON MAXIMUM REALLOCATION OF GRANT AMOUNTS (CPD-3-86; FR-2185)

Legal Authority: 42 USC 1437o

CFR Citation: 24 CFR 511.33

Legal Deadline: None

Abstract: This rule would revise the regulations governing the reallocation of rental rehabilitation grant amounts. Currently, a reallocation to a grantee may not exceed 130 percent of the amount initially obligated to the grantee in that year. This rule would raise the reallocation limit in fiscal year 1986 to 160 percent of the cumulative amount obligated to the grantee in fiscal years 1984, 1985 and 1986.

Timetable:

Action	Date	FR Cite
Final Action	05/00/86	

Small Entity: No

Agency Contact: Craig S. Nickerson, Director, Rental Rehab Division, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Urban Rehabilitation, 202 755-5970

RIN: 2506-AA67

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920. COMMUNITY DEVELOPMENT BLOCK GRANT REGULATIONS (CPD-6-84; FR-1895)

Significance: Regulatory Program

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: As a result of the 1983 and 1984 amendments to the Housing and Community Development Act of 1974 as amended, this proposed rule would set forth new requirements governing the administration of Community Development Block Grant funds under Subpart A (General Provisions), C (Eligible Activities), D (Entitlement Grants), F (Small Cities Programs), K (Other Applicable Laws), M (Loan Guarantees), J (Grant Administration), and O (Program Management).

Timetable:

Action	Date	FR Cite
NPRM	10/31/84	49 FR 43852
NPRM Comment Period End	12/31/84	49 FR 43852
Final Action	00/00/00	

Small Entity: No

Additional Information: Includes: FR-1825, FR-1852, FR-1854; FR-1572

Government Levels Affected: Local, Federal

Agency Contact: James R. Broughman, Director, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Block Grant Assistance, Entitlement Cities Division, 202 755-9267

RIN: 2506-AA47

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921. COMMUNITY DEVELOPMENT BLOCK GRANTS FOR INDIAN TRIBES AND ALASKAN NATIVE VILLAGES - SELECTION PROCESS (CPD-11-84; FR-2000)

Legal Authority: 42 USC 5301 to 5330

CFR Citation: 24 CFR 571

Legal Deadline: None

Abstract: This rule would incorporate new policies and procedures that would simplify and add flexibility to the rating and ranking process for applicants in the CDBG program for Indian Tribes and Alaskan Native villages.

Timetable:

Action	Date	FR Cite
NPRM	08/01/85	50 FR 31194
NPRM Comment Period End	09/30/85	50 FR 31194
Final Action	07/00/86	

Small Entity: No

Agency Contact: Leroy Gonnella, Director, Secretary's Fund Division, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Program Policy Development, 202 755-6092

RIN: 2506-AA33

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Community Planning and Development (CPD)

Completed Actions

922. DEPARTMENTAL POLICIES, RESPONSIBILITIES, AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY (CPD-29-78; FR-1054)

Significance: Agency Priority

CFR Citation: 24 CFR 50

Completed:

Reason	Date	FR Cite
Merged with RIN 2501-AA30 (FR-2206)	01/17/86	

Small Entity: No

Agency Contact: Frederick D. Regetz 202 755-6611

RIN: 2506-AA10

923. ENVIRONMENTAL REVIEW PROCEDURES FOR THE CDBG PROGRAM (CPD-21-81; FR-1027)

Significance: Agency Priority

CFR Citation: 24 CFR 58

Completed:

Reason	Date	FR Cite
Merged with RIN 2501-AA25 (FR-1965)	01/17/86	

Small Entity: No

Agency Contact: Charles E. Thomsen 202 755-6611

RIN: 2506-AA05

924. SMALL CITIES CDBG PROGRAM (CPD-35-81; FR-1502)

CFR Citation: 24 CFR 570

Completed:

Reason	Date	FR Cite
Withdrawn	03/03/86	

Small Entity: No

Agency Contact: Richard Kennedy 202 755-6322

RIN: 2506-AA06

925. INDIAN CDBG PROGRAM ASSURED FUNDING PROCESS (CPD-4-84)

CFR Citation: 24 CFR 571.101

Completed:

Reason	Date	FR Cite
Withdrawn	01/17/86	

Small Entity: No

Agency Contact: Leroy P. Gonnella 202 755-6092

RIN: 2506-AA50

926. INDIAN CDGB PROGRAM - CONFLICT OF INTEREST PROVISIONS (CPD-5-84; FR-2016)

CFR Citation: 24 CFR 571.607

Completed:

Reason	Date	FR Cite
Final Action	12/19/85	50 FR 51675

Small Entity: No

Agency Contact: Leroy P. Gonnella 202 755-6092

RIN: 2506-AA51

[FR Doc. 86-5773 Filed 04-18-86; 8:45 am]

BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Government National Mortgage Association (GNMA)

Prerule Stage

927. BOOK-ENTRY SECURITIES OF GNMA (GNMA-2-85)

Significance: Agency Priority

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: The regulation will provide for utilization of a book-entry system to govern the issuance and custody of GNMA securities. The system allows for maintenance of records by an Agent Bank and utilization of wire transfers. Further, the book-entry system will curtail loss, theft and repeated pledging of GNMA securities.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Walter T. Cassidy, Assistant General Counsel for Finance, Department of Housing and Urban Development, Government National Mortgage Association, Office of Insured Housing and Finance, 202 755-7260

RIN: 2503-AA03

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Government National Mortgage Association (GNMA)

Proposed Rule Stage

928. MORTGAGE-BACKED SECURITIES - REVISION TO DATE FOR FIRST MONTHLY PAYMENT TO PRINCIPAL AND INTEREST (GNMA-1-85; FR-2135)

Legal Authority: 12 USC 1719

CFR Citation: 24 CFR 390

Legal Deadline: None

Abstract: This rule would make a technical change in 24 CFR 390 to accommodate the new automated system for handling the issuance of commitments to guarantee mortgage-backed securities. The current rule requires that mortgage in a pool of mortgages backing the issuance of guaranteed securities have a date for the first scheduled monthly payment of principal and interest, or date of purchase from an Association that is no more than twelve months before the date of issuance of the GNMA commitment. This rule would revise this requirement to provide that the date for the first scheduled monthly payment of principal and interest could be no more than 24 months before the issue date of the securities.

HUD—GNMA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Agency Contact: Richard W. Dyas, Vice Pres., Office of Mortgage-Backed Secur., Department of Housing and Urban Development, Government National Mortgage Association, 202 755-8772

RIN: 2503-AA04

[FR Doc. 86-5773 Filed 04-18-86; 8:45 am]

BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Prerule Stage

929. AFFIRMATIVE FAIR HOUSING, MARKETING TECHNICAL AMENDMENTS (FH&EO-2-83; FR-1670)

Legal Authority: 42 USC 3601; 42 USC 3535(d); EO 11063

CFR Citation: 24 CFR 100; 24 CFR 108; 24 CFR 200

Legal Deadline: None

Abstract: The amendment will clarify when the certificate of intent not to market housing is submitted and that the notice of intent to begin marketing is part of an owner's responsibility under the Affirmative Fair Housing Marketing Plan (and has been approved by OMB under the Paperwork Reduction Act). It will also require that owners of FHA-insured, unsubsidized projects submit annually data on the race, ethnicity and gender of household head.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Peter Kaplan, Director, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Office of Program Standards and Evaluation, 202 755-7727

RIN: 2529-AA17

930. FAIR HOUSING-PROPERTY INSURANCE ACTIVITIES (FH&EO-10-78)

Legal Authority: 42 USC 3601

CFR Citation: 24 CFR 114

Legal Deadline: None

Abstract: Would add a new Subpart H detailing HUD's general standards to be utilized by HUD concerning property insurance practices which could constitute discriminatory activities.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Katrina Ross, Director, Fair Housing Enforcement Division, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Office of Fair Housing Enforcement, 202 755-5673

RIN: 2529-AA10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Proposed Rule Stage

931. NONDISCRIMINATION BASED ON HANDICAPPED IN PROGRAMS CONDUCTED BY HUD (FR-2163; FH&EO-2-85)

Significance: Regulatory Program

Legal Authority: 29 USC 794

CFR Citation: 24 CFR 9.101; 24 CFR 9.102; 24 CFR 9.103; 24 CFR 9.110; 24 CFR 9.111; 24 CFR 9.130; 24 CFR 9.140; 24 CFR 9.149; 24 CFR 9.150; 24 CFR 9.151; 24 CFR 9.160; 24 CFR 9.170

Legal Deadline: None

Abstract: This proposed rule would implement section 504 of the Rehab Act of 1973 (as extended by the Rehab. Comprehensive Service and Developmental Disabilities Act of 1978) for HUD-conducted programs or activities. This proposed rule will be a companion rule to the Department's rule on nondiscrimination based on handicap in federally assisted programs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: David Enzel, Attorney Advisor, Department of Housing and Urban Development, Office of the General Counsel, Off. of Equal Opportunity & Administrative Law, Fair Housing and Equal Opportunity, 202 755-6207

RIN: 2529-AA28

932. AMENDMENTS OF THE COMMUNITY HOUSING RESOURCE BOARD REGULATIONS (FH&EO-1-85; FR-2085)

Legal Authority: 42 USC 3601 to 3619

CFR Citation: 24 CFR 120

Legal Deadline: None

HUD—FHEO **Proposed Rule Stage**

Abstract: This proposed rule would amend the current rule for the Community Housing Resources Board at 24 CFR 120. This rule would establish further program features, including provisions for grant administration and accountability monitoring.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Additional Information: Includes FR-1407 (RIN-2529-AA06)

Agency Contact: Deborah Seabron-Dickens, Program Coordinator, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, **202 755-6215**

RIN: 2529-AA27

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Final Rule Stage
Office of Fair Housing and Equal Opportunity (FHEO)

933. NONDISCRIMINATION BASED ON HANDICAP IN FEDERALLY-ASSISTED PROGRAMS AND ACTIVITIES (FH&EO-4-84; FR-770)

Significance: Regulatory Program

Legal Authority: 42 USC 5309

CFR Citation: 24 CFR 8

Legal Deadline: None

Abstract: Would add a new 24 CFR 8 Part to set forth procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Additional Information:

Proposed rule published 04/19/78 43 FR 16652

Interim rule published 05/06/83 48 FR 20638

Republished 05/18/83 48 FR 22470

Effective date revoked 06/15/83 48 FR 27528

Interim rule to be treated as proposed rule

Agency Contact: David Enzel, Attorney, Department of Housing and Urban Development, Office of the General Counsel, **202 755-6207**

RIN: 2529-AA26

934. PROCEDURE FOR PROCESSING COMPLAINTS UNDER SECTION 804 OF THE FAIR HOUSING ACT (FH&EO-6-84; FR 2012)

Significance: Regulatory Program

Legal Authority: 42 USC 3601 to 3619; 42 USC 3535(d)

CFR Citation: 24 CFR 105

Legal Deadline: None

Abstract: This rule would amend 24 CFR Part 105 which governs the procedure for processing complaints under section 810 of the Fair Housing Act.The proposed rule would reorganize the provisions of Part 105 and would add more specific descriptions of the procedures used to investigate fair housing complaints to make a determination to resolve matters raised in complaints and to try to eliminate and correct alleged discriminatory housing practices by one or more means.

Timetable:

Action	Date	FR Cite
NPRM	10/16/84	49 FR 40528
NPRM Comment Period End	12/17/84	49 FR 40528
Final Action	06/00/86	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Charles M. Farbstein, Assistant General Counsel, Department of Housing and Urban Development, Office of the General Counsel, Equal Opportunity, **202 755-5570**

RIN: 2529-AA24

935. EMPLOYMENT TRAINING AND BUSINESS OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS (FH&EO-4-81)

Legal Authority: 12 USC 1701u; 42 USC 3535(d)

CFR Citation: 24 CFR 135

Legal Deadline: None

Abstract: This regulation implements the provisions of Section 3 of the Housing and Urban Development Act of 1968 with respect to opportunities for training and employment for lower income residents arising in connection with HUD assisted projects and for contracting opportunities for business concerns located in or owned in substantial part by persons residing in the area of HUD assisted projects.

Timetable:

Action	Date	FR Cite
Final Action	10/00/86	

Small Entity: No

Agency Contact: Harold Payne, Section 3 Coordinator, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Off of Fair Hsng Enforc and Sec 3 Compliance, **202 755-5673**

RIN: 2529-AA15

936. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM HUD (FH & EO-1-79; FR-1161)

Legal Authority: 42 USC 6101

CFR Citation: 24 CFR 146

Legal Deadline: None

Abstract: This part sets forth policies and procedures to assure nondiscrimination on the basis of age in programs receiving financial assistance from the Department.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Myra B. Kennedy, Equal Opportunity Specialist, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Program Compliance Division, **202 755-5904**

RIN: 2529-AA01

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Completed Actions

937. IMPLEMENTATION OF SECTION 109 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 (FH&EO-13-78; FR-1058)

Significance: Agency Priority

CFR Citation: 24 CFR 144

Completed:

Reason	Date	FR Cite
Withdrawn	01/24/86	

Small Entity: No

Agency Contact: Barry Anderson 202 755-5404

RIN: 2529-AA02

[FR Doc. 86-5773 Filed 04-18-86; 8:45 am]

BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Administration (OA)

Prerule Stage

938. ORGANIZATION, FUNCTION, AND DELEGATIONS OF AUTHORITY SUBPART C - SECRETARY'S DELEGATIONS OF AUTHORITY TO HEADS OF OFFICES (ADM-2-82)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 3

Legal Deadline: None

Abstract: Subpart C delegates authority from the Secretary to the Comptroller and then to certain Divisions. This subpart is almost entirely obsolete. The alternatives being considered are to eliminate Subpart C entirely or to update all of the obsolete references. Neither one will have any significant costs; each will require a minimal amount of staff time and Federal Register publication costs. The benefits of both alternatives are to eliminate a potentially confusing delegation of authority.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Donald C. Demitros, Director, Mortgage Insurance Accnt. & Serv., Department of Housing and Urban Development, Office of Administration, Office of Finance and Accounting, 202 755-5645

RIN: 2535-AA01

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Administration (OA)

Proposed Rule Stage

939. COST PRINCIPLES FOR NONPROFIT ORGANIZATIONS (ADM-1-85; FR-2044)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 44

Legal Deadline: None

Abstract: This rule would set forth uniform requirements for the administration of HUD grants and principles for determining costs applicable to activities assisted by HUD grants, as contained in OMB Circulars A-102, A-110, A-87, A-21, and A-122 regarding grant management.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Edward L. Girovasi, Director, Department of Housing and Urban Development, Office of Administration, Policy and Evaluation Division, 202 755-5294

RIN: 2535-AA08

940. AUDIT REQUIREMENTS FOR THE FAIR HOUSING ASSISTANCE PROGRAM AND THE COMMUNITY HOUSING RESOURCE BOARDS (FH&EO-1-86; FR-2140)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 11; 24 CFR 120

Legal Deadline: None

Abstract: Although OMB Circulars A-102 and A-87 are applicable by their language, to grant recipients under the Federal Housing Assistance Program, and although OMB Circulars A-110 and A-122 are applicable to grant recipients under the Community Housing Resource Board Program, the regulations governing these programs do not mention the applicability of the respective OMB Circulars. HUD therefore is proposing to amend the regulations for these two programs to specify the applicability of the respective OMB Circulars to grant recipients under these programs.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: No

Agency Contact: Charles M. Farbstein, Asst. General Counsel for Equal Opportunity, Department of Housing and Urban Development, Office of Administration, Office of Equal Opportunity and Admin. Law, 202 755-5570

RIN: 2535-AA11

941. FEDERAL PROCUREMENT OF CEMENT CONTAINING FLY ASH (ADM-1-84; FR-1938)

Legal Authority: 42 USC 3535(d); 42 USC 6962

CFR Citation: 24 CFR 570; 24 CFR 207

Legal Deadline: None

Abstract: Rule will provide restrictions on Federal procurement of cement and concrete containing fly ash. Will be patterned on Environmental Protection Agency guidelines.

HUD—OA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Ed Girovasi, Director, Department of Housing and Urban Development, Office of Administration, Policy and Evaluation Division, Office of Procurement And Contracts, 202 755-5294

RIN: 2535–AA05

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Final Rule Stage
Office of Administration (OA)

942. AMENDMENT OF THE HUD ACQUISITION REGULATIONS (ADM-5-85; FR-2131)

Legal Authority: 40 USC 486(c); 42 USC 3535(d)

CFR Citation: 48 CFR Chap. 24

Legal Deadline: None

Abstract: The rule would add Part 2452, Solicitation Provisions and Contract Clauses and Part 2453, Forms. When the original HUDAR was published in March, 1984, solicitation provisions and contract clauses were incorrectly placed, and no HUD forms were included at all.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/86	

Small Entity: No

Agency Contact: Edward L. Girovasi, Jr., Director, Policy and Evaluation Division, Department of Housing and Urban Development, Office of Administration, Office of Procurement and Contracts, 202 755-5294

RIN: 2535–AA10

943. ADMINISTRATIVE CLAIM: IMPLEMENTING CERTAIN PROVISIONS OF THE DEBT COLLECTION ACT OF '82 (S-10-86; FR-1644)

Legal Authority: 42 USC 3711; 42 USC 3717; 42 USC 3535(d)

CFR Citation: 24 CFR 17

Legal Deadline: None

Abstract: This rule would make final an interim rule published in 1984, which implemented the administrative offset and salary offset provisions of the Debt Collection Act of 1982.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/14/84	49 FR 32346
Final Action	07/00/86	

Small Entity: Undetermined

Agency Contact: Samuel B. Rothman, Attorney Advisor, Department of Housing and Urban Development, Office of Administration, Office of Program Enforcement, 202 755-7184

RIN: 2535–AA09

944. HUD ACQUISITION REGULATION (ADM-2-84; FR-2098)

Legal Authority: 31 USC 3551 to 3556; 41 USC 403; 41 USC 253; 40 USC 486(c); 42 USC 3535(d)

CFR Citation: 48 CFR 24

Legal Deadline: None

Abstract: The rule will amend the HUD Acquisition Regulation to implement the Competition in Contracting Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/08/85	50 FR 46572
Interim Rule Effective	12/18/85	50 FR 46572
Final Action	08/00/86	

Small Entity: Undetermined

Agency Contact: Edward L. Girovasi, Jr., Director, Department of Housing and Urban Development, Office of Administration, Policy and Evaluation Division, 202 755-5294

RIN: 2535–AA06

945. TRANSFER OF AUTHORITY TO SETTLE CONTRACT DISPUTES CONCERNING THE CONSOLIDATED SUPPLY PROGRAM (ADM-2-85; FR-2087)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 965

Legal Deadline: None

Abstract: Contracting authority for the Consolidated Supply Program (CSP) recently was transferred from the Office of Public and Indian Housing to the Office of Procurement and Contracts. One function - authority to settle dispute between HUD and CSP contractors - should also have been transferred to the Office of Procurement and Contracts. This rule transfers the authority.

Timetable:

Action	Date	FR Cite
Final Action	04/00/86	

Small Entity: No

Agency Contact: Edward L. Girovasi, Director, Policy and Evaluation Division, Department of Housing and Urban Development, Office of Administration, Office of Procurement and Contracts, 202 755-5294

RIN: 2535–AA07

[FR Doc. 86-5773 Filed 04-18-86; 8:45 am]
BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Public and Indian Housing (PIH)

Prerule Stage

946. INDIAN HOUSING PROGRAM--REVISED PROGRAM REGULATIONS (P-2-86; FR-2208)

Legal Authority: 25 USC 450e(b)

CFR Citation: 24 CFR 905

Legal Deadline: None

Abstract: This rule will update the Indian Housing Program regulations to reflect legislative amendments enacted in the Housing and Community Development Amendments of 1981 and the Housing and Urban-rural Recovery Act of 1983. This proposal also will constitute a consolidation of relevant provisions of regulations flowing from the U.S. Housing Act of 1937, as these affect the Indian housing programs. It is the Department's intention that this consolidated Part 905, followed with a comprehensive Indian Housing Handbook, should be the controlling regulatory package governing the development and operation of Indian housing projects.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: John V. Meyers, Director, Office of Indian Housing, Department of Housing and Urban Development, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-1015**

RIN: 2577-AA32

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Public and Indian Housing (PIH)

Proposed Rule Stage

947. TURNKEY III HOMEOWNERSHIP OPPORTUNITIES PROGRAM (P-3-85; FR-2138)

Significance: Agency Priority

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 904

Legal Deadline: None

Abstract: This would make miscellaneous amendments to the existing Turnkey III program regulations to facilitate program administration and to allow flexibility to address specific local problems. The amendments will clarify appropriate procedures to use when existing occupants are eligible to become homebuyers to facilitate the actual sales of the units.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Undetermined

Agency Contact: Wayne Hunter, Senior Program Analyst, Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Public Housing, **202 755-6713**

RIN: 2577-AA34

948. ● PUBLIC AND INDIAN HOUSING - COST CONTAINMENT PROCEDURES (P-1-86; FR-2191)

Significance: Regulatory Program

Legal Authority: 42 USC 1437d; PL 99-160

CFR Citation: 24 CFR 968; 24 CFR 941; 24 CFR 905

Legal Deadline: None

Abstract: This proposed rule will amend Public and Indian housing development and modernization regulations to reflect the repeal of Sec. 6(b) of the United States Housing Act. Sec. 6(b) limits on dwelling construction and equipment cost for the different areas of the country. The proposed rule will also amend these regulations to incorporate new cost containment procedures.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6713**

RIN: 2577-AA37

949. INCREASE IN SINGLE PERSON OCCUPANCY LIMITS (P-48-84; FR-2063)

Legal Authority: 42 USC 1437a

CFR Citation: 24 CFR 812; 24 CFR 912

Legal Deadline: None

Abstract: Implements Section 202 of the Housing and Urban-Rural Recovery Act of 1983 to permit the Secretary to increase from 15 percent to 30 percent the number of units within the area under the jurisdiction of any public housing agency that may be occupied by single persons. In addition, the rule changes the maximum percentage of income that recipients of the Section 8 Existing Housing Program may pay under their leases.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Additional Information: ADDITIONAL CONTACT PERSON: James J. Tahash; Director, Program Planning Division; Office of Multifamily Housing Management. (202) 426-3970.

Agency Contact: Edward Whipple, Chief, Occupancy Branch, Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Public Housing, **202 426-0744**

RIN: 2577-AA07

950. PUBLIC HOUSING -- TENANT LEASES AND PHA GRIEVANCE HEARINGS (P-26-79; FR-1164)

Significance: Regulatory Program

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 960; 24 CFR 966

Legal Deadline: None

Abstract: Would amend the regulations to simplify the requirements for provisions included in the lease between a PHA and its tenants and the requirements for the grievance procedure.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

HUD—PIH **Proposed Rule Stage**

Agency Contact: Edward Whipple, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 426-0744**

RIN: 2577-AA18

951. TENANT PARTICIPATION IN MANAGEMENT OF PUBLIC AND INDIAN HOUSING PROJECTS (P-1-85; FR-2033)

Significance: Regulatory Program

Legal Authority: 42 USC 1437d; 42 USC 3535(d)

CFR Citation: 24 CFR 964; 24 CFR 968

Legal Deadline: None

Abstract: P-1-85

This rule will codify the Department's policy of encouraging public housing agencies (including Indian housing authorities) to foster tenant participation and to contract with tenant management corporations to perform appropriate functions in the management of public (or Indian) housing.

Timetable:

Action	Date	FR Cite
NPRM	01/09/86	51 FR 979
NPRM Comment Period End	03/10/86	51 FR 979
Final Action	06/00/86	

Small Entity: No

Government Levels Affected: Local

Agency Contact: Janice D. Rattley, Department of Housing and Urban Development, Office of Public and Indian Housing, Project Management Division, **202 755-1800**

RIN: 2577-AA30

952. DISALLOWANCE OF LEGAL EXPENSES FOR SUITS AGAINST HUD IN CALCULATION OF OPERATING SUBSIDY (P-2-85; FR-2134)

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 990

Legal Deadline: None

Abstract: This proposed rule would provide that a PHA's legal expenses for litigation against HUD would not be an allowable expense in calculation of operating subsidy.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6713**

RIN: 2577-AA33

953. ● PERFORMANCE FUNDING SYSTEM - ELIMINATION OF INFLATION FACTOR FOR FISCAL YEAR 1987 (P-3-86; FR-2210)

Significance: Agency Priority

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 990.105

Legal Deadline: None

Abstract: This proposed rule would curtail increases in operating subsidy eligibility in the Public and Indian Housing programs for Fiscal Year 1987 by eliminating the use of the local inflation factor in determining a PHA's allowable expense level for that year.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6713**

RIN: 2577-AA36

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Public and Indian Housing (PIH) **Final Rule Stage**

954. INDIAN PREFERENCES (P-51-83; FR-1808)

Significance: Regulatory Program

Legal Authority: 42 USC 1437; 25 USC 450e(b)

CFR Citation: 24 CFR 905

Legal Deadline: None

Abstract: Section 7(b) of the Indian Self-Determination and Education Assistance Act requires that preference be given to the greatest extent feasible to Indian organizations and economic enterprises in contracting and to Indians in employment and training. The goal is to improve the provision of Indian preference in both development and management as compared to the current regulations implementing Indian preference.

Timetable:

Action	Date	FR Cite
Final Action	07/00/86	

Small Entity: No

Agency Contact: John V. Meyers, Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Indian Housing, **202 755-1015**

RIN: 2577-AA26

955. INDIVIDUAL METERING OF UTILITIES OF EXISTING PHA-OWNED PROJECTS (P-36-83; FR-1769)

Legal Authority: 42 USC 1437 note; 42 USC 1437a; 42 USC 1437d; 42 USC 1437g

CFR Citation: 24 CFR 965.303; 24 CFR 965.304; 24 CFR 965.305; 24 CFR 965.307; 24 CFR 965.310; 24 CFR 965.401; 24 CFR 965.402; 24 CFR 965.403; 24 CFR 965.404; 24 CFR 965.405; 24 CFR 965.406; 25 CFR 965.407; 24 CFR 965.408; 24 CFR 965.409; 24 CFR 965.410

Legal Deadline: None

Abstract: Rule amendment to allow PHAs to employ a more flexible cost-benefit analysis when determining the cost-effectiveness of individual metering of tenant utilities.

Timetable:

Action	Date	FR Cite
NPRM	11/14/83	48 FR 51785
NPRM Comment Period End	01/13/84	48 FR 51785
Final Action	00/00/00	

Small Entity: No

HUD—PIH

Final Rule Stage

Agency Contact: Charles R. Ashmore, Utilities Officer, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6649**

RIN: 2577-AA27

956. PERFORMANCE FUNDING SYSTEM; VACANCY RULE REVISIONS (P-38-83; FR-1775)

Significance: Regulatory Program

Legal Authority: 42 USC 1437; 42 USC 3535(d)

CFR Citation: 24 CFR 990.110

Legal Deadline: None

Abstract: This rule establishes new conditions under which a Public Housing Agency may use a Projected Occupancy Percentage of less than 97% in computing its per-unit Operating Income Level under the Performance Funding System. A PHA that is defined as a low occupancy PHA is required to have a HUD-approved Comprehensive Plan which sets out strategies for increasing its occupancy rate to 97%. A low occupancy PHA with such a Plan may use its yearly, PHA-wide occupancy goal, rather than 97% to compute its Operating Income Level. A PHA with a high occupancy rate (equal to or greater than 97%) may use 97% as its Projected Occupancy Percentage in computing its per-unit Operating Income Level. These changes enable a PHA to maximize its total income by reducing its vacancies.

Timetable:

Action	Date	FR Cite
NPRM	05/31/84	49 FR 22663
NPRM Comment Period End	07/02/84	49 FR 22663
Interim Final Rule	06/24/85	50 FR 25951
Interim rule effective	08/02/85	50 FR 25951
Final Action	04/00/86	

Small Entity: No

Agency Contact: John T. Comerford, Chief, Financial Management Branch, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 426-1872**

RIN: 2577-AA23

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Public and Indian Housing (PIH)

Completed Actions

957. PUBLIC HOUSING PROGRAM-CONTINUED OPERATION OF PROJECTS AS LOWER-INCOME HOUSING AFTER COMPLETION OF DEBT SERVICE (P-60-79; FR-1202)

CFR Citation: 24 CFR 969

Completed:

Reason	Date	FR Cite
No further action contemplated	02/10/86	

Small Entity: No

Agency Contact: Nancy Chisholm 202 755-6713

RIN: 2577-AA15

958. PUBLIC HOUSING PROGRAM-DEMOLITION OF BUILDINGS OR DISPOSITION OF REAL PROPERTY (P-23-84; FR-1892)

CFR Citation: 24 CFR 970.2; 24 CFR 970.1; 24 CFR 970.3; 24 CFR 970.4; 24 CFR 970.5; 24 CFR 970.6; 24 CFR 970.7; 24 CFR 970.8; 24 CFR 970.9; 24 CFR 970.10; 24 CFR 970.11

Completed:

Reason	Date	FR Cite
Final Action	12/13/85	50 FR 50891

Small Entity: No

Agency Contact: C. Wayne Hunter 202 755-6713

RIN: 2577-AA02

959. MODIFICATION TO THE PERFORMANCE FUNDING SYSTEM (P-2-84; FR-1834)

CFR Citation: 24 CFR 990

Completed:

Reason	Date	FR Cite
Final Action	11/18/85	50 FR 47368
Final Action Effective	04/01/86	50 FR 47368

Small Entity: No

Agency Contact: Nancy Chisholm 202 755-6713

RIN: 2577-AA00

[FR Doc. 86-5773 Filed 04-18-86; 8:45 am]

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Federal Register

Monday
April 21, 1986

Part X

Department of the Interior

Semiannual Regulatory Agenda

DOI

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II, IV and VII

36 CFR Ch. I

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

Semiannual Agenda of Rules Scheduled for Review or Development

AGENCY: Department of the Interior.

ACTION: Semiannual agenda of rules scheduled for review or development.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between April 1986 and October 1986. An agenda is required by the Regulatory Flexibility Act and Executive Order 12291.

ADDRESS: Unless otherwise indicated, all Agency Contacts are located at the Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: All comments and inquiries with regard to these rules should be directed to the appropriate Agency Contact. General comments relating to the agenda should be directed to the Division of Directives and Regulatory Management, Office of Information Resources Management, Department of the Interior, at the address above or on 202-343-6191.

SUPPLEMENTARY INFORMATION: With this publication the Department satisfies the requirement of Executive Order 12291 that the Department publish in April and October of each year an agenda of rules that have been issued or are expected to be issued, and currently effective rules that are scheduled for review.

Simultaneously the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) that an agenda be published in April and October of each year identifying rules which will have significant economic effects on a substantial number of small entities; those rules which will have such effects are specifically identified in the agenda.

This agenda also identifies rules determined to be "significant" under Executive Order 12498 and which are included in this Department's 1986 regulatory program. A more comprehensive discussion of this program and the rules will be contained in the "Regulatory Program of the United States Government" (April 1, 1986 - March 31, 1987), which will be published by the Office of Management and Budget.

DATED: February 3, 1986.

Gerald R. Riso,

Assistant Secretary of the Interior.

DEPARTMENT OF THE INTERIOR (DOI)

Proposed Rule Stage

Assistant Secretary for Policy, Budget, and Administration (ASPBA)

960. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: 31 USC 501 et seq; 16 USC 452; EO 11541; 31 USC 6503 to 6504; Act of 1968; 16 USC 831h; 31 USC 6301; 5 USC 301; 24 USC 278; 31 USC 701 et seq as amended; 40 USC 474 et seq; 41 USC 5 et seq

CFR Citation: 43 CFR Not yet determined

Legal Deadline: None

Abstract: This Notice of Proposed Rulemaking proposes common regulations establishing consistency and uniformity among Federal agencies in the administration of grants to State, local, and federally recognized Indian tribal governments.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Colonel C. Armstrong, Chief, Division of Acquisition and Grants, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, 202 343-6431

RIN: 1090-AA11

961. NATURAL RESOURCE DAMAGE ASSESSMENT - TYPE A PROCEDURES

Significance: Regulatory Program

Legal Authority: 33 USC 9651(c)(1) Comp Envir Rspnse, Compnstn & Liabty Act 1980

CFR Citation: 43 CFR 11

Legal Deadline: Judicial, May 5, 1986. Statutory deadline 12/11/82. Judicial deadlines requires NPRM by 05/05/86 and final rule 10/07/86.

Abstract: CERCLA allows trustees of natural resources which have been damaged by a release of a hazardous substance to bring a claim against the responsible party. Section 301(c) requires the development of two sets of regulations. The Type A regulations will be composed of simplified procedures which require minimal field investigations. Type B regulations will include alternative protocols for the testing, sampling, and valuing of natural resource damages. This submission covers the Type A procedures.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/83	48 FR 1084
ANPRM Comment Period End	02/15/83	48 FR 1084
ANPRM - second. Comment summary; comment period reopened to 08/31/83	08/31/83	48 FR 34768
Comment period reopened until 5/31/85	01/11/85	50 FR 1550
NPRM	05/05/86	
Final Action	10/07/86	

Small Entity: Undetermined

DOI—ASPBA

Proposed Rule Stage

Agency Contact: Mr. Keith Eastin, Associate Solicitor/Energy and Resources, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th and C Streets NW, Washington, DC 20240, **202 343-4803**

RIN: 1090–AA07

962. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION (FAR)

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1400

Legal Deadline: None

Abstract: This rule will implement changes in the FAR as a result of the Small Business and Federal Procurement Competition Enhancement Act of 1984, P.L. 98-577.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: William S. Opdyke, Chief, Branch of Policy and Regulations, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, **202 343-3433**

RIN: 1090–AA10

DEPARTMENT OF THE INTERIOR (DOI)

Assistant Secretary for Policy, Budget, and Administration (ASPBA)

Final Rule Stage

963. NATURAL RESOURCE DAMAGE ASSESSMENT - TYPE B PROCEDURES

Significance: Regulatory Program

Legal Authority: 33 USC 9651(c)(1) Comp Envir Rspnse, Compnstn & Liabty Act 1980

CFR Citation: 43 CFR 11

Legal Deadline: Judicial, June 23, 1986. Statutory Deadline 12/11/82 Judicial deadline requires final rules by 6/23/86

Abstract: CERCLA allows trustees of natural resources which have been damaged by a release of a hazardous substance to bring a claim against the responsible party. Section 301(c) requires the development of two sets of regulations. The Type A regulations will be composed of simplified procedures which require minimal field investigations. Type B regulations will include alternative protocols for the testing, sampling, and valuing of natural resource damages. This submission covers the Type B procedures.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/83	48 FR 1084
ANPRM Comment Period End	02/15/83	48 FR 1084
Second ANPRM issued. Summary of comments provided and comment period reopened until 08/31/83	08/01/83	48 FR 34768
Comment period reopened until 05/31/85	01/11/85	50 FR 1550
NPRM	12/20/85	
NPRM Comment Period End	02/20/86	
Final Action	06/23/86	
Final Action Effective	07/23/86	

Small Entity: Undetermined

Agency Contact: Mr. Keith Eastin, Associate Solicitor/Energy and Resources, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th and C Streets NW, Washington, DC 20240, **202 343-4803**

RIN: 1090–AA06

964. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1400

Legal Deadline: None

Abstract: This rule will implement changes made in the FAR as a result of the Competition in Contracting Act of 1984, P.L. 98-369.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: William Opdyke, Chief, Branch of Policy and Regulations, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, **202 343-3433**

RIN: 1090–AA08

[FR Doc. 86-4521 Filed 04-18-86; 8:45 am]
BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)

Office of the Solicitor (OSOL)

Prerule Stage

965. PRACTICES BEFORE THE DEPARTMENT

Legal Authority: 43 USC 1464

CFR Citation: 43 CFR 1

Legal Deadline: None

Abstract: This rule governs practice in administrative proceedings before the Department. It will be revised to update its provisions and assure that they are consistent with the Department's employee conduct regulations (43 CFR Part 20) and the Ethics in Government Act.

DOI—OSOL **Prerule Stage**

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: Deborah Ryan, Attorney-Advisor, Department of the Interior, Office of the Solicitor, 18th and C Streets, NW, Washington, DC 20240, 202 343-5216

RIN: 1092-AA00

966. RECORDS AND TESTIMONY

Legal Authority: 5 USC 552

CFR Citation: 43 CFR 2

Legal Deadline:

None

Abstract: The Department's regulations implementing the Freedom of Information Act will be clarified and updated as appropriate under current law.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: John D. Trezise, Assistant Solicitor, Department of the Interior, Office of the Solicitor, 18th & C Streets, NW, Washington, DC 20240, 202 343-5216

RIN: 1092-AA02

DEPARTMENT OF THE INTERIOR (DOI)
Office of the Solicitor (OSOL)

Proposed Rule Stage

967. ● TRANS-ALASKA PIPELINE LIABILITY FUND

Legal Authority: 43 USC 1653(c); 33 USC 1321(p)(1),(2)

CFR Citation: 43 CFR 29

Legal Deadline: None

Abstract: These regulations, which supervise and administer the Fund provided for by Sec. 204(c) of the Trans-Alaska Pipeline Authorization Act, 43 USC Sec 1653(c) will be amended to eliminate inconsistencies between the existing regulations and the Act, clarify language which has been found to be confusing, delete provisions that are no longer necessary, and provide a more efficient process for filing and considering claims made against the Fund.

Timetable:

Action	Date	FR Cite
NPRM	05/01/86	

Small Entity: Undetermined

Agency Contact: Robert H. Moll, Attorney-Advisor, Department of the Interior, Office of the Solicitor, Washington, DC 20240, 202 343-5216

RIN: 1092-AA03

[FR Doc. 86-4521 Filed 04-18-86; 8:45 am]

BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)
Office for Equal Opportunity (OEO)

Prerule Stage

968. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: The Age Discrimination Act of 1975, as amended; 42 USC 6101; 45 CFR 90

CFR Citation: 43 CFR 17, Subpart C

Legal Deadline: None

Abstract: This rule will set forth guidelines for non-discrimination on the basis of age in programs or activities receiving Federal financial assistance from the Department.

Timetable:

Action	Date	FR Cite
NPRM	01/03/80	45 FR 976
Begin Review	08/00/86	
Final Action	02/00/87	

Small Entity: No

Additional Information: LEGAL AUTHORITY: Originally scheduled: January 1979.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1986

Affected Sectors: None

Government Levels Affected: Local, State

Agency Contact: Melvin C. Fowler, Supervisory Equal Opportunity Spc., Department of the Interior, Office for Equal Opportunity, 18th and C Streets, NW, Washington, DC 20240, 202 343-4331

RIN: 1091-AA00

DEPARTMENT OF THE INTERIOR (DOI)
Office for Equal Opportunity (OEO)

Final Rule Stage

969. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF THE INTERIOR PROGRAMS

Legal Authority: PL 95-602, Sec 504; 29 USC 794

CFR Citation: 43 CFR 17, Subpart E

Legal Deadline: Judicial. The Court asked that the rules be published as quickly as possible.

Abstract: This rule will provide for the enforcement of section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicap as applied to programs or activities conducted by the Department of the Interior.

Timetable:

Action	Date	FR Cite
NPRM	09/11/85	50 FR 37006
NPRM Comment Period End	11/11/85	
Final Action	06/00/86	

Small Entity: No

Additional Information: Originally scheduled: October 1983.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1986

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Joseph A. Canedo, Departmental Section 504 Program Manager, Department of the Interior, Office for Equal Opportunity, 18th and C Streets, NW, Washington, DC 20240, **202 343-3669**

RIN: 1091-AA01

[FR Doc. 86-4521 Filed 04-18-86; 8:45 am]
BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Prerule Stage

970. DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Legal Authority: 43 USC 1201; 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4

Legal Deadline: None

Abstract: The Office of Hearings and Appeals is reviewing existing procedural regulations to change as necessary the title of the Interior Board of Land Appeals (IBLA) to the Interior Board of Land and Indian Appeals (IBLIA) to reflect the proposed consolidation of the functions of the Interior Board of Indian Appeals into IBLIA. The regulations are being reviewed for changes necessary to reflect the proposed transfer to IBLIA of the authority and review functions over appeals adjudicated by the Director or ad hoc appeals boards.

Timetable:

Action	Date	FR Cite
Begin Review	09/00/85	
End Review	10/00/86	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Wm. Philip Horton, Chief Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va 22203, **703 235-3750**

RIN: 1094-AA24

971. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 43 CFR 4.251

Legal Deadline: None

Abstract: The existing rule is under review to determine whether changes are needed in the priority of claims filed against Indian trust estates.

Timetable:

Action	Date	FR Cite
Begin Review	09/00/85	
End Review	10/00/86	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Paul T. Baird, Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va. 22203, **703 235-3810**

RIN: 1094-AA22

972. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 43 CFR 4.310(a)

Legal Deadline: None

Abstract: The existing rule is being reviewed to determine whether a change should be made to the effective date for filing a notice of appeal under 25 CFR 2.19, relating to appeals from decisions of officials of the Bureau of Indian Affairs.

Timetable:

Action	Date	FR Cite
Begin Review	02/01/85	
End Review	10/00/86	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3810**

RIN: 1094-AA17

973. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 43 CFR 4.340

Legal Deadline: None

Abstract: The existing rule is under review to determine whether to delete the requirement that copies of Board decisions be sent to parties by certified mail.

Timetable:

Action	Date	FR Cite
Begin Review	02/07/85	
End Review	10/00/86	

Small Entity: No

Government Levels Affected: Federal

DOI—OHA — Prerule Stage

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA13

974. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.413

Legal Deadline: None

Abstract: The agency is reviewing the rule to determine whether it should be revised to change the designation of the appropriate officer in the Solicitor's Office to receive service in administrative appeals from decisions of the Eastern States Office, Bureau of Land Management.

Timetable:

Action	Date	FR Cite
Begin Review	05/00/85	
End Review	10/00/86	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: James R. Kleiler, Attorney Adviser, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3750

RIN: 1094-AA20

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Proposed Rule Stage

975. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201; 43 USC 1701

CFR Citation: 43 CFR 4, Subpart E

Legal Deadline: None

Abstract: Rulemaking has been initiated to revise existing rules to place time limitations on the filing of petitions for reconsideration of decisions of the Board of Land Appeals.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: No

Additional Information: Originally scheduled: July 1979.

Agency Contact: James R. Kleiler, Attorney Advisor, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3750

RIN: 1094-AA01

976. ● DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4, Subpart B

Legal Deadline: None

Abstract: Rulemaking is being proposed to make express provision for in camera review of information which is exempt, protected, or prohibited from unauthorized disclosure by Federal statute when such information is submitted in an administrative proceeding.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA26

977. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 30 USC 1275; 5 USC 301

CFR Citation: 43 CFR 4.1276

Legal Deadline: None

Abstract: The proposed rulemaking will revise existing rules to place time limitations on the filing of petitions for reconsideration of decisions of the Board of Land Appeals.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: No

Agency Contact: James R. Kleiler, Attorney-Adviser, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, VA 22203, 703 235-3750

RIN: 1094-AA10

978. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4.208, (New)

Legal Deadline: None

Abstract: The agency is investigating whether there is need for a new rule relating to disclaimers of devises under Indian wills.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA11

979. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 372a; 25 USC 373a

CFR Citation: 43 CFR 4.208

Legal Deadline: None

Abstract: The agency is proposing to add a new regulation to provide procedures to be followed when heirs in an Indian probate proceeding cannot be located.

DOI—OHA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va 22203, 703 235-3810

RIN: 1094-AA16

980. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4.231(b); 43 CFR 4.236; 43 CFR 4.320(c); 43 CFR 4.323

Legal Deadline: None

Abstract: The agency is proposing that the transcription of hearings before administrative law judges (Indian probate), which is presently required in all cases, should be made discretionary.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va 22203, 703 235-3810

RIN: 1094-AA15

981. TRIBAL ACQUISITION OF INTERESTS UNDER SPECIAL STATUTE

Legal Authority: 25 USC 2201 to 2210

CFR Citation: 43 CFR 4.300; 43 CFR 4.301; 43 CFR 4.302; 43 CFR 4.303; 43 CFR 4.304; 43 CFR 4.305; 43 CFR 4.306; 43 CFR 4.307; 43 CFR 4.308

Legal Deadline: None

Abstract: The Indian Land Consolidation Act (Act) was enacted on January 12, 1983, and changes existing law regarding the descent of Indian trust and restricted lands. The Act provides that certain undivided fractional interests in such lands can now be acquired by the tribe instead of descending by intestacy or devise. Existing regulations governing the probate of Indian lands by Indian Probate Judges must therefore be amended to conform with the Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, VA 22203, 703 235-3810

RIN: 1094-AA08

982. ● SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.401(c); 43 CFR 4.413

Legal Deadline: None

Abstract: Rulemaking is being proposed to amend the requirements for proof of service of documents to require that a party serving a document other than the notice of appeal certify that he sent the document to the adverse party by mail.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Undetermined

Agency Contact: Wm. Philip Horton, Chief Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3750

RIN: 1094-AA25

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Final Rule Stage

983. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 30 USC 1201

CFR Citation: 43 CFR 4.1100 to 1196

Legal Deadline: None

Abstract: Regulations are being proposed to add procedures for hearings and appeals under the permanent regulatory program of the Surface Mining Control and Reclamation Act of 1977 (including review of approval or disapproval of applications for permits) and for the assessment of individual civil penalties under 30 USC 1268(f) and to make revisions to the existing regulations in 43 CFR Part 4, Subpart L.

Timetable:

Action	Date	FR Cite
NPRM	11/15/85	50 FR 47237
NPRM Comment Period End	12/16/85	50 FR 47237
Final Action	10/00/86	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Will A. Irwin, Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va 22203, 703 235-3750

RIN: 1094-AA23

984. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4.222

Legal Deadline: None

Abstract: The agency is proposing to amend its regulation concerning discovery procedures in Indian probate proceedings to conform more closely to procedures set forth in the Federal Rules of Civil Procedure.

DOI—OHA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/25/85	50 FR 48446
NPRM Comment Period End	01/24/86	50 FR 48446
Final Action	04/00/86	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va 22203, 703 235-3810

RIN: 1094-AA14

985. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4.320(a)

Legal Deadline: None

Abstract: The agency is proposing to provide parties with 60 days from the date a decision or order of an administrative law judge (Indian probate) is mailed in which to file an appeal with the Board of Indian Appeals.

Timetable:

Action	Date	FR Cite
NPRM	11/25/85	50 FR 48445
NPRM Comment Period End	12/26/85	50 FR 48445
Final Action	04/00/86	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va 22203, 703 235-3810

RIN: 1094-AA18

DEPARTMENT OF THE INTERIOR (DOI)

Office of Hearings and Appeals (OHA)

Completed Actions

986. DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.1; 43 CFR 4.5; 43 CFR 4.27(b); 43 CFR 4.317; 43 CFR 4.832

Legal Deadline: None

Abstract: Existing regulations are being revised to clarify that the Secretary does not have power to exercise jurisdiction over matters before the Interior Board of Contract Appeals (IBCA), to establish procedures relating to the exercise of the Secretary's reserved powers over Office of Hearings and Appeals proceedings and to broaden and strengthen the general prohibition against ex parte communications in Office of Hearings and Appeals proceedings. The Office of Hearings and Appeals is also proposing to remove duplicative provisions regarding ex parte communications from the procedures for particular Office of Hearings and Appeals proceedings.

Timetable:

Action	Date	FR Cite
NPRM	03/19/85	50 FR 10996
NPRM Comment Period End	04/18/85	50 FR 10996
Final Action	10/29/85	50 FR 43703
Final Action Effective	11/29/85	50 FR 43703

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA12

987. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 30 USC 1201

CFR Citation: 43 CFR 4.1294

Legal Deadline: None

Abstract: Revision of existing rule is proposed to more clearly define the conditions under which costs and expenses (including attorney's fees) may be awarded and to conform with a recent decision in which the United States Supreme Court held that absent some degree of success on the merits by a claimant, it is not "appropriate" for a court to award attorney's fees.

Timetable:

Action	Date	FR Cite
Final Action	11/15/85	50 FR 47222
Final Action Effective	12/16/85	50 FR 47222

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA19

[FR Doc. 86-4521 Filed 04-18-86; 8:45 am]
BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Prerule Stage

988. NORTHWEST STEELHEAD AND SALMON CONSERVATION AND ENHANCEMENT GRANTS

Legal Authority: 16 USC 3301 to 3325; PL 96-561

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Secretary of the Interior is authorized under PL 96-561 to establish a program to provide grants for projects for the enhancement of the salmon and steelhead resources of the Washington and Columbia River conservation areas. The Act authorizes $84,000,000 for salmon and steelhead enhancement in the two conservation

areas. Comprehensive enhancement plans for the Washington and Columbia River conservation areas must be developed and agreed to by the States of Washington and Oregon and the treaty tribes, and approved by the Secretary before grants can be provided. Rules will be promulgated to administer the grant program.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Joseph H. Kutkuhn, Associate Director - Federal Assistance, Department of the Interior, United States Fish and Wildlife Service, Department of the Interior, Washington, DC 20240, 202 343-6394

RIN: 1018-AA88

989. 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 1986-87 season. The documents consist of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections.

Timetable:

Action	Date	FR Cite
Final Action 1985-86 seasons	10/17/85	50 FR 42026
ANPRM	03/00/86	
NPRM	06/00/86	
Final Action	09/00/86	

Small Entity: Yes

Additional Information: SMALL BUSINESSES CONT: Small entities likely to be affected by these rules include some sporting goods stores, hardware stores, motels and hotels, restaurants, clothing stores, boat and marine equipment stores, marinas, gasoline stations, private hunting clubs, land owners' leasing hunting rights, and mail order houses selling hunting equipment and supplies. Originally scheduled: April 1985. E.O. 12291: These rules are major because of the economic values associated with migratory game bird hunting; however, the need to obtain and consider the latest population data for these migratory birds requires that the regulatory schedule be shortened. The regulatory impact analysis, as required by E.O. 12291, and the small entity flexibility analysis, as required by 5 U.S.C. 601 et seq., have been combined into one analysis as provided for by both authorities. Copies of the combined analysis will be available from the Agency Contact upon publication of the Notice of Intent in March 1985.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Rollin D. Sparrowe, Chief, Migratory Bird Management Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 254-3207

RIN: 1018-AA24

990. ● SUBSISTENCE TAKE OF MIGRATORY BIRDS

Significance: Regulatory Program

Legal Authority: 16 USC 701 to 718

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: In 1979, the United States and Canada signed a protocol to amend the 1916 treaty concerning management of migratory birds. The protocol initiated efforts to recognize historical native subsistence of such birds. A rule will be developed to implement this international agreement.

Timetable:

Action	Date	FR Cite
ANPRM	03/10/83	48 FR 10101
Develop/publish notice of availability of joint U.S.-Canada statement for public comment	11/00/86	

Small Entity: Undetermined

Additional Information: This action will follow that in RIN 1018-AA90 that was listed in the Regulatory Program of the United States Government.

Agency Contact: Ronald Lambertson, Associate Director - Federal Assistance, Department of the Interior, United States Fish and Wildlife Service, Room 3252, Washington, DC 20240, 202 343-5333

RIN: 1018-AA92

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Proposed Rule Stage

991. SEIZURE AND FORFEITURE PROCEDURES

Legal Authority: 16 USC 1540; 16 USC 3371 to 3378

CFR Citation: 50 CFR 12

Legal Deadline: None

Abstract: This Part would be amended to apply customs laws to seizures and forfeitures incurred under the Lacey Act Amendments of 1981 and the Endangered Species Act, as authorized by both statutes.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-9242**

RIN: 1018-AA04

992. HUMANE TRANSPORT OF WILD ANIMALS AND BIRDS

Significance: Regulatory Program

Legal Authority: PL 97-79, 95 Stat. 1073

CFR Citation: 50 CFR 14

Legal Deadline: Statutory. 180 days after enactment of Public Law 97-79, dated November 16, 1981.

Abstract: Section 9(d) of the Lacey Act Amendments of 1981 shifts authority for prescribing requirements for the humane and healthful transport of wild animals and birds from the Secretary of the Treasury to the Secretary of the Interior. This authority will be promulgated in Part 14.

Timetable:

Action	Date	FR Cite
Notice of Public Meeting	02/26/82	47 FR 8386
Notice of Intent to propose Rules	06/30/82	47 FR 28431
NPRM	12/04/85	50 FR 49709
NPRM Comment Period End	03/05/86	51 FR 4945
Final Action	07/31/86	

Small Entity: No

Additional Information: Originally scheduled: April 1982.

Agency Contact: Thomas J. Parisot, Chief, Wildlife Permit Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-1937**

RIN: 1018-AA07

993. IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

Legal Authority: 16 USC 3376(a)(2)

CFR Citation: 50 CFR 14

Legal Deadline: None

Abstract: The Service would amend the requirements for marking and labeling containers or packages containing fish or wildlife in a joint rulemaking with the Department of Commerce. The Lacey Act Amendments of 1981 make it unlawful to import, export, or transport in interstate commerce any containers or packages containing fish or wildlife that are not marked or labeled in accordance with regulations jointly issued by the Secretaries of the Interior and of Commerce. Such regulations will be in accordance with existing commercial practices.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Additional Information: Originally scheduled: October 1983.

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-9242**

RIN: 1018-AA79

994. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1540

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: Part 17 would be amended to implement provisions of the Endangered Species Act Amendments of 1982 on noncommercial transshipments of wildlife and pre-Act status.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-9242**

RIN: 1018-AA66

995. SOUTHERN SEA OTTER EXPERIMENTAL POPULATION

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: Regulations will be proposed to identify an experimental population for the southern sea otter (Euhydra lutris nereis) as provided by Section 19(j) of the 1982 amendments to the ESA. The experimental population designation will increase management flexibility to enhance the recovery effort for this species.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: Undetermined

Agency Contact: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, **703 235-2771**

RIN: 1018-AA87

996. ● INCIDENTAL TAKING OF MARINE MAMMALS BY COMMERCIAL FISHING OPERATIONS

Legal Authority: 16 USC 13

CFR Citation: 50 CFR 18

Legal Deadline: None

Abstract: The Service will develop regulations to implement a provision contained in the 1981 amendments to the Marine Mammal Protection Act, concerning the incidental taking of marine mammals by commercial fishermen. The rules would apply to those species of marine mammals for which the Service has responsibility, i.e. sea otters, walrus, polar bears, manatees, and dugongs, except those listed as depleted.

Timetable:

Action	Date	FR Cite
NPRM	07/15/86	
NPRM Comment Period End	09/15/86	

Small Entity: Undetermined

Agency Contact: Leroy W. Sowl, Chief, Division of Wildlife Management, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, **202 632-7563**

RIN: 1018-AA96

997. PUBLIC ENTRY AND USE

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 26; 50 CFR 32; 50 CFR 33

Legal Deadline: None

Abstract: Regulations will be proposed which will simplify and reduce administrative costs related to the process by which special regulations, relating to public, access use, and recreation are issued for units of the National Wildlife Refuge system. Special regulations will be used for public access use and recreation on individual national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	07/03/84	49 FR 27334
NPRM Comment Period End	08/02/84	49 FR 27334
Final Action Hunting and Fishing	09/19/84	49 FR 36736
NPRM Public Entry and Use	09/00/86	

Small Entity: No

Additional Information: Originally scheduled: April 1981.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA36

998. MINERAL RIGHTS RESERVED AND EXCEPTED

Legal Authority: 16 USC 668(dd) National Wildlife Refuge System Admin Act

CFR Citation: 50 CFR 29.32, (Revision)

Legal Deadline: None

Abstract: Existing regulations will be revised to provide more comprehensive guidance on the procedures to be followed by persons conducting mineral exploration and/or development on National Wildlife Refuge System (NWRS) lands where the mineral rights are vested in other parties. Such operations were conducted on 47 NWRS units in 11 states during 1984. The purpose of the new rule will be to protect NWRS resources to the maximum extent possible without infringing upon the rights of the subsurface owners. Similar regulations of the National Park Service (36 CFR 9.30) and the Forest Service (36 CFR 251.15) will be considered in developing the NWRS regulations.

Timetable:

Action	Date	FR Cite
ANPRM	05/20/85	50 FR 20814
ANPRM Comment Period End	07/05/85	50 FR 20814
NPRM	11/00/86	

Small Entity: Undetermined

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA86

999. HUNTING

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 32

Legal Deadline: None

Abstract: The Service will review annually and prior to each hunting season may amend hunting regulations for specific national wildlife refuges.

Timetable:

Action	Date	FR Cite
Final Action for 1985 changes	09/04/85	50 FR 35815
NPRM	07/00/86	
NPRM Comment Period End	08/00/86	50 FR 23470
Final Action	09/00/86	

Small Entity: No

Additional Information: Originally scheduled: April 1983.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA71

1000. ALASKA NATIONAL WILDLIFE REFUGES

Legal Authority: 43 USC 1621(g)

CFR Citation: 50 CFR 36

Legal Deadline: None

Abstract: A new Subpart F will be added and will contain regulations for certain lands within and/or adjacent to certain National Wildlife Refuges in Alaska pursuant to Section 22(g) of the Alaska Native Claims Settlement Act of 1971.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA83

1001. ALASKA NATIONAL WILDLIFE MONUMENTS

Legal Authority: 16 USC 432; 16 USC 742(f); 16 USC 460(k)(3); Presidential Proclamations of 12/1/78 (43 FR 57009); 16 USC 3101

CFR Citation: 50 CFR 96 to 106

Legal Deadline: None

Abstract: These rules, which would have provided the general land management regulations for Yukon Flats and Becharof National Wildlife Monuments in Alaska, will be withdrawn.

Timetable:

Action	Date	FR Cite
Notice of Intent	02/28/79	44 FR 11247
NPRM	06/28/79	44 FR 37754
Withdraw Proposed Rules	07/00/86	

Small Entity: Undetermined

Additional Information: DETERMINATION UNDER E.O. 12291: The Department of the Interior previously determined that these regulations were not significant under the provisions of E.O. 12044. They will not be reconsidered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rules that were published on June 28, 1979. Originally scheduled: July 1979.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA55

DOI—FWS

Proposed Rule Stage

1002. ALASKA NATIONAL WILDLIFE MONUMENTS: MINERALS MANAGEMENT

Legal Authority: 16 USC 432; 16 USC 742(f); 30 USC 21 et seq; Presidential Proclamations of 12/1/78 (43 FR 57019, 57119); 30 USC 612; 16 USC 3101

CFR Citation: 50 CFR 107

Legal Deadline: None

Abstract: This rule, which would have governed mining in Yukon Flats and Becharof National Wildlife Monuments in Alaska, will be withdrawn.

Timetable:

Action	Date	FR Cite
Notice of Intent	02/28/79	44 FR 11247
NPRM	01/11/80	45 FR 2616
Withdraw Proposed Rules	07/00/86	

Small Entity: Undetermined

Additional Information: DETERMINATION UNDER E.O. 12291: The Department of the Interior previously determined that this rule was not significant under the provisions of E.O. 12044. It will not be reconsidered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rule that was published on January 11, 1980. Originally scheduled: January 1980.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018-AA56

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Final Rule Stage

1003. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Supplemental Timetable:

Amargosa vole
NPRM 08/29/83 (48 FR 39090)
Final Action 11/15/84 (49 FR 45160)

Ash Meadows; one plant and seven insects
NPRM 10/13/83 (48 FR 46590)
Final Action 05/20/85 (50 FR 20777)

Bahama and Schaus swallowtail butterflies
NPRM 08/29/83 (48 FR 39096)
Final Action 08/31/84 (49 FR 34501)

Big Spring spinedace
NPRM 11/30/83 (48 FR 54082)
Final Action 03/28/85 (50 FR 12298)

Brown pelican
NPRM 11/10/83 (48 FR 51736)
Final Action 02/04/85 (50 FR 4938)

Fresno kangaroo rat
NPRM 11/21/83 (48 FR 52608)
Final Action 01/30/85 (50 FR 4222)

Gouania hillebrandii
NPRM 11/09/84 (49 FR 44753)
Final Action 00/00/00

Hau hele'ula
NPRM 09/12/83 (48 FR 40920)
Final Action 00/00/00

Heliotrope milk-vetch
NPRM 01/13/81 (46 FR 3188)
Final Action 00/00/00

Johnston's frankenia
NPRM 07/08/83 (48 FR 31414)
Final Action 08/07/84 (49 FR 31418)

Long haired phlox
NPRM 08/29/83 (48 FR 39093)
WITHDRAWN 03/28/85 (50 FR 12348)

Mariana Island species
NPRM 08/27/84 (49 FR 33881)
Final Action 00/00/00

Modoc sucker
NPRM 01/31/84 (49 FR 3892)
Final Action 06/11/85 (50 FR 24526)

Ozark cavefish
NPRM 01/31/84 (49 FR 3889)
Final Action 11/01/84 (49 FR 43965)

San Benito evening primrose
NPRM 10/31/83 (48 FR 50126)
Final Action 02/12/85 (50 FR 5755)

Silverling
NPRM 10/25/83 (48 FR 49316)
Final Action 00/00/00

Smoky madtom
NPRM 11/21/83 (48 FR 52612)
Final Action 10/26/84 (49 FR 43065)

Texas snowbells
NPRM 10/11/83 (48 FR 46086)
Final Action 10/12/84 (49 FR 40036)

Three Yaqui River fishes
NPRM 07/15/83 (48 FR 32527)
Final Action 08/31/84 (49 FR 34490)

Small Entity: No

Additional Information: After reviewing the biological status of candidate and listed species, the Service promptly proceeds to propose rules to list, delist, or reclassify such species as appropriate. Generally, final action on the proposed rules must be taken within one year.

Agency Contact: John L. Spinks, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-2771**

RIN: 1018-AA10

1004. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Judicial. 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.

Supplemental Timetable:

Alabama beach mice (3 species)
NPRM 06/07/84 (49 FR 23794)
Final Action 06/06/85 (50 FR 23872)

Alligator snapping turtle
ANPRM 02/27/84 (49 FR 7416)
Final Action 00/00/00

Amber Darter
NPRM 07/13/84 (49 FR 28572)
Final Action 08/05/85 (50 FR 31597)

American Alligator
NPRM 06/20/84 (49 FR 25342)
Final Action 06/20/85 (50 FR 25672)

Beautiful goetzea
NPRM 06/18/84 (49 FR 24903)
Final Action 04/19/85 (50 FR 15564)

Blue Ridge goldenrod
NPRM 07/23/84 (49 FR 29629)
Final Action 03/28/85 (50 FR 12306)

Carex specuicola
NPRM 04/11/84 (49 FR 14406)
Final Action 05/08/85 (50 FR 19370)
Conasauga logperch
NPRM 07/13/84 (49 FR 28572)
Final Action 08/05/85 (50 FR 31597)
Desert dace
NPRM 05/29/84 (49 FR 22355)
Final Action 12/10/85 (50 FR 50304)
Desert pupfish
NPRM 05/16/84 (49 FR 20739)
Final Action 00/00/00
Fish Creek Springs tui chub
NPRM 06/06/84 (49 FR 23409)
Final Action 00/00/00
Flattened musk turtle
NPRM 04/05/84 (49 FR 13558)
Extend NPRM comment period 11/01/85 (50 FR 45638)
Final Action 00/00/00
Foskett speckled dace
NPRM 04/17/84 (49 FR 15099)
Final Action 03/28/85 (50 FR 12302)
Hiko White River springfish
NPRM 05/07/84 (49 FR 19360)
Final Action 09/27/85 (50 FR 39123)
Hutton tui chub
NPRM 04/17/84 (49 FR 15099)
Final Action 03/28/85 (50 FR 12302)
Interior least tern
NPRM 05/29/84 (49 FR 22444)
Final Action 05/28/85 (50 FR 21784)
June Sucker
NPRM 07/02/84 (49 FR 27183)
Final Action 00/00/00
Key Largo woodrat and cotton mouse
NPRM 04/06/84 (49 FR 13720)
Final Action 08/31/84 (49 FR 34504)
Lakela's mint
NPRM 07/23/84 (49 FR 29632)
Final Action 05/15/85 (50 FR 20212)
Large flowered fiddleneck
NPRM 05/08/84 (49 FR 19534)
Final Action 05/08/85 (50 FR 19374)
Last chance townsendia
NPRM 05/29/84 (49 FR 22352)
Final Action 08/21/85 (50 FR 33734)
Maguire primrose
NPRM 04/13/84 (49 FR 14771)
Final Action 08/21/85 (50 FR 33731)
Mancos milk vetch
NPRM 06/28/84 (49 FR 26610)
Final Action 06/27/85 (50 FR 26568)
Niangua darter
NPRM 04/17/84 (49 FR 15102)
Final Action 06/12/85 (50 FR 24649)
Owens tui chub
NPRM 03/23/84 (49 FR 10959)
Final Action 00/00/00 (50 FR 31592)
Pecos bluntnose shiner
NPRM 05/11/84 (49 FR 20031)
Final Action 00/00/00
Railroad Valley springfish
NPRM 04/17/84 (49 FR 15109)
Final Action 00/00/00
Rhizome fleabane
NPRM 04/24/84 (49 FR 17548)
Final Action 04/26/85 (50 FR 16680)
Sacramento Mountains thistle
NPRM 05/16/84 (49 FR 20735)
Final Action 00/00/00
San Mateo thornmint
NPRM 06/18/84 (49 FR 24906)
Final Action 09/18/85 (50 FR 37858)
Sonoran chub
NPRM 06/06/84 (49 FR 23402)
Final Action 00/00/00
Thornber's fishhook cactus
NPRM 04/24/84 (49 FR 17551)
Final Action 00/00/00
Trispot Darter
NPRM 07/13/84 (49 FR 28572)
Withdrawn 01/03/86 (51 FR 230)
Vahl's boxwood
NPRM 07/13/84 (49 FR 28580)
Final Action 08/13/85 (50 FR 32572)
Warner sucker
NPRM 05/21/84 (49 FR 21383)
Final Action 09/27/85 (50 FR 39117)
Welsh's milkweed
NPRM 06/06/84 (49 FR 23399)
Final Action 00/00/00
White River spinedace
NPRM 05/29/84 (49 FR 22359)
Final Action 09/12/85 (50 FR 37194)
White River springfish
NPRM 05/07/84 (49 FR 19360)
Final Action 09/27/85 (50 FR 39123)

Small Entity: Not Applicable

Additional Information: Originally scheduled: October 1984.

Agency Contact: John Spinks, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 235-2771

RIN: 1018-AA84

1005. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed to list, reclassify, or delist certain species of wildlife and plants as endangered or threatened species. When prudent, critical habitat will also be identified.

Supplemental Timetable:
Bay Checkerspot butterfly
NPRM 09/11/84 (49 FR 35665)
Final Action 00/00/00
Blackside dace
NPRM 09/04/84 (49 FR 34878)
Final Action 00/00/00
Florida pine rockland plants
NPRM 11/07/84 (49 FR 44507)
Final Action 07/18/85 (50 FR 29345)
Hawaiian gardenia
NPRM 10/12/84 (49 FR 40058)
Final Action 08/21/85 (50 FR 33728)
Inyo brown towhee
NPRM 11/25/84 (49 FR 46174)
Final Action 00/00/00
Maguire daisy
NPRM 07/27/84 (49 FR 30211)
Final Action 09/05/85 (50 FR 36089)
Miccosukee gooseberry
NPRM 08/31/84 (49 FR 34535)
Final Action 07/18/85 (50 FR 29338)
Northern flying squirrel
NPRM 11/21/84 (49 FR 45880)
Final Action 07/01/85 (50 FR 26999)
Piping plover
NPRM 11/08/84 (49 FR 44712)
Final Action 12/11/85 (50 FR 50726)
Ruth's golden aster
NPRM 11/20/84 (49 FR 45766)
Final Action 07/18/85 (50 FR 29341)
Short's goldenrod
NPRM 10/11/84 (49 FR 39873)
Final Action 09/05/85 (50 FR 36085)
Slender rush-pea
NPRM 11/21/84 (49 FR 45884)
Final Action 11/01/85 (50 FR 45614)
Tar River spiny mussel
NPRM 09/17/84 (49 FR 36418)
Final Action 06/27/85 (50 FR 26572)
Three Palau birds
NPRM 09/19/84 (49 FR 36665)
Final Action 09/12/85 (50 FR 37192)

Small Entity: Not Applicable

Additional Information: Originally scheduled: April 1985.

Agency Contact: John Spinks, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, 703 235-2771

RIN: 1018-AA85

1006. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Supplemental Timetable:
Achyranthes rotundata
NPRM 04/22/85 (50 FR 15764)
Final Action 04/00/86
Amargosa niterwort
NPRM 05/20/85 (50 FR 20814)
Final Action 05/00/86
Ash Meadows gumplant
NPRM 05/20/85 (50 FR 20814)
Final Action 05/00/86
Canby's dropwort
NPRM 03/28/85 (50 FR 12345)
Final Action 03/00/86
Cochise pincushion cactus
NPRM 03/06/85 (50 FR 9083)
Final Action 01/09/86 (51 FR 952)
Flagstaff pennyroyal
NPRM 03/28/85 (50 FR 12348)
Final Action 03/00/86
Fragrant prickly apple
NPRM 03/06/85 (50 FR 9089)
Final Action 11/01/85 (50 FR 45618)
Hymenoxys texana
NPRM 03/06/85 (50 FR 9095)
Final Action 03/00/86
Ivory-billed woodpecker
NPRM 04/10/85 (50 FR 14123)
Final Action 04/00/86
Jones cycladenia
NPRM 01/10/85 (50 FR 1247)
Final Action 01/10/86
Lanai sandalwood
NPRM 03/06/85 (50 FR 9086)
Final Action 01/24/86 (51 FR 3182)
Least Bell's vireo
NPRM 05/03/85 (50 FR 18968)
Final Action 05/00/86
Little Colorado spinedace
NPRM 05/22/85 (50 FR 21095)
Final Action 05/00/86
Long-haired phlox
NPRM 03/28/85 (50 FR 12348)
Final Action 03/00/86
Longspurred balm
NPRM 03/29/85 (50 FR 12587)
Final Action 03/00/86
Mauna Kea silversword
NPRM 03/06/85 (50 FR 9092)
Final Action 03/00/86
Minnesota trout lily
NPRM 05/03/85 (50 FR 18893)
Final Action 05/00/86
Northern aplomado falcon
NPRM 05/20/85 (50 FR 20810)
Final Action 05/00/86
Piping plover
NPRM 01/29/85 (50 FR 3940)
Final Action 01/00/86
Prickly-ash
NPRM 02/11/85 (50 FR 5647)
Final Action 12/20/85 (50 FR 51950)
Scrub balm
NPRM 03/29/85 (50 FR 12587)
Final Action 03/00/86
Tumamoc globe-berry
NPRM 05/20/85 (50 FR 20806)
Final Action 05/00/86

Small Entity: Not Applicable

Additional Information: After reviewing the biological status of candidate and listed species, the Service promptly proceeds to propose rules to list, delist, or reclassify such species as appropriate. Generally, final action on the proposed rules must be taken within one year.

Agency Contact: John Spinks, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 6th Floor Broyhill (OES), Washington, DC 20240, 202 235-2771

RIN: 1018-AA95

1007. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Supplemental Timetable:
Alabama leather flower
NPRM 12/06/85 (50 FR 49970)
Final Action 12/00/86
Bruneau hot spring snail
NPRM 08/21/85 (50 FR 33803)
Final Action 08/00/86
Dismal swamp southeastern shrew
NPRM 07/16/85 (50 FR 28821)
Final Action 07/00/86
Dwarf naupaka
NPRM 07/16/85 (50 FR 28878)
Final Action 07/00/86
Florida golden aster
NPRM 08/05/85 (50 FR 31629)
Final Action 08/00/86
Florida grasshopper sparrow
NPRM 12/18/85 (50 FR 51565)
Final Action 12/00/86
Giant kangaroo rat
NPRM 08/13/85 (50 FR 32585)
Final Action 08/00/86
Hayun lagu
NPRM 10/25/85 (50 FR 43423)
Final Action 10/00/86
Jesup's milk vetch
NPRM 12/19/85 (50 FR 51718)
Final Action 12/00/86
Kauai hau kuahiwi
NPRM 07/16/85 (50 FR 28873)
Final Action 07/00/86
Ko'oloa'ula
NPRM 07/16/85 (50 FR 28876)
Final Action 07/00/86
Large flowered skullcap
NPRM 11/13/85 (50 FR 46797)
Final Action 11/00/86
Leadbeater's possum, et. al.
NPRM 10/25/85 (50 FR 43420)
Final Action 10/00/86
Leapard, goral, serow in Nepal
NPRM 06/14/85 (50 FR 24917)
Final Action 06/00/86
Loach minnow
NPRM 06/18/85 (50 FR 25380)
Final Action 06/00/86
Palmate-bracted bird's beak
NPRM 07/16/85 (50 FR 28870)
Final Action 07/00/86
Peter's mountain mallow
NPRM 09/03/85 (50 FR 35584)
Final Action 09/00/86
Pondberry
NPRM 08/13/85 (50 FR 32581)
Final Action 08/00/86
Prairie bush cover
NPRM 12/06/85 (50 FR 49967)
Final Action 12/00/86
Santa Cruz cypress
NPRM 09/12/85 (50 FR 37249)
Final Action 09/00/86
Spikedace
NPRM 06/18/85 (50 FR 25390)
Final Action 06/00/86
Steamboat buckwheat
NPRM 09/12/85 (50 FR 37252)
Final Action 09/00/86
Tinian monarch
NPRM 11/01/85 (50 FR 45632)
Final Action 11/00/86
Toad flax cress
NPRM 11/04/85 (50 FR 45846)
Final Action 11/00/86
Uhiuhi
NPRM 10/18/85 (50 FR 42196)
Final Action 10/00/86
Waccamaw silverside
NPRM 11/07/85 (50 FR 46320)
Final Action 11/00/86

Small Entity: Not Applicable

Agency Contact: John L. Spinks, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 235-2271

RIN: 1018-AA98

1008. MARINE MAMMALS

Legal Authority: 16 USC 1382(a)

CFR Citation: 50 CFR 18

Legal Deadline: None

Abstract: The Service will propose rules that would require the marking, tagging, or otherwise identifying of raw parts of certain lawfully taken marine

mammals, including those taken by Alaska Natives for purposes of subsistence or the creation and selling of authentic native articles of handicrafts and clothing. Except for scientific research purposes, the rules would also prohibit exportation of raw parts of these marine mammals from Alaska and the sale of such parts, other than those that are edible, to persons other than resident Alaska Natives. These rules are necessary for management purposes.

Timetable:

Action	Date	FR Cite
NPRM	12/03/85	50 FR 49577
Final Action	09/00/86	

Small Entity: No

Additional Information: Originally scheduled: July 1980.

Agency Contact: Leroy Sowl, Chief, Division of Wildlife Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 632-2202

RIN: 1018-AA20

1009. NONTOXIC SHOT REGULATIONS FOR HUNTING MIGRATORY BIRDS

Significance: Regulatory Program

Legal Authority: 16 USC 701 to 718

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: The Service, in coordination with the States, identifies areas of migratory bird hunting where the use of conventional lead shotshells results in lead poisoning of such birds and other wildlife. The Service will review existing nontoxic shot zones for the continued need for inclusion, and propose new areas for consideration as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	01/06/86	51 FR 409
Final Action	04/30/86	

Small Entity: No

Agency Contact: Rollin Sparrowe, Chief, Office of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, Room 536 Matomic, Washington, DC 20240, 202 254-3207

RIN: 1018-AA93

1010. NATIONAL WILDLIFE REFUGES

Legal Authority: 16 USC 668dd et seq; Withdrawal Proclamation of 2/11/80, Sec 204(c) (45 FR 9562)

CFR Citation: 50 CFR 26, Subpart C

Legal Deadline: None

Abstract: The emergency management rules for the twelve areas in Alaska, which were withdrawn and reserved as National Wildlife Refuges, will be rescinded.

Timetable:

Action	Date	FR Cite
Emergency Rule	03/04/80	45 FR 14192
Rescind Emergency Rule	07/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: July 1980.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA35

1011. ● FISH AND WILDLIFE RESTORATION GRANTS; INTEREST EARNED ON LICENSE FEES

Legal Authority: 16 USC 669i; 16 USC 777i

CFR Citation: 50 CFR 80

Legal Deadline: None

Abstract: This action proposes to incorporate general accepted accounting principles related to interest earned on fees collected by the States through the sale of hunting and fishing licenses. The rule would require States to ensure that such interest is used in their fish and wildlife conservation programs.

Timetable:

Action	Date	FR Cite
NPRM	12/09/85	50 FR 50185
NPRM Comment Period End	02/28/86	
Final Action	09/00/86	

Small Entity: No

Agency Contact: Thomas W. Taylor, Acting Chief, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 235-1526

RIN: 1018-AA97

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Completed Actions

1012. GENERAL PERMIT PROCEDURES; IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

Legal Authority: 16 USC 1540; 16 USC 703 to 712; 16 USC 668a

CFR Citation: 50 CFR 13; 50 CFR 14

Legal Deadline: None

Abstract: These various permit rules will be reviewed and amended, if necessary, to eliminate any unnecessary, burdensome, or counterproductive information collection.

Timetable:

Action	Date	FR Cite
NPRM	06/18/84	49 FR 24898
End Review	12/31/84	
Final Action	12/26/85	50 FR 52886
Final Action Effective	02/24/86	50 FR 52886

Small Entity: No

Additional Information: As a result of the review of these 50 CFR Parts, the Service will initiate two rules. The first rule will deal with the establishment of "user Fees" for persons engaged in importing and exporting wildlife. A second rule appears above in RIN 1018-AA78.

Agency Contact: Clark R. Bavin, Chief Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-9242

RIN: 1018-AA75

1013. THREATENED WILDLIFE

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17, Subpart D

Legal Deadline: None

Abstract: At the request of State, Federal and private parties, the special rule on the American alligator, found in 50 CFR 17.42(a), will be reviewed in order to determine whether to revise or revoke certain prohibitions and procedures. Areas to be considered during the review include: present prohibitions on export of meat and parts other than hides; need for serially numbering each tag applied to hides; need for a Federal permit to kill alligators legally held under State Alligator Farmer permits; and use of data collected from reports required of permittees.

Timetable:

Action	Date	FR Cite
Notice of Intent	07/16/82	47 FR 31024
NPRM	10/23/84	49 FR 42954
NPRM Comment Period End	11/23/84	49 FR 42954
Final Action	10/30/85	50 FR 45407
Final Action Effective	11/30/85	50 FR 45407

Small Entity: No

Additional Information: Originally scheduled: April 1982.

Agency Contact: Thomas J. Parisot, Chief, Wildlife Permit Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-1937**

RIN: 1018–AA60

1014. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Ninety-Seventh Congress of the United States enacted the 1982 amendments to the Endangered Species Act of 1973 providing for (1) the incidental taking of listed species and (2) prohibiting the removal and reduction to possession of listed plants from lands under Federal jurisdiction. These amendments require appropriate regulatory amendments.

Timetable:

Action	Date	FR Cite
NPRM	07/08/83	48 FR 31417
NPRM Comment Period End	09/02/83	48 FR 35973
Final Action	09/30/85	50 FR 39681
Final Action Effective	09/30/85	50 FR 39681

Small Entity: No

Additional Information: Originally scheduled: April 1983.

Agency Contact: Thomas J. Parisot, Chief, Wildlife Permit Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-1937**

RIN: 1018–AA64

1015. ENDANGERED SPECIES CONVENTION

Legal Authority: 16 USC 1531 to 1543; TIAS 8249

CFR Citation: 50 CFR 23

Legal Deadline: None

Abstract: The regulations implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora will be clarified and revised to incorporate certain recommendations of the Parties.

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14402
NPRM General regulations revisions	09/24/85	50 FR 38683
Final Action Appendices revisions	11/22/85	50 FR 48212
NPRM - Supplemental, General regulations revisions	03/00/86	
Final Action General regulations revisions	08/00/86	

Small Entity: No

Additional Information: Originally scheduled: January 1980.

Agency Contact: Thomas J. Parisot, Chief, Wildlife Permit Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-1937**

RIN: 1018–AA29

1016. CONSERVATION EASEMENTS

Legal Authority: 16 USC 460k; 16 USC 668dd et seq

CFR Citation: 50 CFR 25

Legal Deadline: None

Abstract: This subpart will be revised to include new rules which govern non-Federal activities affecting conservation easements.

Timetable:

Action	Date	FR Cite
NPRM	04/25/84	49 FR 17778
Final Action	03/05/86	51 FR 7571

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018–AA38

1017. MINERAL OPERATIONS

Legal Authority: 16 USC 460k; 16 USC 668dd et seq

CFR Citation: 50 CFR 29, Subpart C

Legal Deadline: None

Abstract: This subpart will be revised to include new rules which govern mining on areas within the National Wildlife Refuge System.

Timetable:

Action	Date	FR Cite
NPRM	12/31/80	45 FR 86512
Terminated action, determined unnecessary	02/03/86	

Small Entity: No

Additional Information: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44

DOI—FWS

Completed Actions

U.S.C. 3501 et seq. Originally scheduled: January 1981.

Agency Contact: James F. Gillett, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA39

1018. ADDITION OF TWENTY-ONE NATIONAL WILDLIFE REFUGES TO THE LISTS OF OPEN AREAS FOR MIGRATORY GAME BIRD HUNTING, UPLAND GAME HUNTING, BIG GAME HUNTING, AND/OR SPORT FISHING

Legal Authority: 16 USC 460(k) Refuge Recreation Act of 1962; 16 USC 668(dd) National Wildlife Refuge System Admin Act of 1966

CFR Citation: 50 CFR 32

Legal Deadline: None

Abstract: Before new hunting and fishing opportunities are initiated on national wildlife refuges, the refuge is listed in 50 CFR Sections 32.11, 32.21, 32.31, and/or Section 33.4.

Regulations will be proposed that would add the following National Wildlife Refuges (NWR) to the lists of open areas: Migratory game bird hunting - Buffalo Lake NWR, TX; San Bernardino NWR, AZ; Union Slough NWR, IA; Harbor Island NWR, MI; and Bogue Chitto NWR, MS: Upland Game Hunting - San Bernardino NWR, AZ; Buffalo Lake NWR, TX; Union Slough NWR, IA; Harbor Island NWR, MI; and Bogue Chitto NWR, MS: Big Game Hunting - Columbia White-tailed Deer NWR, WA; Buffalo Lake NWR, TX; Union Slough NWR, IA; Harbor Island NWR, MI; Bogue Chitto NWR, MS; and Back Bay NWR, VA: Sport Fishing - Columbia White-tailed Deer NWR, WA; Lower Suwannee NWR, FL; Cedar Keys NWR, FL; Pelican Island NWR, FL; Hobe Sound NWR, FL; Egmont Key NWR, FL; Pinellas NWR, FL; Bon Secour NWR, AL; Wheeler NWR, AL; Blackbeard Island NWR, GA; Harris Neck NWR, GA; Tybee NWR, GA; Wassaw NWR, GA; Wolf Island NWR, GA; and Pinkney Island NWR, SC.

Timetable:

Action	Date	FR Cite
NPRM	05/16/85	50 FR 20462
NPRM Comment Period End	06/17/85	50 FR 20462
Final Action	08/26/85	50 FR 34478

Small Entity: Undetermined

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA89

1019. ENDANGERED SPECIES: INTERAGENCY COOPERATION

Significance: Regulatory Program

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 402

Legal Deadline: None

Abstract: The Endangered Species Act Amendments of 1978, 1979 and 1982 made some changes in the consultation requirements of Section 7. These proposed rules would amend existing rules governing Section 7 consultation by implementing changes required by the amendments and incorporating other procedural changes designed to improve interagency cooperation.

Timetable:

Action	Date	FR Cite
NPRM	07/07/83	48 FR 31275
Final Action	04/00/86	

Small Entity: No

Additional Information: Originally scheduled: July 1979.

Agency Contact: John L. Spinks, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-2771

RIN: 1018-AA00

[FR Doc. 86-4521 Filed 04-18-86; 8:45 am]

BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Prerule Stage

1020. CRITERIA FOR DETERMINATIONS OF ADVERSE IMPACT UNDER SECTION 165(D)(2)(C)(II) AND (III) OF THE CLEAN AIR ACT

Significance: Regulatory Program

Legal Authority: 42 USC 7475(d)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Under the Clean Air Act, the Department of the Interior, as Federal Land Manager, has the affirmative responsibility to protect the air quality related values of its class 1 areas and to consider whether proposed new major sources of air pollution will have an adverse impact on these values. The Department has developed and applied "working" criteria for making adverse impact determinations in several cases since 1982. Both industry and environmental groups have commented on the "working" criteria and requested further rulemaking action on the criteria. In response to these requests, this rulemaking action would solicit public input on the working definitions as well as related technical and legal issues.

The Notice of Intent will ask several questions. The answers to these questions will be useful in determining alternatives and potential costs and benefits.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/86	
ANPRM Comment Period End	01/01/87	
NPRM	04/01/88	

Small Entity: Undetermined

Additional Information: This action is carried as RIN 1093-AA02 in the Regulatory Program of the United States Government.

DOI—NPS

Prerule Stage

Agency Contact: Molly N. Ross, Assistant Division Chief, Department of the Interior, National Park Service, Air Quality Division, 18th & C Streets, NW, Room 3021, Washington, DC 20240, 202 343-4911

RIN: 1024-AB40

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Proposed Rule Stage

1021. GENERAL PROVISIONS RESOURCE PROTECTION, PUBLIC USE AND RECREATION BOATING AND WATER USE ACTIVITIES

Legal Authority: 16 USC 1; 16 USC 1a to 2(h); 16 USC 3

CFR Citation: 36 CFR 1; 36 CFR 2; 36 CFR 3

Legal Deadline: None

Abstract: The service completed a major revision of these regulations in April 1984. A thorough review of the regulations will be conducted after the 1984 visitor use season, leading to minor revisions and further refinements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Andrew T. Ringgold, Staff Park Ranger, Department of the Interior, National Park Service, Branch of Ranger Activities, Interior Building, 18th and C Streets, NW, Washington, DC 20240, 202 343-4187

RIN: 1024-AB09

1022. VEHICLES AND TRAFFIC SAFETY

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 4

Legal Deadline: None

Abstract: The service proposes to review and revise the regulations in this part, which has not undergone major revision since 1966. Revisions are expected, at a minimum, to reflect the abolishment of management categories, to provide for consistency with state vehicle codes and to strengthen the regulation pertaining to driving under the influence of alcohol or drugs.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Andrew T. Ringgold, Staff Park Ranger, Department of the Interior, National Park Service, Branch of Ranger Activities, 18th and C Streets, NW, Washington, DC 20240, 202 343-4187

RIN: 1024-AB06

1023. BIG CYPRESS NATIONAL PRESERVE: INDIAN USE AND OCCUPANCY

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.86

Legal Deadline: None

Abstract: This rule will define the Statutory rights of the Miccosukee and Seminole Indians within Big Cypress National Preserve.

Timetable:

Action	Date	FR Cite
NPRM	11/12/81	46 FR 55709
NPRM	03/00/86	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities, Department of the Interior, National Park Service, Southeast Regional Office, 75 Spring Street, SW, Atlanta, GA 30303, 404 242-4916

RIN: 1024-AA07

1024. NEW RIVER GORGE NR: HUNTING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7

Legal Deadline: None

Abstract: The regulation pertains to the New River Gorge National River located in West Virginia. This regulation would allow hunting on those lands and waters administered by the National Park Service as part of the New River Gorge National River area. This regulation is consistent with the park enabling legislation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, 215 597-7057

RIN: 1024-AA86

1025. UPPER DELAWARE SRR: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7

Legal Deadline: None

Abstract: This regulation pertains to the Upper Delaware Scenic and Recreation River in New York State. The final regulations published on June 30, 1983 prohibit certain fishing methods that are allowed by New York State law. This proposed regulation would authorize fishing in any manner consistent with existing State law.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, **215 597-7075**

RIN: 1024-AA87

1026. NEW RIVER GORGE NR: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7

Legal Deadline: None

Abstract: This regulation pertains to the New River Gorge National River located in West Virginia. The final regulations published on June 30, 1983 prohibit certain fishing methods and the taking of certain species that are allowed by the laws of West Virginia. This regulation would authorize the use of those fishing methods and the taking of those fish species consistent with West Virginia law.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, **215 597-7057**

RIN: 1024-AA88

1027. ● CANAVERAL NATIONAL SEASHORE: PUBLIC NUDITY REGULATION

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7

Legal Deadline: None

Abstract: The Service proposes to establish restrictions on Public Nudity at Canaveral National Seashore, Florida. The Service's intention is to adopt State and Local restrictions that apply in the same area.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: Undetermined

Agency Contact: Arthur Graham, Superintendent, Department of the Interior, National Park Service, Canaveral National Seashore, P.O. Box 6447, Titusville, FL. 32782, **305 867-0634**

RIN: 1024-AB52

1028. ● REDWOOD NATIONAL PARK: DRIFTWOOD REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7

Legal Deadline: None

Abstract: The Service proposes to establish conditions and restrictions for the collection of Driftwood from beach areas at Redwood National Park, CA.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Undetermined

Agency Contact: Homer Leach, Chief Ranger, Department of the Interior, National Park Service, Redwood National Park, 1111 Second St., Crescent City, CA. 95531, **207 464-6101**

RIN: 1024-AB58

1029. APPALACHIAN NATIONAL SCENIC TRAIL

Legal Authority: 16 USC 3; 16 USC 1246(i)

CFR Citation: 36 CFR 7.100

Legal Deadline: None

Abstract: The Service proposes to review the levels of resource and visitor protection on the Appalachian Trail provided by the General Regulations in 36 CFR Parts 1 and 2 and to revise 36 CFR 7.100 accordingly.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: David A. Ritchie, Project Manager, Department of the Interior, National Park Service, Appalachian Trail Project Office, Harpers Ferry Center, Harpers Ferry, WV 25425, **304 535-2346**

RIN: 1024-AB07

1030. ● YELLOWSTONE NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.13

Legal Deadline: None

Abstract: The Service proposes to revise existing Fishing Regulations that pertain to Yellowstone National Park. The purposes of this revision are to simplify the regulations and to improve the Service's ability to manage Fishery Resources by species.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: Undetermined

Agency Contact: Gary Brown, Assistant Chief Ranger, Department of the Interior, National Park Service, Yellowstone National Park, P.O. Box 168, Yellowstone, NP WY 82190, **307 344-7381**

RIN: 1024-AB57

1031. ● SHENANDOAH NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.15

Legal Deadline: None

Abstract: The service proposes to revise regulations at Shenandoah National Park, VA pertaining to Fishing Seasons, Creel Limits, Equipment Restrictions and Stream Closures.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: Larry Hakel, Chief Ranger, Department of the Interior, National Park Service, Shenandoah National Park, Route 4, Box 292, Luray, VA 22835, **703 999-2243**

RIN: 1024-AB51

1032. CUYAHOGA VALLEY NRA: OFF-ROAD VEHICLES AND SNOWMOBILES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.17

Legal Deadline: None

Abstract: The Service proposes to designate routes for off-road vehicles and snowmobile use in compliance with Executive Order 11644, in an area west of Riverview Road bounded by I-80 and I-271.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: Brian McHugh, Chief Park Ranger, Department of the Interior, National Park Service, Cuyahoga Valley NRA, 15610 Vaughn Road, Brecksville, Ohio 44141, 216 526-5256

RIN: 1024-AB44

1033. CANYON DE CHELLY NATIONAL MONUMENT

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.19

Legal Deadline: None

Abstract: This proposed rulemaking will establish criteria for the operation of horse rental facilities within Canyon De Chelly National Monument.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Undetermined

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, NM 87501, 505 988-6371

RIN: 1024-AB47

1034. 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	05/00/86	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024-AA96

1035. BUFFALO NATIONAL RIVER: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.35

Legal Deadline: None

Abstract: The proposed rule will allow fishing activities within Buffalo National River to continue in the traditional manner. It will permit gigging of rough fish, noncommercial capture of bait fish using traps or seines, and fishing with set lines or trouthines It will also allow the possession and collection of terrestrial and aquatic insects by hand or hand-held net for use as bait. It will allow the possession and collection by hand-held net or seine of crayfish for consumption or bait.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Undetermined

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Sante Fe, NM 87501, 505 988-6371

RIN: 1024-AB49

1036. MAMMOTH CAVE NP: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.36

Legal Deadline: None

Abstract: This proposed regulation pertains to Mammoth Cave National Park. The regulation will allow fishing to take place in accordance with applicable Kentucky State law.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024-AA94

1037. JEAN LAFITTE NHP: CRAWFISHING REGULATIONS

Legal Authority: 16 USC 3; 16 USC 230d

CFR Citation: 36 CFR 7.37

Legal Deadline: None

Abstract: The proposed rulemaking pertains to Jean Lafitte National Historical Park located in Louisiana. The rulemaking will establish criteria for the harvesting of crawfish in the Barataria Unit and will establish a recreational and subsistence season. The policy is consistent with Public Law 95-625 and existing National Park Service and Department of the Interior policies.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: James L. Isenogle, Superintendent, Department of the Interior, National Park Service, Jean Lafitte National Historical Park, 423 Canal Street, Rm. 206, New Orleans, LA 70130, 504 589-3882

RIN: 1024-AB33

1038. EVERGLADES NP: MINING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.45(a)

Legal Deadline: None

Abstract: This deletion applies to Everglades National Park in Florida. Section 7.45(a) will be deleted because it is a duplication of the General Regulations 36 CFR, Sections 1.6, 1.7 and 2.1.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Additional Information: FTS 242-4916.

Agency Contact: William Sturgeon, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Southeast Regional Office, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024-AB10

1039. CURECANTI RECREATION AREA: GRAZING AND HAYING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.51 (f)

Legal Deadline: None

Abstract: This proposed rulemaking pertains to Curecanti National Recreation Area located in Colorado. The rulemaking will establish criteria for authorized use of certain areas for the grazing of livestock and haying of irrigated meadows as part of the Colorado River Storage Project Act of April 11, 1956 (70 Stat. 105, Public Law 485).

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: Thomas J. McDonnell, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Rocky Mountain Regional Office, 655 Parfet Street, Denver, CO 80225, **303 234-3070**

RIN: 1024-AB11

1040. CURECANTI RECREATION AREA: POWERLESS FLIGHT

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.51(e)

Legal Deadline: None

Abstract: This proposed rulemaking pertains to Curecanti National Recreation Area in Colorado. The rulemaking will establish criteria for the operation or use of hang gliders and balloons designed for powerless flight consistent with Department of the Interior and National Park Service policies.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: Thomas J. McDonnell, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, 655 Parfet Street, Denver, CO 80225, **303 234-3070**

RIN: 1024-AB12

1041. CURECANTI RECREATION AREA: OFF-ROAD VEHICLES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.51 (d)

Legal Deadline: None

Abstract: This proposed rulemaking pertains to Curecanti National Recreation Area located in Colorado. The rulemaking will establish criteria for the operation of vehicles in off-road situations consistent with existing Executive Order 11644 and National Park Service and Department of the Interior policies.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: Thomas J. McDonnell, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, 655 Parfet Street, Denver, CO 80225, **303 234-3070**

RIN: 1024-AB27

1042. COULEE DAM RECREATION AREA: TRAPPING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.55

Legal Deadline: None

Abstract: The Service proposes to regulate trapping activities in accordance with State law.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: Gordon Boyd, Chief Park Ranger, Department of the Interior, National Park Service, P.O. Box 37, Coulee Dam, WA 99116, **509 633-0991**

RIN: 1024-AB14

1043. COULEE DAM RECREATION AREA OFF-ROAD VEHICLES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.55

Legal Deadline: None

Abstract: The Service proposes to establish a regulation designating routes for ORV use.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Undetermined

Agency Contact: Gordon Boyd, Chief Park Ranger, Department of the Interior, National Park Service, P.O. Box 37, Coulee Dam, WA 99116, **509 633-0991**

RIN: 1024-AB15

1044. ● LAKE MEREDITH RECREATION AREA - FIREARMS REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.57

Legal Deadline: None

Abstract: This proposal pertains to Lake Meredith Recreation Area, Texas. The Service proposes to allow organized groups to use the Spring Canyon Firing Range for target practice at designated times and periods in the presence of a qualified Range Officer. This proposal is consistent with National Park Service General Regulations and Policies.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: John C. Higgins, Superintendent, Department of the Interior, National Park Service, P.O. Box 1438, Fritch, Texas 79036, **806 857-3151**

RIN: 1024-AB56

1045. ● CAPE HATTERAS NATIONAL SEASHORE: OFF-ROAD VEHICLE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.58

Legal Deadline: None

Abstract: The Service proposes to designate by regulation routes available for off-road vehicle use at Cape Hatteras National Seashore, NC.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: Undetermined

Agency Contact: Thomas Hartman, Superintendent, Department of the Interior, National Park Service, Cape Hatteras National Seashore, Route 1, Box 675, Manteo, NC 27954, **919 473-2111**

RIN: 1024-AB54

1046. LAKE CHELAN NRA: FIREWOOD MANAGEMENT

Legal Authority: 16 USC 3; 16 USC 90c-1

CFR Citation: 36 CFR 7.62

Legal Deadline: None

Abstract: The Service proposes to develop regulations to implement a Firewood Management Program at Lake Chelan NRA.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: Undetermined

Agency Contact: John Reynolds, Superintendent, Department of the Interior, National Park Service, North Cascades NP, 800 State Street, Sedro Wooley, WA 98284, **206 855-1331**

RIN: 1024-AB30

1047. ROCKY MOUNTAIN NP: MOUNTAIN CLIMBING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7 (d)

Legal Deadline: None

Abstract: This deletion affects Rocky Mountain National Park in Colorado. Section 7.7 (d) will be deleted so that Rocky Mountain National Park will be in line with several other National Parks with significant technical climbing and no required registration check in/check out.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: Undetermined

Agency Contact: Thomas J. McDonnell, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Rocky Mountain Regional Office, 655 Parfet Street, Denver, CO 80225, **303 234-3070**

RIN: 1024-AB16

1048. ROCKY MOUNTAIN NP: WINTER BACKCOUNTRY TRIPS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7 (e)

Legal Deadline: None

Abstract: This deletion affects Rocky Mountain National Park in Colorado. Section 7.7 (e) will be deleted so that Rocky Mountain National Park will be in line with several other National Parks that do not require check out for overnight winter camping.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: Thomas J. McDonnell, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Rocky Mountain Regional Office, 655 Parfet Street, Denver, CO 80225, **303 234-3070**

RIN: 1024-AB17

1049. ROCKY MOUNTAIN NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7 (a)

Legal Deadline: None

Abstract: The service proposes to revise this section to further define waters closed to fishing as well as to further clarify the possession limit of fish.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: Undetermined

Agency Contact: David R. Stevens, Research Biologist, Department of the Interior, National Park Service, Rocky Mountain National Park, Estes Park, CO 80517, **303 586-2371**

RIN: 1024-AB46

1050. GLEN CANYON NATIONAL RECREATION AREA, DESIGNATED AIRSTRIPS

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.70(a)(1)

Legal Deadline: None

Abstract: This action is proposed to delete a reference to an airstrip at Wahweap which was closed by FAA in 1982 because of accidents and potential hazards to an adjacent residential area. Alternate landing facilities are available seven miles away.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: Undetermined

Agency Contact: John Ritenour, Chief, Resource Mngmt & Visitor Protection, Department of the Interior, National Park Service, Glen Canyon National Recreation Area, P.O. Box 1507, Page, AZ 86040, **602 645-2471**

RIN: 1024-AB24

1051. DELAWARE WATER GAP NRA: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.71

Legal Deadline: None

Abstract: Final regulations published June 30, 1983 in the Federal Register prohibit several fishing methods that are authorized by State laws in Pennsylvania and New Jersey. This proposed regulation affects the Delaware Water Gap National Recreation Area and would allow fishing in any manner consistent with the State laws of Pennsylvania and New Jersey.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, **215 597-7057**

RIN: 1024-AA98

1052. ● DELAWARE WATER GAP NATIONAL RECREATION AREA: COMMERCIAL VEHICLE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.71

Legal Deadline: None

Abstract: The Service proposes to revise Commercial Vehicle Regulations at Delaware Water Gap NRA to reflect Statutory Provisions which went into effect in 1986.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Chief, Branch of Ranger Activities, Department of the Interior, National Park Service, 143 South Third St., Philadelphia, PA 19106, 215 597-7057

RIN: 1024-AB53

1053. BUCK ISLAND REEF NM: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.73

Legal Deadline: None

Abstract: This proposed regulation pertains to Buck Island Reef National Monument and would establish criteria for the taking of lobsters in accordance with the laws of the Territory of the Virgin Islands.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024-AA93

1054. BUCK ISLAND REEF NM: SUBMERGED FEATURES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.73

Legal Deadline: None

Abstract: This regulation pertains to Buck Island Reef National Monument and would protect coral formations from damage by park visitors.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024-AA97

1055. VIRGIN ISLANDS NP: BOATING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.74

Legal Deadline: None

Abstract: This proposed regulation pertains to the Virgin Islands National Park and will establish a permit system relating to mooring of boats, length of stay and other criteria.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024-AB00

1056. VIRGIN ISLANDS NP: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.74

Legal Deadline: None

Abstract: This proposed regulation pertains to the Virgin Islands National Park and will establish criteria for the taking of lobsters in accordance with the laws of the Territory of the Virgin Islands.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024-AB01

1057. PADRE ISLAND NATIONAL SEASHORE: EMERGENCY VEHICLES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.75(a)(2)(v)

Legal Deadline: None

Abstract: The final regulations published on June 30, 1983 in the Federal Register adequately cover the provision found in 36 CFR 7.75(a)(2)(v). The new Section reference will be found in 36 CFR 1.2(e) when the final regulations become effective. Section 7.75(a)(2)(v) will then be deleted. This deletion affects Padre Island National Seashore.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: William M. Lukens, Jr., Superintendent, Department of the Interior, National Park Service, Padre Island, NS, 9405 S. Padre Island Dr., Corpus Christi, TX 78418, 512 937-2621

RIN: 1024-AB03

1058. PADRE ISLAND NATIONAL SEASHORE: HUNTING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.75(b)

Legal Deadline: None

Abstract: The service proposes to revise this section to further define where hunting is allowed and how duck blinds may be used.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	07/00/86	

Small Entity: No

Agency Contact: William M. Lukens, Jr., Superintendent, Department of the Interior, National Park Service, Padre Island National Seashore, 9405 South Padre Island Drive, Corpus Christi, TX 78418, 512 937-2621

RIN: 1024-AB22

1059. BIG THICKET NATIONAL PRESERVE: HUNTING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.85

Legal Deadline: None

Abstract: The Service proposes to revise the hunting regulations that apply the Big Thicket. Changes proposed include dates for open seasons, the use of temporary blinds, permits, the use of calling devices and the use of dogs.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Sante Fe, NM 87501, 505 988-6371

RIN: 1024-AB48

1060. INDIANA DUNES NL: ALCOHOLIC BEVERAGES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.88(b)

Legal Deadline: None

Abstract: This proposed rulemaking would prohibit the possession and use of alcoholic beverages within the confines of all swimming beaches at Indiana Dunes National Lakeshore.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: Undetermined

Agency Contact: James R. Walker, Visitor Services Specialist, Department of the Interior, National Park Service, Midwest Region, 1709 Jackson St., Omaha, NE 68102, 402 221-3475

RIN: 1024-AB25

1061. WHISKEYTOWN NATIONAL RECREATION AREA: GOLD-PANNING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.91

Legal Deadline: None

Abstract: The proposed rulemaking pertains to Whiskeytown National Recreation Area in California and would allow the panning of gold using only historical implements.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Undetermined

Agency Contact: Ray Foust, Superintendent, Department of the Interior, National Park Service, P.O. Box 188, Whiskeytown, CA 96095, 916 241-6584

RIN: 1024-AB45

1062. CAPE LOOKOUT NATIONAL SEASHORE: OFF-ROAD VEHICLES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.98

Legal Deadline: None

Abstract: This proposed regulation pertains to Cape Lookout National Seashore and will establish criteria for the operation of vehicles in off road situations consistent with existing NPS policy.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024-AA89

1063. MANAGEMENT OF MINING CLAIM ACTIVITIES

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, Subpart A

Legal Deadline: None

Abstract: As mandated by the "Mining In The Parks Act of 1976", the NPS promulgated its existing regulations to assure that operations on valid mining claims within units of the National Park System are conducted so as to prevent or minimize damage to park resources. The experience gained by the application of these regulations over the past six years indicates that certain adjustments are now necessary to clarify and simplify the existing regulatory language and to improve the management of mineral resources within NPS units. Specifically, several sections of the current regulations either have proven difficult to interpret or pertain to a surface disturbance moratorium that expired in 1980 thus rendering them obsolete.

Timetable:

Action	Date	FR Cite
ANPRM	07/20/84	49 FR 29415
ANPRM Comment Period End	08/20/84	49 FR 29415
30 day extension to ANPRM comment period to	09/20/84	
NPRM	04/15/86	
Final Action	08/15/86	
Final Action Effective	08/15/86	

Small Entity: No

Agency Contact: Carol McCoy, Chief, Policy and Regulations Branch, Department of the Interior, National Park Service, Room 3223 (480), Box 37127, Washington, DC 20013 - 7127, 202 343-4360

RIN: 1024-AB37

1064. MINERALS MANAGEMENT NONFEDERAL OIL AND GAS RIGHTS

Legal Authority: 16 USC 1 et seq; 31 USC 9701; 5 USC 301

CFR Citation: 36 CFR 9B

Legal Deadline: None

Abstract: Several sections of the regulations were ambiguously written which has caused confusion in interpreting the existing regulations during site specific implementation. NPS wants to make technical revisions to clarify requirements for both applicants and the NPS, such as: updating terms for consistency with existing policies and practices; setting bond limits consistent with existing reclamation costs; allowing NPS to collect administrative fees for issuing permits consistent with cost reimbursement requirements of Congressional and Executive direction; clarifying compliance issues associated with different access conditions; and, making the regulations applicable to all non-federal oil and gas operations within affected units of the NPS consistent with the enabling acts of affected units.

These are technical revisions to the regulations governing non-federal oil and gas activities within affected units of the National Park System. The existing authorities are 16 U.S.C. 1, et seq. and 31 U.S.C. 9701, 5 U.S.C. 301; and enabling legislation of the affected units.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	01/00/87	
Final Action Effective	02/00/87	

Small Entity: Undetermined

Agency Contact: Carol McCoy, Chief, Branch of Policy and Regulations, Department of the Interior, National Park Service, P.O. Box 37127 (480) Room 3223, Washington, DC 20013-7127, 202 343-4650

RIN: 1024-AB39

1065. ● MINERALS MANAGEMENT NONFEDERAL RIGHTS OTHER THAN OIL AND GAS

Significance: Agency Priority

Legal Authority: 16 USC 1 et seq; 31 USC 9701; 5 USC 301

CFR Citation: 36 CFR 9C

Legal Deadline: None

Abstract: Extensive nonfederal mineral rights exist within units of the National Park System. Two hundred eight park units contain privately owned inholdings totalling over 4.5 million acres and 96 park units contain split estates (surface is federally owned and the subsurface is privately owned) totaling 1.2 million acres. The extent of the minerals associated with nonfederal mineral rights is less well defined. Currently, few nonfederal mineral rights, other than oil and gas, are being developed within NPS units. The Service expects this relatively inactive development trend to continue. However, when such rights are proposed for development, the Service is charged by Congress to ensure that approved activities within park boundaries are consistent with the purposes for which the units were established. The proposed regulation would establish procedures and standards for the exercise of nonfederal mineral rights, for minerals other than oil and gas, to ensure that development activities are conducted in a manner to protect affected park units. The proposed regulations would establish consistent requirements for operators and the Service.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
NPRM Comment Period End	09/00/86	
Final Action	12/00/86	
Final Action Effective	01/00/87	

Small Entity: Undetermined

Agency Contact: Carol McCoy, Chief, Policy and Regulations Branch, Department of the Interior, National Park Service, P.O. Box 37127 (480) Room 3223, Washington, DC 20013-7127, 202 343-4650

RIN: 1024-AB55

1066. NPS UNITS IN ALASKA: CONCESSIONS

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 13

Legal Deadline: None

Abstract: This rulemaking will establish procedures for providing commercial visitor services in certain Alaska national park areas as provided for by the Alaska National Interest Lands Act.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Undetermined

Agency Contact: William Tanner, Staff Park Ranger, Department of the Interior, National Park Service, Alaska Regional Office - NPS, 2525 Gambell Street, Anchorage, AK 99503, 907 271-4551

RIN: 1024-AB18

1067. GATES OF THE ARCTIC NATIONAL PARK AND PRESERVE: DESIGNATION OF TRADITIONAL SUBSISTENCE HUNTING ZONES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13.64

Legal Deadline: None

Abstract: The service proposes to designate zones that have been used traditionally for subsistence hunting purposes within Gates of the Arctic National Park and Preserve by local rural residents.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Richard Ring, Superintendent, Department of the Interior, National Park Service, Gates of the Arctic National Park & Preserve, Box 74680, Fairbanks, AK 99707, 907 452-5363

RIN: 1024-AB32

1068. FIRE ISLAND NATIONAL SEASHORE: ZONING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 28

Legal Deadline: None

Abstract: This rule will be revised to add new definitions, to amend permitted and prohibited uses and to update zoning standards to reflect Seashore policy and local zoning ordinances.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Larry Hovig, Department of the Interior, National Park Service, North Atlantic Regional Office, 15 State Street, Boston, MA 02109, 617 223-1178

RIN: 1024-AA80

1069. YOSEMITE NATIONAL PARK: ADMINISTRATION EL PORTAL LAW ENFORCEMENT AND FIRE PREVENTION

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 34

Legal Deadline: None

Abstract: This rule will promulgate law enforcement and fire prevention regulations for the El Portal area in Yosemite National Park. El Portal is an administrative site used by the National Park Service and is not currently covered under other regulations in Title 36.

Timetable:

Action	Date	FR Cite
NPRM	02/25/86	51 FR 6561
NPRM Comment Period End	03/27/86	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: Phil Ward, Department of the Interior, National Park Service, Western Regional Office, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102, **415 556-1866**

RIN: 1024-AA29

1070. NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 60

Legal Deadline: None

Abstract: This rule is being amended to revise: appeals for listing nominations by persons or local governments in States without approved State historic preservation programs; procedures for nominations from State and Federal agencies; and procedures for making changes to listed properties and removals from the National Register, including appeals, and to incorporate 36 CFR Part 63.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/81	46 FR 56183
NPRM	04/15/86	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: Hardy Pearce, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-9505**

RIN: 1024-AA44

1071. NATIONAL NATURAL LANDMARKS

Legal Authority: Historic Sites Act of 1935

CFR Citation: 36 CFR 62.5

Legal Deadline: None

Abstract: Revision to the National Natural Landmarks Program national significance criteria is proposed to clarify the language and sharpen the definition. Revised criteria will better enable the National Park Service to make precise decisions about additions to the National Registry of Natural Landmarks, as well as better communicate the concept of national significance to the public. The alternative to this proposed action is to leave the present regulation 36 CFR 62.5 as it is. There are no perceived costs associated with this proposed rule revision.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Arthur L. Stewart, Acting Chief, Natural Areas Survey Branch, Department of the Interior, National Park Service, 413, Interagency Resources Division, P.O. Box 37127, Washington, DC 20013-7127, **202 343-9500**

RIN: 1024-AB41

1072. DETERMINATION OF ELIGIBILITY FOR INCLUSION IN THE NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 63

Legal Deadline: None

Abstract: This rule incorporates certain revisions responding to the National Historic Preservation Act Amendments of 1980. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for determining the eligibility of properties for the National Register. This rule will be consolidated with 36 CFR Part 60. Proposed rule (36 CFR Part 1204) was published May 23, 1980 (45 FR 34909).

Timetable:

Action	Date	FR Cite
NPRM 36 CFR 1204	05/23/80	45 FR 34909
NPRM	10/01/86	

Small Entity: No

Additional Information: Originally scheduled: July 1979.

Agency Contact: Carol Shull, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-9539**

RIN: 1024-AA46

1073. ARCHEOLOGICAL AND HISTORIC PRESERVATION ACT DEPARTMENT OF THE INTERIOR REGULATIONS

Legal Authority: 16 USC 469; 16 USC 470; 16 USC 470aa

CFR Citation: 36 CFR 66

Legal Deadline: None

Abstract: This rule is part of the Department's proposed overall rulemaking with respect to the Archeological and Historic Preservation Act of 1974. This guidance will facilitate the Department's coordination of activities authorized under the Act, and its reporting to Congress on the scope and effectiveness of the program, as required by section 5(c) of the Act.

Timetable:

Action	Date	FR Cite
ANPRM	10/28/85	50 FR 43587
ANPRM Comment Period End	11/27/85	50 FR 43587
NPRM	12/00/86	

Small Entity: Undetermined

Additional Information: Draft rules have been prepared and circulated for comment to Bureaus in the Department of the Interior. Following review and approval within the Department, the rules will be sent to other Federal Agencies for comment.

Agency Contact: Bennie Keel, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-4101**

RIN: 1024-AA49

1074. CURATION OF FEDERALLY-OWNED ARCHEOLOGICAL COLLECTIONS

Legal Authority: 16 USC 470a; 16 USC 470dd

CFR Citation: 36 CFR 79

Legal Deadline: None

Abstract: This rule fulfills the Secretary of the Interior's responsibility to issue regulations on the disposition, exchange and curation of federally-owned

prehistoric and historic archeological artifacts and associated records recovered under the Antiquities Act of 1906, the Reservoir Salvage Act of 1960 (as amended by the Archeological and Historic Preservation Act of 1974), the National Historic Preservation Act of 1966 (as amended) and the Archaeological Resources Protection Act of 1979. The regulation will describe Federal agency responsibilities to preserve federally-owned archeological collections and provide guidance for Federal agencies to select appropriate repositories and to ensure that appropriate Indian tribes or individuals are notified concerning the disposition of materials recovered from Indian lands.

Timetable:

Action	Date	FR Cite
ANPRM	10/11/85	50 FR 41527
ANPRM Comment Period End	11/12/85	50 FR 41527
NPRM	12/00/86	

Small Entity: Undetermined

Agency Contact: Dr. Bennie C. Keel, Departmental Consulting Archeologist, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-4101

RIN: 1024-AB13

1075. LAND AND WATER CONSERVATION FUND PROGRAM OF ASSISTANCE TO STATES (PART 59). URBAN PARK AND RECREATION RECOVERY PROGRAM (PART 72). POST-COMPLETION COMPLIANCE

Legal Authority: PL 88-578; 16 USC 2501; PL 95-625

CFR Citation: 36 CFR 59; 36 CFR 72

Legal Deadline: None

Abstract: The purpose of this regulation is to incorporate program requirements pertaining to the conversion of assisted recreation sites and facilities to non-public recreation uses, and to incorporate requirements regarding residency status of users of assisted sites into the Code of Federal Regulations. This proposal contains only those policies and procedures which are already operative and will not have an impact on the current operation and administration of both programs. Although not included in this publication, recipients of L&WCF and UPARR assistance should be aware that existing laws, regulations and program policy regarding post-completion compliance with Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973 remain requirements of these programs and will continue to be fully enforced. All post-completion compliance requirements of both programs will remain in force regardless of the program's funding and authorization status at any given point.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State

Agency Contact: Samuel L. Hall, Chief, Recreation Grants Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-3700

RIN: 1024-AB42

1076. CEMETERY SITES AND HISTORICAL PLACES

Legal Authority: 16 USC 3

CFR Citation: 43 CFR 2653

Legal Deadline: None

Abstract: The Service is proposing to amend 43 CFR 2653.5 by deleting all references to the Service as the consulting agency concerning the cultural value and significance of existing Alaska Native cemetery sites and historical places. This revision will relieve the Service from the responsibility of being the consulting agency for sites located on all Federal lands in Alaska, thus eliminating an expensive duplication of Federal effort.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Rich O'Guinn, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, 907 271-4551

RIN: 1024-AA84

1077. NATIONAL PARK SERVICE ACQUISITION REGULATION

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 1489; 48 CFR 1452.289; 48 CFR 1453.2; 48 CFR 1453.3

Legal Deadline: None

Abstract: The proposed regulation would establish Bureau-specific solicitation provisions, contract clauses and prescriptions for their use. These are necessary to supplement and implement the Federal Acquisition Regulation and the Department of the Interior Acquisition Regulation. This will provide standard contractual language for provisions and clauses not otherwise available in the Federal or Interior regulations that are needed by our operational contracting activities. This action should result in cost savings as this development and standardization will relieve the individual contracting activities of the responsibility of developing their own.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Lawrence E. Sawler, Chief, Acquisition and Assistance, System Branch, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 523-5021

RIN: 1024-AB35

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Final Rule Stage

1078. FIRE ISLAND NATIONAL SEASHORE: OFF-ROAD VEHICLES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7

Legal Deadline: None

Abstract: This rule will amend existing regulations pertaining to off-road vehicle use by designating routes for their use.

Timetable:

Action	Date	FR Cite
NPRM	07/25/83	48 FR 33722
Final Action	06/00/86	

Small Entity: No

Additional Information: Originally scheduled: October 1981.

Agency Contact: Len Frank, Department of the Interior, National Park Service, North Atlantic Regional Office, 15 State Street, Boston, MA 02109, **617 223-3765**

RIN: 1024-AA14

1079. ZION NATIONAL PARK: TRUCKING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7

Legal Deadline: None

Abstract: The Service is proposing to review existing trucking regulations for Zion National Park. These rules will adjust times, conditions and costs for truck convoys on the Zion-Mt. Carmel tunnel road to accommodate the safe use of park roads by visitors and to recover the costs of convoy services. The alternative to this rule is to leave existing provisions in place with no cost recovery and continuing public safety problems.

Timetable:

Action	Date	FR Cite
NPRM	05/14/85	50 FR 20111
NPRM Comment Period End	06/13/85	50 FR 20111
Final Action	03/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: John Chapman, Department of the Interior, National Park Service, Rocky Mountain Regional Office, P.O. Box 25287, Denver, CO 80225, **303 234-3068**

RIN: 1024-AA78

1080. BLUE RIDGE PARKWAY: COMMERCIAL VEHICLES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.34(f),(g)

Legal Deadline: None

Abstract: The service proposes to delete these two sections which are duplicated by provisions found in 36 CFR parts 1 and 5.

Timetable:

Action	Date	FR Cite
Final Action	05/00/86	

Small Entity: No

Agency Contact: Gary Everhardt, Superintendent, Department of the Interior, National Park Service, 700 Northwestern Bank Bldg., Asheville, NC 28801, **704 259-0351**

RIN: 1024-AB36

1081. LAKE MEAD NATIONAL RECREATION AREA: NOISE ABATEMENT EXEMPTION

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.48 (i)

Legal Deadline: None

Abstract: The proposed rulemaking pertains to Lake Mead National Recreation Area, located in Arizona and Nevada. It would allow motor vessels to exceed existing noise limitations while participating in regattas; thereby, making possible the continuation of a traditional activity.

Timetable:

Action	Date	FR Cite
NPRM	12/20/85	50 FR 51866
NPRM Comment Period End	01/21/86	50 FR 51866
Final Action	06/00/86	

Small Entity: Undetermined

Agency Contact: Newton Sikes, Chief Ranger, Department of the Interior, National Park Service, 601 Nevada Hwy., Boulder City, NV 89005, **702 293-9041**

RIN: 1024-AB50

1082. LAKE CHELAN NRA: TARGET PRACTICE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.62

Legal Deadline: None

Abstract: This proposed rulemaking pertains to Lake Chelan NRA and will designate a specially designed and constructed facility and time and location for target practice.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19546
NPRM Comment Period End	06/10/85	50 FR 19546
Final Action	04/00/86	

Small Entity: No

Agency Contact: John Reynolds, Superintendent, Department of the Interior, National Park Service, North Cascades National Park, 800 State Street, Sedro Wooley, WA 98284, **206 855-1331**

RIN: 1024-AB19

1083. ROSS LAKE NRA: TARGET PRACTICE

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 7.69

Legal Deadline: None

Abstract: This proposed rulemaking pertains to Ross Lake National Recreation Area and will designate a specially designed and constructed facility and time and location for target practice.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19546
NPRM Comment Period End	06/10/85	50 FR 19546
Final Action	04/00/86	

Small Entity: No

Agency Contact: John Reynolds, Superintendent, Department of the Interior, National Park Service, North Cascades National Park, 800 State Street, Sedro Wooley, WA 98284, **206 855-1331**

RIN: 1024-AB28

1084. ST. CROIX NSR: WATER USE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.9(a)(3),(4)

Legal Deadline: None

Abstract: This revision would change established beginning and ending dates for water skiing at St. Croix National Scenic Riverway from Memorial Day through Labor Day to the period May 15th through September 15th. This rulemaking would also change the southern limit from mile 24.5 to 1 mile 25.0.

Timetable:

Action	Date	FR Cite
NPRM	10/04/85	50 FR 40567
NPRM Comment Period End	11/04/85	50 FR 40567
Final Action	05/00/86	

Small Entity: No

Agency Contact: James R. Walker, Visitor Services Specialist, Department of the Interior, National Park Service, Midwest Region, 1709 Jackson St., Omaha, NE 68102, **402 221-3475**

RIN: 1024-AB08

1085. NATIONAL CAPITAL REGION: SPECIAL REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 50; 36 CFR 7.96; 36 CFR 7.99

Legal Deadline: None

Abstract: This deletion affects National Capital Region. Part 50 will be deleted and regulations peculiar to this region will be incorporated in revisions to Part 7. 7.96 will address special regulations in those NPS areas within the District of Columbia. 7.99 will address special regulations in NPS areas in the District of Columbia, Maryland and Virginia.

The National Capital Region will then use the same general regulations as the rest of the NPS.

Timetable:

Action	Date	FR Cite
NPRM	12/19/85	50 FR 51782
NPRM Comment Period End	02/18/86	50 FR 51782
Final Action	07/00/86	

Small Entity: No

Agency Contact: Lowell Sturgill, Associate Regional Director, Operations, Department of the Interior, National Park Service, National Capital Region, 1100 Ohio Drive, SW, Washington, DC 20242, **202 426-6658**

RIN: 1024-AB29

1086. CONCESSIONER CHILD LABOR

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 8.4

Legal Deadline: None

Abstract: It is proposed to amend 36 CFR by deleting Section 8.4, Child Labor, which prohibits a person under 16 years of age to be employed by a concessioner. This action will allow National Park Service concessioners to employ minors in accordance with Federal or State labor laws applicable in the state of employment. This action is without cost to any party but will benefit children and concessioners by permitting concessioners to employ children between the ages of 14 and 16. It will benefit parents working for a concessioner by enabling the concessioner to employ their children under the age of 16 who otherwise may be unemployed or would need to be transported to a place of working outside a national park area, sometimes a considerable distance. The only other alternatives are to delete only the first sentence of Subsection 8.4 or leave the current regulation as is.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19548
NPRM Comment Period End	06/10/85	50 FR 19548
Final Action	04/00/86	

Small Entity: No

Agency Contact: James A. Owen, Concessions Analyst, Department of the Interior, National Park Service, Washington, DC 20240, **202 523-1741**

RIN: 1024-AB34

1087. NPS UNITS IN ALASKA: CLOSURE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13

Legal Deadline: None

Abstract: This rule will provide for the closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve and Katmai National Park and Preserve to snowmachines, motorboats and aircraft use.

Timetable:

Action	Date	FR Cite
NPRM	04/06/83	48 FR 14978
NPRM Comment Period End	06/06/83	48 FR 14978
Comment Period Extension Begin	06/06/83	48 FR 26319
Comment Period Extension Ends	08/06/83	
Final Action	06/00/86	

Small Entity: No

Additional Information: Originally scheduled: April 1982.

Agency Contact: Bill Tanner, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, **907 271-4551**

RIN: 1024-AA71

1088. NPS UNITS IN ALASKA: CABIN USE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13

Legal Deadline: None

Abstract: This rule will govern all authorized types of cabin use in National Park Service areas in Alaska.

Timetable:

Action	Date	FR Cite
NPRM	04/03/84	49 FR 13160
Extension of NPRM Comment Period to 08/13/84	06/01/84	49 FR 22835
Final Action	04/00 8.	

Small Entity: No

Additional Information: Originally scheduled: April 1983.

DOI—NPS

Final Rule Stage

Agency Contact: Bill Tanner, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, **907 271-4551**

RIN: 1024-AA85

1089. ARCHEOLOGICAL RESOURCES PROTECTION ACT DEPARTMENT OF THE INTERIOR SUPPLEMENTAL REGULATIONS

Legal Authority: 16 USC 470aa et seq

CFR Citation: 43 CFR 7(b)

Legal Deadline: None

Abstract: This rule will implement the provisions of Section 10(b) of the Archaeological Resources Protection Act of October 31, 1979, and will be based on the uniform rule found in 43 CFR 7. The intended effect of this rule is to advise the public of its obligations to the Department and to further advise of the Department's obligations to the public concerning the protection and conservation of archaeological resources located on public and Indian lands within the United States, its territories and possessions.

Timetable:

Action	Date	FR Cite
NPRM	11/14/85	50 FR 47073
NPRM Comment Period End	01/13/86	50 FR 47073
Final Action	12/00/86	

Small Entity: No

Agency Contact: Bennie C. Keel, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-4101**

RIN: 1024-AA83

1090. TRANSPORTATION AND UTILITY SYSTEMS IN ALASKA

Legal Authority: 16 USC 3161

CFR Citation: 43 CFR 36

Legal Deadline: None

Abstract: This rule will establish procedures for the review and approval of any application for a transportation or utility system in Alaska, if any portion of the system's route will be within any national conservation system unit, national recreation area or national conservation area in the State.

Timetable:

Action	Date	FR Cite
NPRM	07/15/83	48 FR 32506
Final Action	04/00/86	

Small Entity: No

Additional Information: Originally scheduled: October 1982.

Agency Contact: Brian Koula, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-7957**

RIN: 1024-AA58

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Completed Actions

1091. CATOCTIN MOUNTAIN PARK: POSSESSION OF WEAPONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR Not yet determined

Legal Deadline: None

Abstract: This proposed rulemaking pertains to Catoctin Mountain Park in Maryland. The rulemaking will prohibit, with exceptions, the possession of weapons, whether loaded or unloaded, within the park.

Timetable:

Action	Date	FR Cite
Withdrawn because problem solved by other means	12/01/85	

Small Entity: Undetermined

Additional Information: It has been determined that this regulation is necessary for the protection and security of the President of the United States while he is at Camp David.

Agency Contact: Lowell Sturgill, Associate Regional Director, Operations, Department of the Interior, National Park Service, Air Quality Division, 18th & C Streets, NW, Room 3021, Washington, DC 20240, **202 426-6658**

RIN: 1024-AB05

1092. DELAWARE WATER GAP NRA: COMMERCIAL VEHICLE FEES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7

Legal Deadline: None

Abstract: This regulation affects the Delaware Water Gap National Recreation Area and that portion of Route 209 that passes through the park. Interim commercial vehicle fees for Route 209 have been in effect since October 14, 1983. This regulation will establish revised fees.

Timetable:

Action	Date	FR Cite
NPRM	10/14/83	48 FR 46779
NPRM	01/08/85	50 FR 973
NPRM Comment Period End	02/07/85	50 FR 973
Final Action	08/23/85	50 FR 34128
Final Action Effective	09/23/85	50 FR 34128

Small Entity: No

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, **215 597-7057**

RIN: 1024-AA99

1093. ROSS LAKE NRA: AIRCRAFT USE

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 7.69

Legal Deadline: None

Abstract: This regulation will allow aircraft to utilize the water surface of Ross Lake within the park boundaries.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19547
NPRM Comment Period End	06/10/85	50 FR 19547
Final Action	12/20/85	50 FR 51855
Final Action Effective	01/21/86	

Small Entity: No

Agency Contact: John Reynolds, Superintendent, Department of the Interior, National Park Service, North Cascades National Park, 800 State Street, Sedro Wooley, WA 98284, 206 855-1331

RIN: 1024-AB20

1094. GOLDEN GATE NRA: PETS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.79

Legal Deadline: None

Abstract: The service proposes to establish pet policies and restrictions at Golden Gate NRA in addition to those contained in 36 CFR 2.15.

Timetable:

Action	Date	FR Cite
Withdrawn - Rulemaking no longer being considered	01/17/86	

Small Entity: No

Agency Contact: Gil Soper, Chief, Ranger Activities, Department of the Interior, National Park Service, Building 201, Fort Mason, San Francisco, CA 94124, 415 556-0560

RIN: 1024-AB31

1095. NATIONAL CEMETERY REGULATIONS

Significance: Agency Priority

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 12

Legal Deadline: None

Abstract: These regulations were last revised in 1971 and are again in need of updating to assure appropriate levels of protection and consistent management of national cemeteries.

Timetable:

Action	Date	FR Cite
NPRM	10/28/85	50 FR 43581
Final Action	03/14/86	

Small Entity: No

Agency Contact: Andrew T. Ringgold, Staff Park Ranger, Department of the Interior, National Park Service, Branch of Ranger Activities, Interior Building, 18th and C Sts., NW, Washington, DC 20240, 202 343-4187

RIN: 1024-AB04

1096. IDENTIFICATION OF INTEGRAL VISTAS ASSOCIATED WITH FEDERAL CLASS I AREAS

Legal Authority: 42 USC 7491; 16 USC 1 et seq National Park Service Organic Act

CFR Citation: 36 CFR 16, (New)

Legal Deadline: None

Abstract: This rule will provide guidelines for identification of integral vistas and a list of integral vistas associated with 43 of the 48 National Park Service mandatory class I areas where visibility is an important value. The alternatives under consideration include (a) no action and (b) proposal of revised list of integral vistas. Upon completion, the RIA will discuss costs and benefits of the rule. Cost-benefit analysis is difficult, however, and speculative at best, since the rule merely identifies the integral vistas, but commits the decision on whether and how much to protect any particular vista to the permitting authority (usually the state, otherwise EPA). In other words, once an integral vista is properly and timely identified, the permitting authority must balance its protection against costs of compliance, the time necessary for compliance, the energy and nonair quality environmental impacts of compliance, and the remaining useful life of any existing source, subject to such requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/15/81	46 FR 3646
Prop. Guidelines/Notice of Avail.	01/15/81	46 FR 3646
NPRM Comment Period End	02/17/81	46 FR 3646
Comment Period begins	04/24/81	46 FR 23389
Comment Period reopened	04/24/81	46 FR 23389
Comment Period ends	06/08/81	46 FR 23389
The Department announced its decision not to finalize the Integral Vista Rulemaking.	10/25/85	

Small Entity: No

Additional Information: Originally scheduled: October 1981. EPA regulatory deadline for final action: 12/31/85.

DOI announced decision not to finalize Internal Vista rulemaking: 10/25/85

Analysis: Regulatory Impact Analysis

Agency Contact: Molly N. Ross, Assistant Division Chief, Department of the Interior, National Park Service, Air Quality Division, 18th and C Streets, NW, Washington, DC 20240, 202 343-4911

RIN: 1024-AA35

1097. NATIONAL CAPITAL PARKS REGULATIONS; LAFAYETTE PARK; STRUCTURE PROHIBITIONS; SIGN LIMITATIONS

Significance: Agency Priority

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 50.19

Legal Deadline: None

Abstract: The rule would prohibit structures, with certain exceptions, and limit the number and size of signs placed or set down in Lafayette Park. The rule is being promulgated in response to citizen complaints concerning the continually worsening visual blight in the Park, and in response to safety and resource protection concerns. Large numbers of signs and structures now present in Lafayette Park have contributed to the steady deterioration of this historic and well manicured "garden park". In addition to the visual blight created by these objects, substantive damage to the Park results from the placement and support of large signs and structures. Finally, poorly constructed signs and structures create constant safety hazards in the Park. Many less restrictive alternatives were considered but found to be inadequate to meet the substantial government interests present here. The rule should have minimal potential costs, the only costs anticipated being possible increased law enforcement costs. The benefits to

Lafayette Park and the public are substantial in that increased aesthetic quality, safety and resource protection benefit all citizens.

Timetable:

Action	Date	FR Cite
NPRM	08/20/85	50 FR 33571
NPRM Comment Period End	10/21/85	50 FR 33571
Final Action	03/05/86	
Final Action Effective	04/04/86	

Small Entity: No

Agency Contact: Sandra Alley, Associate Regional Director, Public Affairs, Department of the Interior, National Park Service, National Capital Region, 1100 Ohio Drive, SW, Washington, DC 20242, **202 426-6700**

RIN: 1024-AB43

1098. OZARK NSR: FISHING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 783(d)(3)

Legal Deadline: None

Abstract: This proposed rulemaking would authorize the taking of crayfish and turtles in areas designated by the Superintendent of Ozark National Scenic Riverways consistent with Missouri fishing laws.

Timetable:

Action	Date	FR Cite
NPRM	06/28/85	50 FR 26809
NPRM Comment Period End	07/29/85	50 FR 26809
Final Action	10/25/85	50 FR 43387
Final Action Effective	11/25/85	50 FR 43387

Small Entity: No

Agency Contact: James R. Walker, Visitor Services Specialist, Department of the Interior, National Park Service, Midwest Region, 1709 Jackson St., Omaha, NE 68102, **402 221-3475**

RIN: 1024-AB23

[FR Doc. 86-4521 Filed 04-18-86; 8:45 am]

BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI) Prerule Stage

Bureau of Indian Affairs (BIA)

1099. INDIAN EDUCATION POLICIES

Significance: Regulatory Program

Legal Authority: 25 USC 2010; 25 USC 2013

CFR Citation: 25 CFR 32

Legal Deadline: None

Abstract: Policy statements under this part are generally broad, rhetorical, and nonmeasurable. The revision will address the simplification, clarification, consolidation, and elimination of policy statements that are not attainable or measurable. OIEP will pursue selected policy statements that have the administration's agreements and do not anticipate any increase or potential increase in cost in the revision of this regulation.

Timetable:

Action	Date	FR Cite
Review of current regulations	07/00/86	
Consultation with tribes	09/00/86	
NPRM	12/00/86	

Small Entity: Undetermined

Agency Contact: George D. Scott, Educational Specialist, Department of the Interior, Bureau of Indian Affairs, Rm. 3530-Main Int., 18th & C Streets, NW, Washington, DC 20245, **202 343-4872**

RIN: 1076-AB64

1100. PREPARATION OF A ROLL TO SERVE AS THE BASIS FOR THE DISTRIBUTION OF JUDGEMENT FUNDS AWARDED TO THE PEMBINA BAND OF CHIPPEWA INDIANS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1241 et seq

CFR Citation: 25 CFR 68

Legal Deadline: None

Abstract: This rule, which is scheduled for review, governs the one-time compilation of a roll of lineal descendants of members of the Pembina Band of Chippewa Indians as it was constituted in 1863 pursuant to the Act of July 29, 1971. The roll is to serve as the basis for a distribution of an apportioned share of judgment funds awarded the Pembina Band of Chippewa Indians. This Part has been redesignated from 25 CFR Part 43g.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/85	
End Review	09/00/86	

Small Entity: Undetermined

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3594**

RIN: 1076-AB57

1101. PREPARATION OF A ROLL OF ALASKA NATIVES

Legal Authority: 43 USC 1601 et seq; PL 94-204

CFR Citation: 25 CFR 69

Legal Deadline: None

Abstract: This rule, which is subject to review, governs the preparation of a roll of Alaska Natives pursuant to the Alaska Native Claims Settlement Act, as amended. Persons whose names are included on the Alaska Native roll are eligible to participate in benefits under ANCSA. This Part has been redesignated from 25 CFR Part 43h.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/85	
End Review	09/00/86	

Small Entity: Undetermined

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB56

1102. REVISION OF THE MEMBERSHIP ROLL OF THE EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA

Legal Authority: PL 85-154

CFR Citation: 25 CFR 75

Legal Deadline: None

Abstract: This rule, which is subject to review, governed the revision authorized by the Act of August 21, 1957, Pub. L. 85-154, (71 Stat. 374), of the membership roll of the Eastern Band of Cherokee Indians, North Carolina, prepared and approved in accordance with the Act of June 4, 1924 (43 Stat. 376), and the Act of March 4, 1931 (46 Stat. 1518). The rule also provides procedures for maintaining a current membership roll. This Part has been redesignated from 25 CFR Part 47.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/85	
End Review	09/00/86	

Small Entity: Undetermined

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB54

1103. REGULATIONS FOR PRO RATA SHARES OF TRIBAL FUNDS

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 112

Legal Deadline: None

Abstract: Procedures and criteria for filing application for pro rata share of tribal funds. No alternatives are under active consideration. Regulations will be reviewed for any necessary updates, clarity, etc. No cost or benefit estimates applicable at this time.

Timetable:

Action	Date	FR Cite
Begin Review	05/01/85	
End Review	09/00/86	

Small Entity: Undetermined

Agency Contact: Barbara Davis, Trust Funds Specialist, Department of the Interior, Bureau of Indian Affairs, Rm. 4513-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2963

RIN: 1076-AB65

1104. DISTRIBUTION OF JUDGEMENT FUNDS AWARDED TO THE OSAGE TRIBE OF INDIANS IN OKLAHOMA

Legal Authority: 86 Stat. 1295

CFR Citation: 25 CFR 121

Legal Deadline: None

Abstract: 25 CFR 121 is being reviewed as scheduled under the Bureau's Regulatory Reform Act.

The regulations in this part govern the distribution, pursuant to the act of October 27, 1972, of judgement funds awarded to the Osage Tribe of Indians of Oklahoma.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	10/00/86	

Small Entity: No

Agency Contact: Barbara Davis, Trust Funds Specialist, Department of the Interior, Bureau of Indian Affairs, Room 4513, Main Interior, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2963

RIN: 1076-AB66

1105. PROCEDURES FOR DEPOSITING FUNDS TO THE CREDIT OF 14X6140-DEPOSITS OF PROCEEDS OF LANDS WITHDRAWN FOR NATIVE SELECTION, BIA

Legal Authority: PL 94-204, 89 Stat. 1146; 43 USC 1613; 94 Stat. 2371

CFR Citation: 25 CFR 124, (Revision)

Legal Deadline: None

Abstract: Provide up to date and correct deposit procedures to be used by all Departments and Agencies of the Federal Government and the State of Alaska for the deposit of proceeds derived from contracts, leases, permits, and rights-of-way or easements pertaining to affected lands or resources in affected lands withdrawn for Native selection pursuant to the Alaska Native Claims Settlement Act.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	09/00/86	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0

Affected Sectors: None

Agency Contact: Betty L. Wilkinson, Acting Chief, Department of the Interior, Bureau of Indian Affairs, Division of Accounting Management, Room 4604, Main Interior, 18th & C Sts., NW, Washington, DC 20245, 202 343-7336

RIN: 1076-AB67

1106. OPERATION OF U.S.M.S. "NORTH STAR" BETWEEN SEATTLE, WASHINGTON AND STATIONS OF THE BUREAU OF INDIAN AFFAIRS AND OTHER GOVERNMENT AGENCIES, ALASKA

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 142

Legal Deadline: None

Abstract: The review of this rule was originally assigned an "End Review Date" of October 1984. During the 1985 Shipping Season, which extends from April through October 1985, the BIA will be conducting a test of the Department of Defense Coolbarge system. During that period, all Bureau-sponsored cargo will be shipped via Coolbarge and the USMS "Northstar" will be temporarily removed from service. If the test proves to be successful, then, the Northstar Operation (the use of the Bureau-held ship) will be permanently discontinued in favor of Coolbarge. After completing the test evaluation, decisions will be made regarding Northstar vs. Coolbarge. After the policy decisions are made, the regulation will be deleted or revised as appropriate to reflect and describe the new concept of Operation. The estimated completion date should be changed to October 1986.

DOI—BIA

Prerule Stage

Timetable:

Action	Date	FR Cite
End Review	10/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Gerald Taylor, Seattle Liaison Office, Department of the Interior, Bureau of Indian Affairs, Federal Building, Seattle, WA 98104, 206 764-3328

RIN: 1076-AA96

1107. LAND RECORDS AND TITLE DOCUMENTS

Legal Authority: 25 USC 5; 25 USC 9

CFR Citation: 25 CFR 150; 43 CFR 4

Legal Deadline: None

Abstract: This regulation will be reviewed with only minor changes expected due to a realignment of responsibilities concerning our title plants. This rule sets forth authorities, policy and procedures governing the recording, custody, maintenance, use and certification of title documents, and the issuance of title status reports for Indian land.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/86	
End Review	12/31/86	

Small Entity: No

Agency Contact: William J. Bucholz, Chief, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, Rm. 4520-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-7737

RIN: 1076-AB68

1108. ● LAND ACQUISITIONS

Legal Authority: PL 97-459

CFR Citation: 25 CFR 151

Legal Deadline: None

Abstract: The Bureau proposes to publish amendments to Part 151 dealing with acquisition of fractional interests in land. Simultaneously, this rule will be reviewed to determine if all provisions are current and up-to-date.

Timetable:

Action	Date	FR Cite
NPRM	08/17/84	
NPRM Comment Period End	10/16/84	
End Review	12/00/86	

Small Entity: Undetermined

Additional Information: A recent District Court opinion has held that a portion of our Land Acquisition Regulations are unconstitutional. This decision is being appealed to the Supreme Court.Depending on outcome, these rules may have to be revised.

Agency Contact: William J. Bucholz, Chief, Div. of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, 202 343-7737

RIN: 1076-AA81

1109. DETERMINATION OF COMPETENCY: CROW INDIANS

Legal Authority: 41 Stat. 755; 46 Stat. 1495

CFR Citation: 25 CFR 153

Legal Deadline: None

Abstract: A full review will be accomplished with a view towards determining whether this rule has outlived its usefulness or can be combined with one general "competency" part. Governs the procedures in determining the competency of Crow Indians under Public Law 303, 81st Congress, approved September 8, 1949.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/85	
End Review	09/30/86	

Small Entity: No

Agency Contact: William J. Bucholz, Chief, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, Rm. 4520-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-7737

RIN: 1076-AB69

1110. REALLOTMENT OF LANDS TO UNALLOTTED INDIAN CHILDREN

Legal Authority: 25 USC 461 to 479; 25 USC 408

CFR Citation: 25 CFR 156

Legal Deadline: None

Abstract: Provides for the reallotment of original patent of lands to Indian children or the reallotment of land to when the original patent has been destroyed but is verifiable.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/86	
End Review	12/31/86	

Small Entity: No

Agency Contact: William J. Bucholz, Chief, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, Rm. 4520-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-7737

RIN: 1076-AB70

1111. SALE OF IRRIGABLE LANDS, SPECIAL WATER CONTRACT REQUIREMENTS

Legal Authority: 25 USC 385; 25 USC 386

CFR Citation: 25 CFR 159; 25 CFR 160; 25 CFR 171; 25 CFR 173

Legal Deadline: None

Abstract: This existing regulation will be reviewed in Calendar Year 1986 to determine whether to propose modifications through rulemaking.

Provides requirements for the payment of assessment fees and recordation of agreements in contracts to sell irrigable lands.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	10/00/86	

Small Entity: No

Agency Contact: Mort S. Dreamer, Civil Engineer - Irrigation and Power, Department of the Interior, Bureau of Indian Affairs, Rm. 4513-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-5696

RIN: 1076-AB71

1112. INCLUSION OF LIENS IN ALL PATENTS AND INSTRUMENTS EXECUTED

Legal Authority: 25 USC 385; 25 USC 386

CFR Citation: 25 CFR 160; 25 CFR 134; 25 CFR 171; 25 CFR 173

Legal Deadline: None

Abstract: This existing regulation will be reviewed in Calendar Year 1986 to determine whether to propose modifications through rulemaking.

The rule implements the act of March 7, 1923, which created a first lien against irrigable lands under all Indian irrigation projects where the construction, operation and maintenance costs of such projects remain unpaid and are reimbursable, and directs that such lien shall be recited in any patent or instrument issued for such lands to cover such unpaid charges.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	10/00/86	

Small Entity: No

Agency Contact: Mort S. Dreamer, Civil Engineer - Irrigation and Power, Department of the Interior, Bureau of Indian Affairs, Rm. 4513-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-5696**

RIN: 1076-AB72

1113. OPERATION AND MAINTENANCE

Legal Authority: 25 USC 385; 25 USC 386

CFR Citation: 25 CFR 171; 25 CFR 159; 25 CFR 160; 25 CFR 173

Legal Deadline: None

Abstract: This existing regulation will be reviewed in Calendar Year 1986 to determine whether to propose modifications through rulemaking.

Procedures governing the delivery of water to irrigation projects or units and the establishment of an annual operation and maintenance assessment rate for such sites.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	10/00/86	

Small Entity: No

Agency Contact: Mort S. Dreamer, Civil Engineer - Irrigation and Power, Department of the Interior, Bureau of Indian Affairs, Rm. 4513-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-5696**

RIN: 1076-AB74

1114. CONCESSIONS, PERMITS AND LEASES ON LANDS WITHDRAWN OR ACQUIRED IN CONNECTION WITH INDIAN IRRIGATION PROJECTS

Legal Authority: 25 USC 385; 25 USC 386

CFR Citation: 25 CFR 173; 25 CFR 159

Legal Deadline: None

Abstract: This existing regulation will be reviewed in Calendar Year 1986 to determine whether to propose modifications through rulemaking.

This rule governs the granting of concessions, business, agricultural and grazing leases or permits on reservoir sites, reserves for canals or flowage areas, and other lands withdrawn or otherwise acquired in connection with the San Carlos, Fort Hall, Flathead and Duck Valley or Western Shoshone irrigation projects.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	10/00/86	

Small Entity: No

Agency Contact: Mort S. Dreamer, Civil Engineer - Irrigation and Power, Department of the Interior, Bureau of Indian Affairs, Rm. 4513-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-5696**

RIN: 1076-AB73

1115. LEAD AND ZINC MINING OPERATIONS AND LEASES, QUAPAW AGENCY

Legal Authority: Sec. 26, 41 Stat. 1248; 50 Stat. 68

CFR Citation: 25 CFR 215; 25 CFR 212; 30 CFR Chapter II

Legal Deadline: None

Abstract: The regulations in this part provide the procedures and processes for lead and zinc mining operations and leases within the Quapaw Agency. No changes to the regulations are being considered at this time.

Timetable:

Action	Date	FR Cite
Begin Review	08/30/86	
End Review	09/30/86	

Small Entity: No

Agency Contact: Joseph C. Johnston, Chief, Division of Energy and Mineral Res., Department of the Interior, Bureau of Indian Affairs, Rm. 4529-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-9469**

RIN: 1076-AB75

1116. MANAGEMENT OF TRIBAL ASSETS OF UTE INDIAN TRIBE, UINTAH AND OURAY RESERVATION, UTAH, BY THE TRIBE AND THE UTE DISTRIBUTION CORP

Legal Authority: 25 USC 677 to 677aa Secs 27 & 28 of the Act of 8/27/54; 68 Stat. 868; 5 USC 301; 230 DM 1 and 2; 25 USC 2 Sec 463 of the Revised Statutes; 25 USC 9 Sec 465 of the Revised Statutes

CFR Citation: 25 CFR 217

Legal Deadline: None

Abstract: The regulations state that the assets shall be managed jointly by the business committee and the board of directors. These regulations set out the procedures for exercising such joint management. There is currently a conflict concerning these regulations which may justify a review.

Timetable:

Action	Date	FR Cite
Begin Review	08/30/86	
End Review	09/30/86	

Small Entity: Undetermined

Agency Contact: Joseph C. Johnston, Chief, Division of Energy and Mineral Res., Department of the Interior, Bureau of Indian Affairs, Rm. 4529-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-9469**

RIN: 1076-AB78

1117. ● OIL AND GAS MINERAL AGREEMENTS

Legal Authority: PL 97-382; 52 Stat. 347; 35 Stat. 783

CFR Citation: 25 CFR 225

Legal Deadline: None

Abstract: The Bureau proposes to publish regulations that will govern mineral agreements for the development of Indian owned oil and gas resources pursuant to the Indian Mineral Development Act of 1982, Public Law 97-382, which authorizes the tribes to enter into negotiated agreements rather than go through the previously required competitive advertising procedure.

Timetable:

Action	Date	FR Cite
NPRM	07/12/83	48 FR 31978
End Review	06/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: Joseph Johnston, Chief, Div. of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-9469**

RIN: 1076-AA82

1118. LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

Legal Authority: Sec 3, 34 Stat. 543; Sec 1, 45 Stat. 1478; Sec 2, 45 Stat. 1478; Sec 1, 45 Stat. 1479; Sec 2, 45 Stat. 1479

CFR Citation: 25 CFR 226; 25 CFR 2

Legal Deadline: None

Abstract: The regulations in this part provide procedures and processes for oil and gas mining leasing of Osage Reservation lands. Changes are being considered.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	10/00/86	

Small Entity: Undetermined

Agency Contact: Joseph C. Johnston, Chief, Div. of Energy & Mineral Resources, Department of the Interior, Bureau of Indian Affairs, Rm. 4529-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-9469**

RIN: 1076-AB79

1119. LEASING OF CERTAIN LANDS IN WIND RIVER INDIAN RESERVATION, WYOMING, FOR OIL AND GAS MINING

Legal Authority: Sec 1, 39 Stat. 519

CFR Citation: 25 CFR 227; 30 CFR Chapter II; 17 CFR Chapter II; 30 CFR 221; 25 CFR 211.26(d)

Legal Deadline: None

Abstract: The regulations in this part provide the procedures and processes for acquiring leases, processes of payment of royalties and rents and leasing operations on certain lands in Wind River Indian Reservation, Wyoming, for oil and gas mining. No changes are being considered at this time.

Timetable:

Action	Date	FR Cite
Begin Review	08/30/86	
End Review	09/30/86	

Small Entity: No

Agency Contact: Joseph C. Johnston, Chief, Divison of Energy and Mineral Res., Department of the Interior, Bureau of Indian Affairs, Rm. 4529-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-9469**

RIN: 1076-AB80

1120. INDIAN FISHING IN ALASKA

Legal Authority: 25 USC 2; 25 USC 9; 43 USC 1457; 26 Stat. 110; 48 USC 358; 39 Stat. 1777; 49 Stat. 1250; 48 USC 358; 72 Stat. 339; 73 Stat. 141

CFR Citation: 25 CFR 241

Legal Deadline: None

Abstract: The purpose of the regulations is to regulate all fishing within the Annette Islands Reserve and to regulate Indian and other native commercial fishing in the Kariuk Indian Reservation, Alaska. The alternative of no regulation would not protect Indian fishing rights.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	10/00/86	

Small Entity: Undetermined

Government Levels Affected: Local, Federal

Agency Contact: Gary Rankel, Chief, Branch of Fish,Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, Rm. 4555-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-4088**

RIN: 1076-AB81

1121. USE OF COLUMBIA RIVER INDIAN IN-LIEU FISHING SITES

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 248

Legal Deadline: None

Abstract: This section provides regulations for the use of any of the lands acquired by the Secretary of War and transferred to the Secretary of the Interior pursuant to the Act of March 2, 1945 (59 Stat. 22), as amended, as "in lieu sites" to replace Indian fishing grounds submerged or destroyed as a result of the construction of the Bonneville Dam. The alternative of no regulation would not protect Indian fishing rights.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	10/00/86	

Small Entity: Undetermined

Government Levels Affected: Local, Federal

Agency Contact: Gary Rankel, Chief, Branch of Fish, Wildlife & Rec., Department of the Interior, Bureau of Indian Affairs, Rm. 4555-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-4088**

RIN: 1076-AB82

1122. OFF-RESERVATION TREATY FISHING

Legal Authority: 25 USC 2; 25 USC 9; 5 USC 301

CFR Citation: 25 CFR 249

Legal Deadline: None

Abstract: This rule, which is scheduled for review, governs protection of off-reservation nonexclusive fishing rights; promotes proper management, conservation and protection of fisheries resources; and provides for determination of restrictions on the manner of nonexclusive fishing privileges.

Timetable:

Action	Date	FR Cite
End Review	09/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Gary L. Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4088**

RIN: 1076-AB00

DOI—BIA

Prerule Stage

1123. ● SUBCHAPTER M -- INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT PROGRAMS

Significance: Regulatory Program

Legal Authority: 25 USC 450 et seq; PL 98-250

CFR Citation: 25 CFR 271; 25 CFR 272; 25 CFR 274; 25 CFR 276; 25 CFR 277; 25 CFR 278

Legal Deadline: None

Abstract: Technical amendments to the Indian Self-Determination Act permit Indian tribes, by mutual agreement, to enter into grants, cooperative agreements and contracts with the Bureau of Indian Affairs. As there are no regulatory provisions for the award of grants or cooperative agreements, the regulations will be revised to include such awards, as well as, make general revisions to simplify and clarify the regulatory provisions pertaining to the contractibility of the trust, administrative and legal service functions performed by the Bureau.

Timetable:

Action	Date	FR Cite
Hold public hearings with Indian leaders on draft proposed rule	04/30/86	
NPRM	10/31/86	
Final Action	01/31/87	

Small Entity: Undetermined

Additional Information: Individual regulatory actions for 25 CFR Parts 271, 272, 274, 276, 277 and 278 have been consolidated as one action in the semi-annual agenda and the Regulatory Planning Program. The regulatory identification number for Subchapter M in the Regulatory Planning Program is 1076-AB62 which now includes all previous regulatory actions identified under 1076-AA47, 1076-AA48, 1076-AA50, 1076-AA52, 1076-AA53, and 1076-AA54, respectively, for the 25 CFR Parts listed above.

Agency Contact: Jay T. Suagee, Chief, Division of Self-Determination, Office of Indian Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-4796**

RIN: 1076-AB62

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Indian Affairs (BIA)

Proposed Rule Stage

1124. ● SAFETY CODE COMPLIANCE

Significance: Regulatory Program

Legal Authority: 25 USC 2005(b)

CFR Citation: 25 CFR Not yet determined

Legal Deadline: Judicial, May 1986

Abstract: Legislation in Public Law 95-561 (25 U.S.C. 2005(b)) requires the establishment of a central jurisdictional authority for the adoption, interpretation, administration and enforcement of Bureau-wide adopted codes and standards. The Bureau will develop standards by which to measure the quality of building construction and safety and will establish a central authority to perform oversight functions to assure adequate life and structural safety.

Timetable:

Action	Date	FR Cite
NPRM	08/01/86	
NPRM Comment Period End	10/01/86	
Final Action	04/01/87	

Small Entity: Undetermined

Agency Contact: Pete Dexter, Safety Specialist, Department of the Interior, Bureau of Indian Affairs, Division of Safety Management, Field Safety, Office, P.O. Box 2186, Albuquerque, NM 87103, **505 766-2863**

RIN: 1076-AB61

1125. ● APPLICABILITY OF RULES OF THE BUREAU OF INDIAN AFFAIRS

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 1.1

Legal Deadline: None

Abstract: Definitions used in 25 CFR need to be standardized whenever possible and placed under a single CFR Part. Only those definitions most commonly used in the 25 CFR will be affected by this action which will reduce confusion and printing costs. Specialized definitions to be used in new rulemaking actions will continue to be included with the proposed action rather than being included under the standardized definition(s), as appropriate. Definitions being standardized will be identified by term and defined; deletions from other 25 CFR Parts will be specifically identified.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: Not Applicable

Agency Contact: Anne Higgins, Management Analyst, Division of Management, Research and Evaluation, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-4689**

RIN: 1076-AB88

1126. APPEALS FROM ADMINISTRATIVE ACTIONS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 2

Legal Deadline: None

Abstract: The present administrative appeal regulations are ambiguous and misleading. It is difficult to tell what issues may be appealed and to whom the appeal should be sent. Most deadlines are uncertain. Those that are certain are often unrealistic. It is also unclear when a final decision will be rendered by the Interior Board of Indian Appeals and when it will be rendered by the Assistant Secretary for Indian Affairs. Alternatives will be developed by reviewing the existing appeal regulations of other agencies. Consideration will be given to specifying which types of appeals go to the Assistant Secretary and which to the Board. The alternative of providing for the Assistant Secretary to make a case-by-case decision whether or not to

refer the matter to the Board will also be considered. The primary benefit should be reduced frustration for both appellants and the BIA officials who handle the appeals. The greatest cost may be that both appellants and BIA officials may have to comply with more specified procedures and meet more deadlines in order for the system to work.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: Undetermined

Agency Contact: David Etheridge, Attorney-Adviser, Department of the Interior, Bureau of Indian Affairs, Office of the Solicitor, Washington, DC 20240, 202 343-8526

RIN: 1076-AB21

1127. ACTION ON WILLS OF OSAGE INDIANS

Legal Authority: PL 95-496

CFR Citation: 25 CFR 17

Legal Deadline: None

Abstract: This rule is being revised to permit the Field Solicitor of the Department to: (1) approve/disapprove wills of persons of Osage Indian blood providing for the disposition of restricted property; (2) issue orders and decisions; (3) issue subpoenas and to administer oaths to witnesses testifying at hearings; and (4) send appeals from decisions to the Regional Solicitor of the Department.

Timetable:

Action	Date	FR Cite
Total rewrite - new NPRM anticipated	00/00/00	

Small Entity: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: William J. Bucholz, Chief, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, Room 4520 - Main Interior, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-7737

RIN: 1076-AA03

1128. ● FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 13; PL 98-473

CFR Citation: 25 CFR 20

Legal Deadline: None

Abstract: The Bureau is developing a quality assurance system for inclusion in 25 CFR 20. The system would provide for an ongoing evaluation of the administration of the Bureau's general assistance program in accordance with established Bureau policies and procedures. The rulemaking actions will complete an earlier initiative to develop a quality assurance system which began in a previous rulemaking action with regard to the implementation of the provisions of Public Law 98-473.

Timetable:

Action	Date	FR Cite
NPRM	09/07/86	
NPRM Comment Period End	10/07/86	
Final Action	12/15/86	

Small Entity: Undetermined

Agency Contact: Dr. Ed Brown, Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-6434

RIN: 1076-AB92

1129. SCHOOL BOARDS

Significance: Agency Priority

Legal Authority: 25 USC 2001 et seq

CFR Citation: 25 CFR 35

Legal Deadline: None

Abstract: The purpose of this rule is to define and delineate the duties and responsibilities of local Indian School Boards in accordance with Federal statutes and regulations. This rule will provide Bureau-wide consistency for the overall exercise of authority and control of Bureau and tribally operated schools.

Timetable:

Action	Date	FR Cite
NPRM	09/30/86	

Small Entity: No

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4872

RIN: 1076-AB03

1130. EDUCATION PERSONNEL

Significance: Agency Priority

Legal Authority: 25 USC 2011; 25 USC 2015

CFR Citation: 25 CFR 38, (Revision)

Legal Deadline: None

Abstract: The review of this rule is to update and/or delete the requirements that apply to all individuals appointed or converted to contract education positions in the Bureau of Indian Affairs. The review applies to employees with continuing tenure in both the competitive and excepted service who incumber education positions.

Timetable:

Action	Date	FR Cite
End Review	08/15/84	
NPRM	05/00/86	

Small Entity: Undetermined

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4872

RIN: 1076-AB02

1131. INDIAN SCHOOL EQUALIZATION PROGRAM

Significance: Agency Priority

Legal Authority: PL 95-561; 25 USC 2008

CFR Citation: 25 CFR 39, (Revision)

Legal Deadline: None

Abstract: This rule, which contains the funding mechanism for Bureau operated and contract elementary and secondary schools, has been reviewed and will be revised when academic and dormitory standards are finalized in 25 CFR Part 36.

Timetable:

Action	Date	FR Cite
NPRM	09/30/86	

Small Entity: No

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4872

RIN: 1076-AA09

1132. THE INDIAN SCHOOL EQUALIZATION PROGRAM (NEW SCHOOL STARTS, PROGRAM EXPANSIONS, SCHOOL CLOSURES, CONSOLIDATIONS, AND PROGRAM REDUCTIONS)

Significance: Regulatory Program

Legal Authority: 92 Stat 2320; 42 Stat 208

CFR Citation: 25 CFR 39, Sec 22

Legal Deadline: None

Abstract: The addition of regulations for "School Closures and Consolidations" will address a uniform procedure for school closure and consolidation in the Bureau-operated and funded schools. The new rule would provide the Bureau advance planning time in the development of its future budgets.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
NPRM Comment Period End	08/00/86	
Final Action	12/31/86	

Small Entity: No

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW, Washington, DC 20240, **202 343-4872**

RIN: 1076-AB48

1133. ADMINISTRATION OF THE HIGHER EDUCATION PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 13; PL 67-85

CFR Citation: 25 CFR 40

Legal Deadline: None

Abstract: This rule will revise established policies and provide uniform procedures to govern the higher education program administered under the authority of 25 U.S.C. 13. This rule applies only to educational grants; Bureau educational loans are governed by 25 CFR Part 91. This Part has been redesignated from 25 CFR Part 32.

Timetable:

Action	Date	FR Cite
NPRM	05/01/86	
NPRM Comment Period End	07/01/86	
Final Action	11/01/86	

Small Entity: No

Additional Information: Originally scheduled: January 1980.

Agency Contact: Esther Whalen, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4871**

RIN: 1076-AA10

1134. GRANTS TO TRIBALLY CONTROLLED COMMUNITY COLLEGES AND NAVAJO COMMUNITY COLLEGE

Significance: Agency Priority

Legal Authority: 25 USC 1815; 25 USC 640

CFR Citation: 25 CFR 41, (Revision)

Legal Deadline: None

Abstract: The Secretary proposes to revise the current regulations which are used to govern the administration of grants to the Tribally Controlled Community Colleges. The revision is mandatory since the current regulations do not apply to the new requirements which were made under the Amendments Act. The revision will govern the new requirements which include: 1. Planning Grants; 2. Forward Funding; 3. Facility Construction; 4. Endowments; and 5. New Method of Counting Students.

Timetable:

Action	Date	FR Cite
NPRM	09/30/86	

Small Entity: No

Agency Contact: Esther Whalen, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-4871**

RIN: 1076-AA11

1135. CONSTITUTIONAL AND CIVIL RIGHTS OF INDIAN STUDENTS

Legal Authority: PL 95-561; 25 USC 2017

CFR Citation: 25 CFR 42

Legal Deadline: None

Abstract: This rule will set forth policies, requirements and procedures to ensure the protection of the constitutional and civil rights of students attending Bureau or contract schools and dormitories.

Timetable:

Action	Date	FR Cite
NPRM	09/30/86	44 FR 29855

Small Entity: No

Additional Information: Originally scheduled: January 1981. Proposed rulemaking actions would change the title of the regulation from "Student Rights and Due Process Procedures" to the title shown.

Agency Contact: William Mehojah, Chief, Branch of Elementary and Secondary, Education Programs, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4071**

RIN: 1076-AA12

1136. 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	09/30/86	

Small Entity: No

Agency Contact: Esther Whalen, Education Specialist- Supervisory, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4871**

RIN: 1076-AA15

1137. PREPARATION OF A ROLL OF ALASKA NATIVES

Legal Authority: 43 USC 1601 et seq; PL 94-204

CFR Citation: 25 CFR 69

Legal Deadline: None

Abstract: This rule is being amended to provide procedures for the redetermination of permanent residence of Alaska Natives enrolled pursuant to Public Law 92-203 in accordance with section 1(c) of Public Law 94-204. This

Part has been redesignated from 25 CFR Part 43h.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1981.

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-3594**

RIN: 1076-AA18

1138. ENROLLMENT OF INDIANS OF THE SAN PASQUAL BAND OF MISSION INDIANS IN CALIFORNIA

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1401 et seq

CFR Citation: 25 CFR 76

Legal Deadline: None

Abstract: This rule governed the enrollment of persons in the San Pasqual Band of Mission Indians in California as of January 1, 1959. The rule also provides procedures for maintaining a current membership roll. As a result of review, it has been determined that there is a continued need for this rule. However, the regulations do need to be revised. This rulemaking action will revise the regulations to make general revisions of an administrative nature including the elimination of sex-based and gender specific terminology and to provide procedures for the preparation of a current roll to serve as the basis for the distribution of judgment funds. This Part has been redesignated from 25 CFR Part 48.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3594**

RIN: 1076-AB59

1139. USE OR DISTRIBUTION OF INDIAN JUDGMENT FUNDS

Legal Authority: 5 USC 301; 87 Stat 466; 87 Stat 467; 87 Stat 468; 96 Stat 2512; 96 Stat 2513; 96 Stat 2514

CFR Citation: 25 CFR 87

Legal Deadline: None

Abstract: The regulations govern the preparation of proposed plans for the use or distribution of all judgement funds awarded to Indian tribes and groups by the Indian Claims Commission, the United States Court of Claims or the United States Claims Court, excepting any tribe or group whose trust relationship with the Federal Government has been terminated and for which there exists legislation authorizing the disposition of its judgment funds; and of all funds deriving from judgments entered prior to the date of the Act for which there has been no enabling legislation. The regulations are being revised to eliminate gender-specific terminology, incorporate the provisions of the Act of January 12, 1983 and for clarification. The revisions will make the regulations current to existing laws and should enable parties affected to more easily understand the regulations. The proposed revisions are a result of a review of the rules completed on July 16, 1984.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Additional Information: The proposed revisions to 25 CFR 87 have necessitated minor technical revisions to 25 CFR 115 which will be processed in conjunction with the proposed rule.

Agency Contact: John A. Shapard, Branch Chief, Department of the Interior, Bureau of Indian Affairs, Branch of Acknowledgment & Research, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3568**

RIN: 1076-AB20

1140. ● ATTORNEY FEE CONTRACTS WITH INDIAN TRIBES; PAYMENT OF TRIBAL ATTORNEY FEES WITH FEDERALLY APPROPRIATED FUNDS

Significance: Agency Priority

Legal Authority: 5 USC 301; 25 USC 476; 25 USC 13; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 89.40 to .46

Legal Deadline: None

Abstract: The Bureau of Indian Affairs proposes to revise the rule concerning the circumstances under which the Bureau of Indian Affairs, in the performance of the Federal Government's trust responsibility to Indian tribes, may, in its discretion, provide Departmental funds to an Indian tribe or other Indian organization for the payment of a private attorney's legal services. The proposed revisions would not change the underlying policy of the current rule which is to pay for private counsel to represent Indian tribes only in exceptional circumstances. The principal changes involve representation in child custody proceedings, services of tribal court personnel, and non-litigation services. The proposed revision would also provide that when trust resources are involved, tribes and individual Indian allottees are eligible to apply for and receive Federally appropriated funds under 25 CFR 89.

Timetable:

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2722
NPRM Comment Period End	03/24/86	51 FR 2722
Final Action	08/00/86	

Small Entity: No

Agency Contact: Frank Keel, Special Assistant, Office of Trust Responsibilities, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 201, Washington, DC 20245, **202 343-5474**

RIN: 1076-AB87

1141. LOANS TO INDIANS FROM THE REVOLVING LOAN FUND

Significance: Agency Priority

Legal Authority: 25 USC 1451; PL 93-262

CFR Citation: 25 CFR 101

Legal Deadline: None

Abstract: This part is being revised to improve the processing of U.S. Direct Loan applications, improving the collection procedures currently used, and expediting the processing of expert assistance loans.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/84	
End Review	09/30/84	
NPRM	06/00/86	

Small Entity: No

Agency Contact: Richard Nephew, Assistant Chief, Div of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, Main Interior Building - (Room 4062), 18th & C Streets, NW, Washington, DC 20245, 202 343-3651

RIN: 1076-AB04

1142. LOAN GUARANTY, INSURANCE, AND INTEREST SUBSIDY

Significance: Agency Priority

Legal Authority: 88 Stat. 77

CFR Citation: 25 CFR 103

Legal Deadline: None

Abstract: The purpose of this regulation is to prescribe the terms, conditions, and provisions under which loans made to eligible tribes, Indian organizations, and individual Indians for financing economic enterprises which contribute beneficially to the economy of an Indian reservation may be guaranteed or insured by the United States.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: Joseph Weller, Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, Rm. 4062-Main Int., 18th & C Streets, NW, Washington, DC 20245, 202 343-3657

RIN: 1076-AB85

1143. ANNUITY AND OTHER PER CAPITA PAYMENTS

Legal Authority: 5 USC 301; PL 98-64

CFR Citation: 25 CFR 111, (Revision)

Legal Deadline: None

Abstract: Procedures will describe standards by which per capita payments to Indians out of Tribal Trust Revenue may be made by either the Secretary of the Interior or by Tribal governments.

Information on cost or benefits, if applicable, is unknown at this point.

Timetable:

Action	Date	FR Cite
NPRM	09/30/86	

Small Entity: No

Agency Contact: Barbara Davis, Trust Fund Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Trust Responsibilities, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2963

RIN: 1076-AB45

1144. ● INDIVIDUAL INDIAN MONEY ACCOUNTS

Significance: Regulatory Program

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 43 USC 1457

CFR Citation: 25 CFR 115

Legal Deadline: None

Abstract: The Individual Indian Money Account program involves funds held in trust status for individuals. Although the rule generally prohibits voluntary accounts, except in circumstances of substantial hardship, the Bureau currently maintains many such accounts in the program. The current regulations will be revised to include specific criteria which must be met by voluntary depositors and which determine cases of "substantial hardship" as required by the regulations.

Timetable:

Action	Date	FR Cite
Review of all accounts maintained	04/30/86	
Identify commercial banks on or near Reservations	06/01/86	
Revise Regulations for exception criteria	07/01/86	
NPRM	09/30/86	
Final Action	12/01/86	

Small Entity: Undetermined

Agency Contact: Betty L. Wilkinson, Acting Chief, Division of Accounting Management, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-7336

RIN: 1076-AB91

1145. ● MANAGEMENT OF OSAGE JUDGMENT FUNDS FOR EDUCATION AND SOCIO-ECONOMIC PROGRAMS

Significance: Agency Priority

Legal Authority: 86 Stat 1295

CFR Citation: 25 CFR 122

Legal Deadline: None

Abstract: The implementing rule for 25 CFR 122 has been reviewed and a determination was made that the portion of the regulations governing socio-economic programs is no longer needed. The rule will be revised to remove that portion of the program.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: Undetermined

Agency Contact: Esther Whalen, Education Specialist, Division of Education Programs, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-4871

RIN: 1076-AB51

1146. ● ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, REMOVAL OF RESTRICTIONS, AND SALE OF CERTAIN INDIAN LANDS

Significance: Agency Priority

Legal Authority: 25 USC 378 to 379; 25 USC 404 to 405; 25 USC 372 to 373; 25 USC 483; 25 USC 355; 25 USC 2201 to 2211

CFR Citation: 25 CFR 152

Legal Deadline: None

Abstract: The Bureau of Indian Affairs proposes to revise certain sections of 25 CFR 152 which involve the issuance of fee patents, removal of restrictions, certificates of competency and the sale of certain Indian land. These regulations preclude the sale and/or exchange of tribal land except through special authorized legislation. The Indian Land Consolidation Act, Public Law 97-459, enacted on January 12, 1983

and subsequently amended on October 30, 1984, enables Indian tribes to sell or exchange tribal land for the express purpose of consolidating tribal landholdings. The regulations are being revised to reflect the changes made by the legislation. In addition, the partitioning section is being revised for the purpose of clarification.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: Undetermined

Agency Contact: Lee Maytubby, Realty Specialist, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 220, Washington, DC 20245, **202 343-3837**

RIN: 1076-AB90

1147. LEASING AND PERMITTING

Legal Authority: 25 USC 380; 25 USC 393; 25 USC 394; 25 USC 395; 25 USC 397; 25 USC 402; 25 USC 402a; 25 USC 403; 25 USC 403a to c; 25 USC 415; 25 USC 415a to d; 25 USC 477; 25 USC 635

CFR Citation: 25 CFR 162

Legal Deadline: None

Abstract: This rule will reorganize Part 162 into three new subheadings: (1) How to Acquire Leases; (2) Special Provisions and Requirements of Leases; and (3) Special Provisions for Specific Reservations. These revisions will facilitate the use of the regulations for easier reference. This Part has been redesignated from 25 CFR Part 131.

Timetable:

Action	Date	FR Cite
NPRM	10/27/78	43 FR 50210
Next Action Undetermined		

Small Entity: No

Additional Information: Originally scheduled: July 1979.

Affected Sectors: None

Agency Contact: William J. Bucholz, Chief, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, **202 343-7737**

RIN: 1076-AA29

1148. GRAZING REGULATIONS FOR FORMER NAVAJO-HOPI JOINT USE AREA LANDS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 640d; 25 USC 640d-28

CFR Citation: 25 CFR 168

Legal Deadline: None

Abstract: This rule will be revised to clarify the Secretary's responsibilities over grazing control and range restoration activities in the area formerly known as the Joint Use Area under the July 9, 1980 amendments to the Navajo-Hopi Settlement Act, 25 U.S.C. 640d-640d-28. The rule will also be revised to correct vague and/or ambiguous language contained in certain provisions of the existing rule. This Part has been redesignated from 25 CFR Part 153.

Timetable:

Action	Date	FR Cite
NPRM	11/00/86	

Small Entity: Undetermined

Additional Information: In May 1982, the District Court for the District of Arizona invalidated the regulations and ordered the Bureau to publish new regulations. The Bureau published interim regulations on Hopi Partitioned Funds on September 8, 1982. During the past year several negotiating meetings have been held with the Navajo Tribe to obtain concurrence to include Navajo Partitioned Land in the regulations. The Navajo Tribe wants separate regulations and the Bureau has drafted new regulations for Navajo Partitioned Lands.

Agency Contact: Sam Miller, Range Management Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, **202 343-2807**

RIN: 1076-AA33

1149. ROADS OF THE BUREAU OF INDIAN AFFAIRS

Significance: Agency Priority

Legal Authority: 25 USC 13; 25 USC 318(a); PL 97-424, Sec 105(a)(3); 23 USC 109(o); 23 USC 112(b); 23 USC 114(c); 23 USC 202(e); 23 USC 204; 23 USC 217

CFR Citation: 25 CFR 170

Legal Deadline: None

Abstract: With the Surface Transportation Assistance Act of 1982, Indian reservation road construction is funded from the Highway Trust Fund with authorizations for Fiscal Years 1983, 1984, 1985 and 1986. Other provisions include a requirement for proper maintenance of roads, applications of the "Buy Indian" and Indian Self Determination Acts, and joint program management by the Secretaries of Interior and Transportation. These changes in the law make changes in regulations imperative. The no-action alternative would leave program managers with outdated guidelines. Cost of the action will be minimal and it imposes no burden on the public. Benefits will be a better ordered road construction and maintenance program on Indian reservations, greater management efficiency, and clarity of procedures for federal managers, legislators and tribal officials. This part is also scheduled for review.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: James T. Ball, Assistant Chief, Div of Transportation, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-6043**

RIN: 1076-AB05

1150. USE OF WATER ON INDIAN RESERVATIONS

Legal Authority: 25 USC 1a; 25 USC 2; 25 USC 9; 25 USC 381; 25 USC 415

CFR Citation: 25 CFR 179

Legal Deadline: None

Abstract: This rule will state the criteria the Secretary will follow in determining whether to approve water codes enacted by Indian tribes which would regulate the use of waters on Indian reservations. This Part has been redesignated from 25 CFR Part 260.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: DETERMINATION UNDER E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. Originally scheduled: April 1981.

Agency Contact: John Bushman, Staff Assistant, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, **202 343-3960**

RIN: 1076-AA37

1151. LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

Legal Authority: Sec. 2, 35 Stat. 312; Sec. 18, 41 Stat. 426; Sec. 1, 45 Stat. 495; Sec. 1, 47 Stat. 777; 25 USC 356; Secs. 3, 11, 35 Stat. 313, 316; Sec. 8, 47 Stat. 779

CFR Citation: 25 CFR 213

Legal Deadline: None

Abstract: This rule is being revised to insure consistency with existing law and to improve operating procedures. Issues to be addressed include authority to lease inherited restricted land, the processing of lease payments through the Minerals Management Service, and the approval process for division orders. There are no alternatives being considered and the potential cost is unknown.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Agency Contact: Joseph Johnston, Chief, Division of Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3722**

RIN: 1076-AB41

1152. LEASING OF OSAGE RESERVATION LANDS, OKLAHOMA, FOR MINING EXCEPT OIL AND GAS

Legal Authority: Sec. 3, 34 Stat. 543

CFR Citation: 25 CFR 214

Legal Deadline: None

Abstract: This rule is being reviewed and updated to take account of changes in mineral market conditions, interest rates, and various aspects of the local situation on the Osage Reservation since the rule was originally published.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Joseph Johnston, Chief, Division of Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3722**

RIN: 1076-AB42

1153. REINDEER IN ALASKA

Legal Authority: 48 USC 250(k)

CFR Citation: 25 CFR 243

Legal Deadline: None

Abstract: This regulation is being revised to enable the BIA to regulate the sale of reindeer products as well as reindeer.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: Gary L. Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, Div. of Land & Water Res., 1951 Constitution Ave., NW, Washington, DC 20245, **202 343-4088**

RIN: 1076-AB16

1154. PRESERVATION OF ANTIQUITIES

Legal Authority: 16 USC 470aa

CFR Citation: 25 CFR 261

Legal Deadline: None

Abstract: Part 261 is authorized by the Antiquities Act of 1906 (16 U.S.C. 432) which has been largely superseded by the Archeological Resources Protection Act (16 U.S.C. 470aa). This Part has been redesignated from 25 CFR Part 132.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1981.

Agency Contact: George Farris, Chief, Environmental Service Staff, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, **202 343-6574**

RIN: 1076-AA44

1155. HERITAGE PRESERVATION

Legal Authority: 16 USC 469; 16 USC 470aa; 16 USC 470f; 42 USC 1996

CFR Citation: 25 CFR 262

Legal Deadline: None

Abstract: This rule will establish procedures for implementing the requirements of legislation relating to cultural resources. Subpart A will implement the requirements of the National Historic Preservation Act as it pertains to Bureau actions which may affect properties that are listed on the National Register of Historic Places. Subpart B will implement the requirements of the Archaeological Resources Protection Act, particularly the requirement that no archaeological resources may be excavated without a permit. This Part has been redesignated from 25 CFR Part 281.

Timetable:

Action	Date	FR Cite
NPRM Subpart A	09/15/80	45 FR 60923
NPRM	09/00/86	

Small Entity: Undetermined

Additional Information: DETERMINATION UNDER E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of

E.O. 12291 before it is published as a final rule. Originally scheduled: April 1981.

Agency Contact: George Farris, Chief, Environmental Services Staff, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, 202 343-6574

RIN: 1076-AA45

1156. CONTRACTS UNDER INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Significance: Regulatory Program

Legal Authority: 25 USC 450; 41 USC 501

CFR Citation: 25 CFR 271

Legal Deadline: None

Abstract: A proposed rule, published in 47 FR 40326 on September 13, 1982, changed regulations to provide assistance to tribes from contracts to grants or cooperative agreement and for other purposes. The public comments to the proposed rule were overwhelmingly unfavorable. Consequently, the Bureau intends to publish a reproposed rule to (1) strengthen administrative controls over contracts, (2) eliminate obsolete and unnecessary requirements, and (3) to clarify or simplify the regulatory provisions.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40326
Hold hearings with Indian leadership on draft proposed rules	04/00/86	
NPRM	10/00/86	
Final Action	01/00/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1981.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Myron Rock, Self-Determination Program Analyst, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4796

RIN: 1076-AA47

1157. CONTRACTS UNDER INDIAN SELF-DETERMINATION ACT (SUBPART H - NEW SCHOOL STARTS AND PROGRAM EXPANSIONS)

Significance: Agency Priority

Legal Authority: 88 Stat. 2203; 42 Stat. 208

CFR Citation: 25 CFR 271

Legal Deadline: None

Abstract: The purpose of the addition of the new rule "New Starts and Program Expansions," is to establish uniform application procedures and approval criteria for tribes seeking to operate new schools or to expand existing education programs through funding by the Indian School Equalization Formula. This rule would provide further clarification and refine existing criteria established in Part 271 of Public Law 93-638 which do not address tribal operation of schools on an indepth basis.

Timetable:

Action	Date	FR Cite
Hold hearings with Indian leadership	05/00/86	
NPRM	11/00/86	
Final Action	02/00/87	

Small Entity: No

Additional Information: Adds a new Subpart H to 25 CFR 271.

Agency Contact: Nancy Garrett, Deputy Director, OIEP, Department of the Interior, Bureau of Indian Affairs, 18th & C Sts. NW, Washington, DC 20245, 202 343-2123

RIN: 1076-AB49

1158. GRANTS UNDER INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Significance: Regulatory Program

Legal Authority: 25 USC 450h

CFR Citation: 25 CFR 272

Legal Deadline: None

Abstract: The purpose of this rule is (1) to provide for changes in administrative processes, (2) to establish procedures and definitions consistent with other parts of this chapter, and (3) to ensure that self-determination grants are consistent with legislative intent.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40338
Hold hearings with Indian leadership on draft proposed rule	04/00/86	
NPRM	10/00/86	
Final Action	01/00/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1981.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: George Clark, Self-Determination Program Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4096

RIN: 1076-AA48

1159. EDUCATION CONTRACTS UNDER JOHNSON-O'MALLEY ACT

Significance: Agency Priority

Legal Authority: 25 USC 455 to 457

CFR Citation: 25 CFR 273

Legal Deadline: None

Abstract: A proposed rule was published in 47 FR 40340 on September 13, 1982 to provide consistency with 25 CFR Part 271. That is, to provide assistance to tribes by grant or cooperative agreement rather than by contract. The public comments were unfavorable to the proposed revision, consequently the Bureau intends to publish a reproposed rule to (1) strengthen administrative controls over contracts, (2) clarify the relationship between tribes and Indian education committees, and (3) to otherwise organize the subparts for easier use.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Additional Information: Originally scheduled: May 1978.

Affected Sectors: None

Government Levels Affected: Local, Federal

Agency Contact: William Mehojah, Chief, Branch of Elementary and Secondary Education Programs, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4071**

RIN: 1076-AA49

1160. SCHOOL CONSTRUCTION CONTRACTS OR SERVICES FOR TRIBALLY OPERATED PREVIOUSLY PRIVATE SCHOOLS

Legal Authority: 25 USC 458; 25 USC 458d; PL 93-638; PL 95-561; PL 96-46

CFR Citation: 25 CFR 274

Legal Deadline: None

Abstract: A proposed rule was published in 47 FR 40348 on September 13, 1982, to change from contracts to grants and cooperative agreements as the method of providing assistance to tribes. The public comments were unfavorable to the proposed revision. Consequently the Bureau intends to publish a reproposed rule to (1) strengthen administrative controls over school construction contracts, (2) to include the Office of Indian Education Programs in the application and approval procedures and (3) remove unnecessary administrative language. This part is also scheduled for review.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40348
Hold hearings with Indian leadership	05/00/86	
NPRM	11/00/86	
Final Action	02/00/87	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Harvey Jacobs (202) 343-4493 (see Agency Contact heading for address). Originally scheduled: April 1981.

Affected Sectors: None

Government Levels Affected: Local, Federal

Agency Contact: Richard Glynn, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4576**

RIN: 1076-AA50

1161. STAFFING

Significance: Agency Priority

Legal Authority: 42 USC 4762; 25 USC 450i; 26 USC 48

CFR Citation: 25 CFR 275

Legal Deadline: None

Abstract: This part outlines methods available to tribes for utilizing the services of Bureau employees. Revisions will be made to include the Office of Indian Education Programs in the application and approval procedures for the awards under Public Law 93-638.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40352
NPRM	09/00/86	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Harvey Jacobs (202) 343-5517 (see Agency Contact heading for address). Originally scheduled: January 1981.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Mercedes Lewis, Personnel Staffing Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-9306**

RIN: 1076-AA51

1162. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR CONTRACTS AND GRANTS

Legal Authority: PL 93-638

CFR Citation: 25 CFR 276

Legal Deadline: None

Abstract: This rule establishes the requirements for the uniform administration of contracts and grants to Indian Tribal Governments pursuant to P.L. 93-638.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40353
Hold hearings with Indian leadership	05/00/86	
NPRM	11/00/86	
Final Action	02/00/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: Peter Campanelli, Procurement Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-3498**

RIN: 1076-AA52

1163. SCHOOL CONSTRUCTION CONTRACTS FOR PUBLIC SCHOOLS UNDER INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Legal Authority: 25 USC 458c(b); 41 USC 501

CFR Citation: 25 CFR 277

Legal Deadline: None

Abstract: A proposed rule was published in 47 FR 40353 on September 13, 1982, the purpose of which was to change the method of award to tribes from contracts and grants and cooperative agreements. The public comments were unfavorable to such a change. Consequently, the Bureau intends to publish a reproposed rule to (1) strengthen controls over school construction contracts, (2) to provide changes in administrative processes and (3) to remove unnecessary administrative language.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40356
Hold hearings with Indian leadership	05/00/86	
NPRM	11/00/86	
Final Action	02/00/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1981.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Frank Latta, Chief, Division of School Facilities, Department of the Interior, Bureau of Indian Affairs, P.O. Box 1788, Albuquerque, NM 87103, **505 766-2985**

RIN: 1076-AA53

1164. SPECIAL ECONOMIC DEVELOPMENT AND CORE MANAGEMENT FOR SMALL TRIBES

Significance: Regulatory Program

Legal Authority: 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 278

DOI—BIA

Proposed Rule Stage

Legal Deadline: None

Abstract: The purpose of the program is to provide small tribes (1,500 or less population) with core management capability to enable them to administer tribal affairs and programs in a competent and responsible manner. The program is intended to supplement and complement Section 104(a) grants and other resources available to the tribe. The program is administered on a basis of need and merit with stringent eligibility and performance guidelines. An administrative decision was made to integrate the program with the grant program found in 25 CFR 272, which is currently under revision. Each grant program could and would maintain its separate identity under this arrangement but tribes would be afforded greater flexibility for use of funds under the programs.

Upon completion of the integration of rules and completion of the proposed and final rule stages for 25 CFR 272, the rules under 25 CFR 278 would be removed.

Timetable:

Action	Date	FR Cite
Public hearings	03/00/86	
NPRM	09/00/86	
NPRM Comment Period End	11/00/86	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Woodrow Sneed, Financial Analyst, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-1401

RIN: 1076-AA54

1165. ● INDIAN BUSINESS DEVELOPMENT PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 1524 Indian Financing Act of 1974

CFR Citation: 25 CFR 286

Legal Deadline: None

Abstract: This rule will activate an old grant program that has been without appropriation authority since FY 1979. The Indian Financing Act amendments of 1984 authorize grants up to $250,000 to tribes and up to $100,000 to individual Indians for economic enterprises.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
NPRM Comment Period End	07/00/86	
Final Action	12/00/86	

Small Entity: Undetermined

Agency Contact: Joe Weller, Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, Office of Indian Services, Division of Financial Assistance, Washington, DC 20240, 202 343-3657

RIN: 1076-AA55

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Final Rule Stage

1166. PREFERENCE IN EMPLOYMENT

Legal Authority: 25 USC 43; 25 USC 46; 25 USC 44; 25 USC 348; 25 USC 472; 25 USC 479

CFR Citation: 25 CFR 5

Legal Deadline: None

Abstract: The revision of this rule would extend the expired date of October 4, 1985, for a period of time to permit the Osage Tribal Council the additional time to organize and to establish current membership standards for purposes of Indian preference employment for their tribal members in the Bureau of Indian Affairs.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Action will be taken to extend time limitation only upon request from the Osage Tribe and approval by the Deputy Assistant Secretary.

Agency Contact: Mercedes Lewis, Personnel Staffing Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Washington, DC 20245, 202 343-9306

RIN: 1076-AB60

1167. LAW AND ORDER ON INDIAN RESERVATIONS

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None

Abstract: This Part is being revised to provide Courts of Indian Offenses with a complete and updated code of laws and to clarify the jurisdiction of those courts and their relationship to tribal governments and the Department of the Interior.

Timetable:

Action	Date	FR Cite
NPRM	10/24/85	50 FR 43235
NPRM Comment Period End	01/31/86	51 FR 400
Final Action	06/30/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: Allen Davis, Legal Technician, Division of Law Enforcement, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-1711

RIN: 1076-AA01

1168. CARE OF INDIAN CHILDREN IN CONTRACT SCHOOLS

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 22

Legal Deadline: None

Abstract: Delete - No longer in effect.

This rule governed the contracting by missions, associations, and other eleemosynary institutions for care of Indian children who resided within the exterior boundaries of Indian reservations under the jurisdiction of the Bureau of Indian Affairs.

Timetable:

Action	Date	FR Cite
Remove Rule	06/00/86	

Small Entity: No

Agency Contact: Dr. Eddie F. Brown, DSW, Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Code 450 - Room 312 South, Washington, DC 20245, **202 343-6434**

RIN: 1076-AB76

1169. FEDERAL SCHOOLS FOR INDIANS (REVISION)

Legal Authority: 34 Stat. 1018; 35 Stat. 783; 40 Stat. 564; 25 USC 288; 25 USC 289

CFR Citation: 25 CFR 31, (Revision)

Legal Deadline: None

Abstract: The purpose of the proposed revision is to clarify and define the clause "adequate free public school facilities" for non-Indian and Indian children of less than one-fourth blood who wish to attend Bureau-funded day and boarding schools. This proposed revision will also address criteria by which these students may attend Bureau-funded schools and tuition payments related thereto. Costs related to this part will be assumed by the public school district in the form of tuition payments, at no cost to the Bureau. Tuition fees charged will not exceed the tuition cost charged by the State or County in which the Bureau school is located.

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19701
NPRM Comment Period End	07/05/85	
Final Action	09/30/86	

Small Entity: No

Additional Information: Section 31.3 revised to "conditions under which non-eligible students may attend Bureau-funded schools." Most comments are negative. Awaiting advice from SOL for future actior

Agency Contact: William Mehojah, Chief, Branch of Elementary and Secondary Programs, Department of the Interior, Bureau of Indian Affairs, 18 & C Sts. NW, Washington, DC 20240, **202 343-4071**

RIN: 1076-AB47

1170. PREPARATION OF A ROLL OF EASTERN CREEK INDIANS

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 1401 et seq; 5 USC 301

CFR Citation: 25 CFR 63

Legal Deadline: None

Abstract: As a result of review, it has been determined that this rule is no longer necessary and should be revoked. The rule governed the one-time compilation of a roll of Eastern Creek Indian descendants eligible to share in a per capita distribution of an apportioned share of judgment funds awarded the Creek Nation of Indians in Indian Claims Commission Docket 275. The roll has been completed and approved and the per capita payment made. Therefore, there is no further need for or applicability of this rule. This Part has been redesignated from 25 CFR Part 43.

Timetable:

Action	Date	FR Cite
Removal of rule	09/00/86	
Final Action	09/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1984.

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3594**

RIN: 1076-AB25

1171. PREPARATION OF A ROLL OF PYRAMID LAKE PAIUTE INDIANS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 64

Legal Deadline: None

Abstract: As a result of review, it has been determined that this rule is no longer necessary and should be revoked. The rule governed the one-time compilation of a roll of members of the Pyramid Lake Paiute Tribe eligible to share in the distribution of judgment funds awarded the Pyramid Lake Paiute Indians by the Indian Claims Commission in Docket No. 87-B. The roll has been completed and approved and the distribution of judgment funds made. Therefore, it has been determined that there is no further need for or applicability of this rule. This Part has been redesignated from 25 CFR Part 43a.

Timetable:

Action	Date	FR Cite
Removal of rule	09/00/86	
Final Action	09/00/86	

Small Entity: No

Additional Information: Originally scheduled: October 1984.

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3594**

RIN: 1076-AB27

1172. PREPARATION OF A ROLL OF MOHAVE DESCENDANTS ENROLLED AS MEMBERS OF THE COLORADO RIVER INDIAN TRIBES

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1401 et seq

CFR Citation: 25 CFR 67

Legal Deadline: None

Abstract: As a result of review, it has been determined that this rule is no longer necessary and should be revoked. The rule governed the one-time compilation of a roll of certain members of the Colorado River Indian Tribes who were lineal descendants of the aboriginal Mohave Tribe eligible to share in the per capita distribution of an apportioned share of judgment funds awarded the Mohave Indians by the Indian Claims Commission in Dockets Nos. 283 and 295. The roll has been completed and approved and the per capita payment made. Therefore, it has been determined that there is no further need for or applicability of this rule. This Part has been redesignated from 25 CFR Part 43e.

Timetable:

Action	Date	FR Cite
Final Action Removal of rule	09/00/86	

Small Entity: No

Additional Information: Originally scheduled: October 1984

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB30

1173. PREPARATION OF A ROLL OF PERSONS OF GRAND RIVER OTTAWA INDIAN BLOOD TO BE USED AS THE BASIS TO DISTRIBUTE JUDGMENT FUNDS

Legal Authority: PL 94-540

CFR Citation: 25 CFR 72

Legal Deadline: None

Abstract: As a result of review, it has been determined that this rule is no longer necessary and should be revoked. The rule governed the one-time compilation of a roll of persons who possess Grand River Ottawa Indian blood to be used to distribute the judgment funds awarded the Grand River Band of Ottawa Indians in Indian Claims Commission Docket 40-K. The roll has been completed and approved and the per capita payment made. Therefore, it has been determined that there is no further need for or applicability of this rule. This Part has been redesignated from 25 CFR Part 43n.

Timetable:

Action	Date	FR Cite
Final Action Removal of rule	09/00/86	

Small Entity: No

Additional Information: Originally scheduled: October 1984

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB33

1174. ENROLLMENT OF INDIANS OF THE RINCON, SAN LUISENO BAND OF MISSION INDIANS IN CALIFORNIA

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 74

Legal Deadline: None

Abstract: This rule governed the enrollment of persons in the Rincon, San Luiseno Band of Mission Indians of California as of July 21, 1957. The rule also provides procedures for maintaining a current membership roll. As a result of review, it has been determined that there is no further need for this rule and it can be revoked. This Part has been redesignated from 25 CFR Part 46.

Supplemental Timetable:

Removal of rule
Final Action 09/00/86

Small Entity: Undetermined

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB55

1175. PREPARATION OF A MEMBERSHIP ROLL OF THE PRIBILOF ISLANDS ALEUT COMMUNITIES OF ST. PAUL AND ST. GEORGE

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1401 et seq

CFR Citation: 25 CFR 77

Legal Deadline: None

Abstract: This rule governed the one-time compilation of a roll of members of the Pribilof Islands Aleut Communities of St. Paul and St. George eligible to share in a per capita distribution of judgment funds awarded the Aleut Communities of the Pribilof Islands by the U.S. Court of Claims in Dockets 352 and 369-A. The roll has been completed and approved and the per capita payment made. Therefore, there is no further need for or applicability of the rule and the rule is being revoked.

Timetable:

Action	Date	FR Cite
Final Action Removal of rule	09/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1984.

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB36

1176. REVOLVING CATTLE POOL

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 102

Legal Deadline: None

Abstract: This program was transferred to the Bureau of Indian Affairs in the 1950's and it has been inactive for a long time. There have been no funds appropriated to run the program, so we are proposing to delete this.

The terms and conditions of loans of cattle by the United States government to tribes, tribal corporations or tribal members were prescribed. The loans consisted of cattle repayable in kind or assignment of cattle under specific agreements.

Timetable:

Action	Date	FR Cite
Removal of rule	06/00/86	

Small Entity: No

Agency Contact: Joseph Weller, Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, Rm. 4062, Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-5367

RIN: 1076-AB83

1177. ● RIGHTS-OF-WAY OVER INDIAN LANDS

Legal Authority: 5 USC 301; 25 USC 323 to 328

CFR Citation: 25 CFR 169

Legal Deadline: None

Abstract: The Bureau of Indian Affairs intends to amend several sections of its rights-of-way regulations which impose a variety of specific requirements on grantees of rights-of-way over Indian lands. These requirements were intended to implement public laws enacted around the turn of the century which authorized the Secretary of the Interior to issue rights-of-way for various specific purposes. In 1948 Congress gave the Department

comprehensive authority to grant rights-of-way for any purpose or any term of years without the antiquated restrictions of the older statutes. The regulations continue to reflect the old requirements and the result has been inconsistent application of the 1948 Act. The removal or revisions of these sections would end that practice.

Timetable:

Action	Date	FR Cite
NPRM	01/13/86	51 FR 1391
NPRM Comment Period End	02/12/86	51 FR 1391
Final Action	08/00/86	

Small Entity: No

Agency Contact: Frank Hissong, Realty Specialist, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 220, Washington, DC 20245, **202 343-3611**

RIN: 1076-AB89

1178. FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

Legal Authority: 5 USC 301; 62 Stat. 273

CFR Citation: 25 CFR 176

Legal Deadline: None

Abstract: This rule contains regulations to be followed for the operation of the electric power system at the Flathead Indian Irrigation Project, Montana.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	47 FR 50850
NPRM Comment Period End	11/30/85	

Next Action Undetermined

Small Entity: No

Additional Information: Originally scheduled: April 1981.

Agency Contact: Mort S. Dreamer, Civil Engineer - Irrigation and Power, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, **202 343-5696**

RIN: 1076-AA73

1179. CONTRACTS FOR PROSPECTING AND MINING ON INDIAN MINERAL LANDS

Significance: Agency Priority

Legal Authority: 25 USC 396; 25 USC 396d; 25 USC 415; 25 USC 476; 25 USC 477

CFR Citation: 25 CFR 211

Legal Deadline: None

Abstract: The regulations in this Part govern contracts for the prospecting and mining of Indian-owned minerals, other than oil and gas. Revisions will be made which would combine rules for the review and approval of mineral development contracts on both tribal and allotted lands into one Part. This Part has been redesignated from 25 CFR Part 171.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
NPRM	07/12/83	48 FR 31978
Final Action	06/00/86	

Small Entity: Yes

Additional Information: ADDITIONAL AGENCY CONTACT: Tommy Riggs (see Agency Contact heading for phone and address). Originally scheduled: May 1978.

Agency Contact: Joseph Johnston, Chief, Div. of Energy & Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3722**

RIN: 1076-AA38

1180. LEASING OF ALLOTTED LANDS FOR MINING

Significance: Agency Priority

Legal Authority: 25 USC 396; 35 Stat. 396

CFR Citation: 25 CFR 212

Legal Deadline: None

Abstract: As a result of review, it has been determined that this Part is no longer necessary and should be revoked. The rules which currently govern the leasing of oil and gas on Indian allotted lands will be replaced by a new 25 CFR Part 225 and in the revisions to 25 CFR Part 211. This Part has been redesignated from 25 CFR Part 172.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
NPRM	07/12/83	48 FR 31978
Removal of rule	06/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Tommy Riggs (see Agency Contact heading for phone and address). Originally scheduled: April 1981.

Agency Contact: Joseph Johnston, Chief, Div. of Energy & Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3722**

RIN: 1076-AA39

1181. OPERATION, RECLAMATION AND CONSERVATION ON MINERAL LANDS

Legal Authority: 25 USC 380; 25 USC 396; 25 USC 396d; 25 USC 415; 25 USC 476; 25 USC 477; 42 USC 4332

CFR Citation: 25 CFR 216

Legal Deadline: None

Abstract: This rule will provide for mining and exploration plans, performance plans and other operational aspects of mining on Indian lands, including compliance with the National Environmental Policy Act. This Part has been redesignated from 25 CFR Part 177. This part is also scheduled for review.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
Final Action	09/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Tommy Riggs (see Agency Contact heading for phone and address). Originally scheduled: May 1978.

Agency Contact: Joseph Johnston, Chief, Div. of Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3722**

RIN: 1076-AA40

1182. WIND RIVER RESERVATION GAME CODE

Legal Authority: 43 USC 1457; 25 USC 2; 25 USC 9; 64 Stat. 1262; 18 USC 1165; 16 USC 3371 to 3378; 15 Stat. 673; 5 USC 301

CFR Citation: 25 CFR 244

Legal Deadline: None

Abstract: The interim rule will provide regulations governing hunting of big and small game on the Wind River Indian Reservation in Wyoming, to conserve,

protect and increase the currently depleted populations. No alternative actions for addressing the problem are being considered. The program will be confined to a localized area, and economic effects will be relatively insignificant. Benefits will be conservation of existing populations through reduced hunting mortality. Costs for personnel and equipment to enforce the regulations are estimated at $235,000 for the first year and $200,000 annually thereafter, to be derived by reallocation of existing funding.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/05/84	49 FR 39308

Next Action Undetermined

Small Entity: No

Agency Contact: Gary Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, Main Interior - 18th and C Sts., NW, Room 4555, Washington, DC 20245, **202 343-4088**

RIN: 1076-AB43

1183. OFF-RESERVATION TREATY FISHING - FRASER RIVER CONVENTION; SOCKEYE AND PINK SALMON FISHERY

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 249

Legal Deadline: None

Abstract: This rule is an annual amendment covering the treaty Indian fishery in waters subject to the Fraser River Convention. Regulations provided by the rule assure fulfillment of obligations to treaty tribes and to Canada. The alternative of no regulation would leave the treaty Indian fishery unregulated, and was not considered. The rule is beneficial in that it will allow for the implementation of treaty guaranteed rights in a manner consistent with U.S. obligations to Canada. The rule will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/09/84	49 FR 27937

Next Action Undetermined

Small Entity: No

Agency Contact: Gary Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, Main Interior - 18th and C Sts., NW, Washington, DC 20245, **202 343-4088**

RIN: 1076-AB12

1184. INDIAN FISHING: HOOPA VALLEY INDIAN RESERVATION

Legal Authority: 25 USC 2; 25 USC 9; 5 USC 301; Reorganization Plan No. 3 of 1950; 64 Stat. 1262

CFR Citation: 25 CFR 250

Legal Deadline: None

Abstract: This rule, which contains the regulations for the Hoopa fishery, will be revised to remove burdensome requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/24/83	48 FR 29004

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: Gary L. Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, Main Interior, 18th & C Streets, NW, Washington, DC 20245, 202 **343-4088**

RIN: 1076-AA83

1185. BUY INDIAN ACT CONTRACTING

Legal Authority: 25 USC 47; 36 Stat. 891

CFR Citation: 48 CFR 1480

Legal Deadline: None

Abstract: This rule will be codified as the new 48 CFR 1480 instead of the old 41 CFR Part 14H to establish policies and procedures concerning the Bureau of Indian Affairs acquisition management system. This issuance pertains to contracts (excluding building construction) entered pursuant to the Act of June 25, 1910 (25 U.S.C. 47), which is usually referred to as the "Buy Indian Act."

Timetable:

Action	Date	FR Cite
NPRM	10/08/82	47 FR 44678
Proposed	11/15/84	49 FR 45187
Final Action	09/00/86	

Small Entity: Yes

Additional Information: Originally scheduled: April 1982.

Agency Contact: Peter A. Campanelli, Procurment Analyst, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-5125**

RIN: 1076-AA56

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Completed Actions

1186. SOCIAL WELFARE-FINANCIAL ASSISTANCE INDIAN CHILD WELFARE

Significance: Agency Priority

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 20; 25 CFR 23

Legal Deadline: Statutory, September 30, 1985

Abstract: Public Law 97-394 requires the Bureau of Indian Affairs to impose a rateable reduction in General Assistance (GA) grant payments to eligible Indian clientele. When implemented, the rateable reduction will vary among states in that it will be identical in amount to the reductions established by states in the Administration of their respective Aid to Families with Dependent Children programs. In the past, the Bureau has made GA grant payments at the full need levels established by the states. The effect of applying a rateable reduction will be reduced program costs.

Timetable:

Action	Date	FR Cite
NPRM	01/11/84	49 FR 1381
NPRM Comment Period End	02/21/84	
Final Action	09/30/85	50 FR 39924

Small Entity: No

Agency Contact: Dr. Eddie F. Brown, DSW, Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue NW, Code 450 - Room 312-S, Washington, DC 20245, **202 343-6434**

RIN: 1076-AA77

1187. FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM

Significance: Regulatory Program

Legal Authority: PL 98-473; 25 USC 13

CFR Citation: 25 CFR 20

Legal Deadline: Statutory, September 30, 1985

Abstract: BIA will amend rule according to directions of Congress, Public Law 98-473. No alternatives are being considered because of legal opinion from Office of the solicitor. The action's potential cost is unknown at this time. Public Law 98-473 requires the BIA to promulgate regulations for BIA's assistance program which would clearly and generally define eligibility for general public welfare assistance or the availability of general public welfare assistance from a state.

Timetable:

Action	Date	FR Cite
Final Action rateable reductions	03/29/85	50 FR 12527
Final Action Effective rateable reductions	04/29/85	
NPRM	07/26/85	50 FR 30688
NPRM Comment Period End	08/26/85	50 FR 30688
NPRM general assistance payments	09/00/85	
Final Action	09/30/85	50 FR 39924
Final Action Effective	09/30/85	50 FR 39924

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1985

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Analysis: n/a

Agency Contact: Dr. Eddie F. Brown, DSW, Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 450 - Room 312-S, Washington, DC 20245, **202 343-6434**

RIN: 1076-AB44

1188. CARE OF INDIAN CHILDREN IN CONTRACT SCHOOLS

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 22

Legal Deadline: None

Abstract: 25 CFR 22 is being reviewed as scheduled under the Bureau's Regulatory Reform Act.

Timetable:

Action	Date	FR Cite
Withdrawn See 1076-AB76	01/00/86	

Small Entity: Undetermined

Agency Contact: Ed Brown, Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 18th & C Sts. NW, Washington, DC 20245, **202 343-6434**

RIN: 1076-AB50

1189. INDIAN CHILD WELFARE ACT -- MULTI YEAR DEVELOPMENT GRANTS

Significance: Agency Priority

Legal Authority: 25 USC 1952; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 23.37

Legal Deadline: None

Abstract: Indian Child Welfare Act - This rule will be amended to reflect the requirements to implement the Indian Child Welfare Act program. The Submission of MultiYear Developmental Grants will enable eligible applicants to operate three year projects. This amendment reflects a change from an annual submission to submissions on a three year basis.

Timetable:

Action	Date	FR Cite
NPRM	01/11/84	49 FR 1381
Final Action	12/16/85	50 FR 51244
Final Action Effective	12/16/85	50 FR 51244

Small Entity: No

Agency Contact: Dr. Eddie F. Brown, DSW, Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 450 - Room 312-S, Washington, DC 20245, **202 343-6434**

RIN: 1076-AA85

1190. MINIMUM ACADEMIC STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN AND NATIONAL CRITERIA FOR DORMITORY SITUATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 2001; 25 USC 2002; PL 95-561

CFR Citation: 25 CFR 36

Legal Deadline: None

Abstract: This rule will prescribe minimum academic standards for the basic education of Indian children in Bureau schools and provide the national criteria for use in the operations of dormitories by the Bureau. This Part has been redesignated from 25 CFR Part 31e.

Timetable:

Action	Date	FR Cite
NPRM	03/23/83	
NPRM Comment Period End	05/09/83	
Final Action	09/09/85	50 FR 36798
Final Action Effective	10/09/85	50 FR 36798

Small Entity: No

Additional Information: Originally scheduled: January 1980.

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, **202 343-4872**

RIN: 1076-AA08

1191. SPECIAL EDUCATION

Significance: Agency Priority

Legal Authority: PL 94-142

CFR Citation: 25 CFR 45

Legal Deadline: None

Abstract: This rule will establish standards for the provision of special education and related services to Indian children in schools operated by or under the authority of the Bureau. This Part has been redesignated from 25 CFR Part 31k.

Timetable:

Action	Date	FR Cite
NPRM	09/29/80	45 FR 64472
NPRM Comment Period End	11/30/80	
Final Action	08/23/85	50 FR 34094
Final Action Effective	10/07/85	50 FR 34094

Small Entity: No

Additional Information: DETERMINATION UNDER E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. Originally scheduled: January 1980.

Public Compliance Cost: Base Year for Dollar Estimates: 1981

Agency Contact: Charles Cordova, Chief, Branch of Exceptional Education, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-6675**

RIN: 1076-AA14

1192. PREPARATION OF ROLLS OF INDIANS

Significance: Agency Priority

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1401 et seq

CFR Citation: 25 CFR 61

Legal Deadline: None

Abstract: The regulations contained in 25 CFR Part 61 are general regulations that govern the compilation of rolls of Indians by the Secretary of the Interior when required to do so under statutory authority. This rulemaking action will revise the regulations to add certain portions which will govern the preparation of specific rolls under statutory authority, delete other portions that govern the preparation of certain rolls which have subsequently been completed and for which there is no further need or applicability, and make general revisions of an administrative nature including the elimination of sex-based and gender specific terminology. This Part has been redesignated from 25 CFR Part 41.

Timetable:

Action	Date	FR Cite
NPRM	06/17/85	50 FR 25082
NPRM Comment Period End	07/17/85	
Final Action	11/08/85	50 FR 46427
Final Action Effective	12/09/85	50 FR 46427

Small Entity: No

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3594**

RIN: 1076-AB07

1193. PAYMENT OF ATTORNEY FEES WITH APPROPRIATED FUNDS

Legal Authority: 25 USC 13; 25 USC 450 et seq

CFR Citation: 25 CFR 89.40 to 43

Legal Deadline: None

Abstract: There is a question of whether child custody proceedings under the Indian Child Welfare Act and requests for non-litigation services should comply with part 89. There is also a question of whether Indian allottees are eligible to receive appropriated funds.These issues will be addressed via the rulemaking process.

Timetable:

Action	Date	FR Cite
End Review	01/00/86	

Small Entity: Not Applicable

Agency Contact: M. Franklin Keel, Staff Assistant, Department of the Interior, Bureau of Indian Affairs, Office of Trust Responsibilities, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-5474**

RIN: 1076-AB53

1194. LOANS TO INDIANS FROM THE REVOLVING LOAN FUND

Legal Authority: 25 USC 70N; 77 Stat. 301

CFR Citation: 25 CFR 101

Legal Deadline: None

Abstract: Loans from the Indian Revolving Loan Fund shall be made for purposes which will improve and promote the economic development on Indian reservations. Individual loan ceiling increased from $100,000 per applicant to $350,000. In addition, it opened the program to individuals whose tribes had their own relending program.

Timetable:

Action	Date	FR Cite
Withdrawn Duplicates RIN 1076-AB04.	01/00/86	

Small Entity: No

Affected Sectors: None

Agency Contact: Joseph Weller, Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, Rm. 4060-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3657**

RIN: 1076-AB84

1195. INDIVIDUAL INDIAN MONEY ACCOUNTS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 43 USC 1457

CFR Citation: 25 CFR 115

Legal Deadline: None

Abstract: This rule, which is scheduled for review, describes the operation of the Individual Indian Monies Accounts maintained by the Bureau for individual Indians and groups.

Timetable:

Action	Date	FR Cite
NPRM	03/19/85	50 FR 10980
NPRM Comment Period End	04/18/85	50 FR 10980
Final Action	01/22/86	51 FR 2873
Final Action Effective	02/21/86	51 FR 2873

Supplemental Timetable:

on other reservations

Identify commercial banks 06/01/86

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Public Compliance Cost: Initial Cost: $0

Affected Sectors: None

Agency Contact: Barbara Davis, Trust Funds Specialist, Division of Accounting Management, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Rm. 4513, Main Interior, Washington, DC 20245, **202 343-2963**

RIN: 1076-AA89

DOI—BIA

Completed Actions

1196. MANAGEMENT OF OSAGE JUDGEMENT FUNDS FOR EDUCATION AND SOCIO-ECONOMIC PROGRAMS

Legal Authority: 86 Stat 1295

CFR Citation: 25 CFR 122

Legal Deadline: None

Abstract: 25 CFR 122 is being reviewed as scheduled under the Bureau's Regulatory Reform Act.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/85	
End Review	12/31/85	

Small Entity: Undetermined

Agency Contact: Esther Whalen, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th & C Sts. NW, Washington, DC 20245, 202 343-4871

RIN: 1076-AB51

[FR Doc. 86-4521 Filed 04-18-86; 8:45 am]

BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Prerule Stage

1197. ADMINISTRATION OF 20 PERCENT SET ASIDE

Significance: Regulatory Program

Legal Authority: 15 USC 751

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Regulation for 20 percent set aside administration is needed for oversight of section 8(b)(7) of the Outer Continental Shelf Lands Act. The alternative is no oversight. The potential benefits and costs of this action have not been determined.

Timetable:

Action	Date	FR Cite
Notice to User Refiners and Producers	04/00/86	
NPRM	07/00/86	
Final Action	12/00/86	

Small Entity: Undetermined

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center-BLDG 85 (628), Denver, Colorado 80225, 303 231-3432

RIN: 1010-AA73

1198. DEVELOPMENT AND PRODUCTION OPERATIONS FOR NONENERGY MINERALS ON THE OUTER CONTINENTAL SHELF

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Proposes the desirability of new regulations to govern Production and Development Operations on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to specify requirements in a lease document. Promulgation of regulation is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices. The regulation will require that hard mineral operations are conducted in a manner that will ensure safety and protection of the environment.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/86	
ANPRM Comment Period End	06/00/86	

Small Entity: Undetermined

Agency Contact: Jane Roberts, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7916

RIN: 1010-AA81

1199. NONDISCRIMINATION IN EMPLOYMENT IN THE OUTER CONTINENTAL SHELF

Legal Authority: 43 USC 1863; 43 USC 1331 et seq; 42 USC 2000d to 2000e

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: There are no provisions in current Minerals Management Service regulations which provide a mechanism for remedy of unlawful discrimination in Outer Continental Shelf (OCS) employment. Rules would be developed to provide a process whereby persons who believed they had been denied employment because of unlawful discrimination would have a forum. These rules would implement the purposes of section 604 of the OCS Lands Act Amendment of 1978. Alternatives considered are no action, issuance of a policy statement and no rules, and proposal of extensive affirmative action rules similar to those rescinded in the past. Very few complaints are expected to arise as there has been no evidence of discrimination to date. Therefore, costs are expected to be minimal. Benefits would be the assurance that the requirements of section 604 are being fully carried out.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Mary McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7916

RIN: 1010-AA87

1200. VALUATION OF OIL FOR ROYALTY PURPOSES FROM FEDERAL AND INDIAN LEASES

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206; 25 CFR 211; 25 CFR 212

Legal Deadline: None

Abstract: Consistent oil valuation for royalty computation purposes from Federal and Indian leases will be prepared in response to a Linowes Commission recommendation that the Minerals Management Service issue detailed, definitive product valuation guidelines.

Timetable:

Action	Date	FR Cite
Notice of Proposed Guidelines	11/29/82	47 FR 53822
Notice of Proposed Guidelines	12/21/82	47 FR 56871
ANPRM	02/05/86	51 FR 4507
ANPRM Comment Period End	04/07/86	
NPRM	09/00/86	

Small Entity: No

Additional Information: Merged in part from 1010-AA60 Submittal of Sales Contracts, Division Orders, and Similar Documents.

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Royalty Standards and Measurements Division, Denver Federal Center, MS 653, Bldg 85, Lakewood, CO 80225, **303 231-3184**

RIN: 1010-AA30

1201. COMPUTATION OF OIL AND GAS TRANSPORTATION ALLOWANCE

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: These regulations will establish consistent procedures for the determination of the oil and gas transportation deduction for the purpose of royalty computations. The regulations are in response to a Linowes Commission finding that current procedures are inconsistent throughout the royalty program.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/86	51 FR 4507
ANPRM Comment Period End	04/07/86	
NPRM	09/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Royalty Standards & Measurements Div., Denver Federal Center, MS 653, Bldg 85, Lakewood, CO 80225, **303 231-3184**

RIN: 1010-AA45

1202. COMPUTATION OF GAS PROCESSING DEDUCTIONS

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: These regulations will provide consistent procedures for the determination of the gas processing deduction for the purpose of royalty computations. The regulations are in response to a Linowes Commission finding that current procedures are inconsistent throughout the royalty program.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/86	51 FR 4507
ANPRM Comment Period End	04/07/86	
NPRM	09/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Royalty Standards & Measurements Div., Denver Federal Center, MS 653, Bldg 85, Lakewood, CO 80225, **303 231-3184**

RIN: 1010-AA46

1203. VALUATION OF GAS AND GAS PRODUCTS FOR ROYALTY PURPOSES, FROM FEDERAL AND INDIAN LEASES

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: Consistent gas and gas products valuation regulations for Royalty computation purposes, from Federal and Indian leases will be prepared. These regulations are in response to a Linowes Commission recommendation that Minerals Management Service issue detailed, definitive product valuation regulations. These regulations will provide clear terms and procedures and will help clarify areas which are ambiguous. A part of RIN 1010-AA30 and all of RIN 1010-AA40 were merged into this rulemaking.

Timetable:

Action	Date	FR Cite
Notice of Proposed Guidelines	11/29/82	47 FR 53822
Notice of Proposed Guidelines	12/21/82	47 FR 56871
ANPRM	02/05/86	51 FR 4507
ANPRM Comment Period End	04/07/86	
NPRM	09/00/86	

Small Entity: Undetermined

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 653, Bldg 85, Lakewood, CO 80225, **303 231-3184**

RIN: 1010-AA54

1204. VALUATION OF COAL FOR ROYALTY PURPOSES FROM FEDERAL AND INDIAN LEASES

Significance: Regulatory Program

Legal Authority: 30 USC 192 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: This regulation will provide consistent valuation procedures for coal for the purpose of royalty computations. It is being prepared in response to a Linowes Commission recommendation for a detailed definitive product valuation regulation which contains clear terms and procedures.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/86	51 FR 4507
ANPRM Comment Period End	04/07/86	
NPRM	09/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983. Merged in part from 1010-AA42, Submittal of Sales

Contracts, Division Orders, and Similar Documents.

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards Div., Department of the Interior, Minerals Management Service, Denver Federal Center, Bldg. 85, Lakewood, CO 80225, **303 231-3184**

RIN: 1010-AA83

1205. DIRECT PAYMENT OF ROYALTIES TO INDIAN TRIBES OR ALLOTTEES

Legal Authority: 25 USC 396; 25 USC 476; 25 USC 477; 25 USC 509

CFR Citation: 30 CFR 218; 25 CFR 211; 25 CFR 212

Legal Deadline: None

Abstract: The Minerals Management Service is considering direct payment of minerals royalties to Tribes or allottees. Annually, about $175 million is distributed to approximately 20,000 individual allottees and Tribes. The payments are sent by the payor to MMS and from MMS to the Bureau of Indian Affairs for distribution. The present system increases the risk of making late or wrong payment and is extremely expensive and inefficient to administer. Also, accountability is difficult to establish under the present system.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/84	
End Review	04/00/86	

Small Entity: Undetermined

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, **303 231-3432**

RIN: 1010-AA78

1206. REMOVAL OF POSTPRODUCTION PLATFORMS

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250

Legal Deadline: None

Abstract: Information is being solicited concerning requirements governing removal of postproduction platforms. Changes could provide more latitude for disposition of platforms following the completion of OCS oil and gas operations. Benefits could include increased development of marine life, improvements in private and commercial fishing, and reduced costs to industry. Alternative is to leave existing rules unchanged.

Timetable:

Action	Date	FR Cite
ANPRM	11/13/84	49 FR 44924
ANPRM Comment Period End	01/13/85	
ANPRM - Second	03/05/86	51 FR 7584
Complete Initial Analysis of Comments	09/00/86	

Small Entity: Undetermined

Agency Contact: Mary McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA66

1207. AIR QUALITY

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.57

Legal Deadline: None

Abstract: Amendments to the DOI Air Quality regulation for oil and gas operations will be proposed for Outer Continental Shelf areas adjacent to California. The changes would provide additional safeguards for those pollutants which could be critical to air quality in the region. A determination of potential costs and benefits cannot be made until responses to the Advance Notice of Proposed Rulemaking are analyzed. The DOI is conducting a conflict assessment to determine the likelihood of the interested and affected parties being able to reach an agreement on an air quality regulatory program. If DOI determines to participate in negotiations with affected parties, then the DOI will initiate negotiated rulemaking procedures with State and local governments, environmental groups, and the oil and gas industry.

Timetable:

Action	Date	FR Cite
ANPRM	01/07/85	50 FR 838
ANPRM Comment Period End	03/08/85	
Begin conflict assessment phase of negotiated rulemaking process	04/15/86	
Determine potential for negotiated agreement	07/30/86	
Reach agreement on a negotiated rule or begin development of rule through standard processes	01/00/87	
Complete Determination of Effects of Rules	04/00/87	
NPRM	05/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: John Mirabella, General Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA61

1208. SHARING OF PROPRIETARY INFORMATION WITH STATES

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 252.7; 30 CFR 251.14; 30 CFR 250.4

Legal Deadline: None

Abstract: Elaborates more fully MMS policy with regard to sharing proprietary information with states which is required by sections 8(g) and 26(d) of the OCS Lands Act. The elaboration of the MMS policy will have no economic effect. The alternative is to not promulgate this amendment.

DOI—MMS **Prerule Stage**

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Jane A. Roberts, Legislative Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7916

RIN: 1010-AA67

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Proposed Rule Stage

1209. ● ROYALTY-IN-KIND CRUDE OIL

Significance: Regulatory Program

Legal Authority: 30 USC 181 et seq; 43 USC 1331 et seq; 30 USC 1701 et seq

CFR Citation: 30 CFR 208; 30 CFR 209

Legal Deadline: None

Abstract: The Royalty-in-Kind provisions of these rules, some of which were transferred from the Department of Energy, will be revised in order to simplify and streamline the Federal Government's process for selling its Royalty crude oil. The contents of existing 30 CFR 208 and 30 CFR 209 will be combined at new 30 CFR 208. 30 CFR 209 will be removed.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: James R. Detlefs, Chief, Fiscal Accounting Division, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 652, Bldg 85, Denver, CO 80225, 303 231-3286

RIN: 1010-AA31

1210. ● ROYALTY PAYMENTS BASED ON PROPOSED AGREEMENT ALLOCATIONS

Legal Authority: 30 USC 181 et seq

CFR Citation: 30 CFR 210

Legal Deadline: None

Abstract: Rules have not been established for Royalty payment on Federal and Indian leases committed to Federally approved exploratory unit agreements that are pending final approval of an initial participating area or expansion of existing participating area by the Bureau of Land Management (BLM). The new rule would require reports and payments of royalties for onshore Federal and Indian gas leases committed to the unit agreements. The costs/benefits for this rulemaking have not been determined.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: Undetermined

Agency Contact: James R. Detlefs, Chief, Fiscal Accounting Divison, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 652, Bldg 85, Lakewood, CO 80225, 303 231-3286

RIN: 1010-AA94

1211. OIL AND GAS AND SULPHUR OPERATIONS ON THE OUTER CONTINENTAL SHELF (OCS)

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250, (Revision)

Legal Deadline: None

Abstract: The rules at 30 CFR 250 will be revised by consolidating regulations, OCS Orders, Notices to Lessees, and related offshore operating requirements into a unified body of regulations; eliminating burdensome and counterproductive requirements; adding performance standards; and simplifying and streamlining these rules to the maximum extent practicable. Other alternatives considered were not revising the regulations and revising only those regulations identified by industry.

Timetable:

Action	Date	FR Cite
NPRM	03/18/86	
NPRM Comment Period End	06/00/86	
Complete Initial Review of public comments	10/00/86	
Complete draft of Final Rule	01/00/87	

Small Entity: Undetermined

Additional Information: Merged in whole or in part into one rulemaking: 1010-AA11, 30 CFR 250.70 and .80, Penalties; 1010-AA13, 30 CFR 250.3, Disclosure of Information; 1010-AA25, OCS Order No. 2, para. 8, Safety Requirements for Drilling Operations in a H2S Environment; 1010-AA26, OCS Order No. 6, Well Completion of Oil & Gas Wells; 1010-AA28, OCS Order No. 11, Oil & Gas Production Rates, Prevention Waste, & Protection of Correlative Rights; 1010-AA32, 30 CFR 250.45, Reports of Accidents & Malfunctions; 1010-AA34, 30 CFR 250.75, Self-Inspection; 1010-AA47, 30 CFR 250.80-2, Remedies & Penalties; 1010-AA48, 30 CFR 250, Environmental Reports; 1010-AA49, 30 CFR 250, Protection of Cultural Resources; 1010-AA50, 30 CFR 250.35, Effects of Drilling & Reworking on Lease Term; 1010-AA51, OCS Order No. 5, Production Safety Systems; 1010-AA52; OCS Order No. 9, Pipelines.

Agency Contact: David A. Schuenke, Chief, Branch of Rules, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA53

1212. ● SAFETY AND POLLUTION PREVENTION EQUIPMENT

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250 (OCS Order No. 5)

Legal Deadline: None

Abstract: References to standards incorporated by reference in current Minerals Management Service Orders are inconsistent and, in some case, redundant. The rulemaking would delete superfluous references, make all other references consistent, and update the references to standards to the current edition.

Timetable:

Action	Date	FR Cite
NPRM	06/01/86	
NPRM Comment Period End	06/30/86	

Small Entity: Undetermined

Agency Contact: William S. Cook, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Dr., Reston, VA 22091, **703 860-7916**

RIN: 1010-AA96

1213. ● EXTENSION OF PROTECTION OF PROPRIETARY DATA AND INFORMATION UNTIL A SUBSEQUENT LEASE SALE IN AN AREA

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.3; 30 CFR 251.14

Legal Deadline: None

Abstract: In some instances, current regulations result in release of proprietary data and information before the company which collected the data and information in able to use it during a lease sale in the area to which the data and information pertain. The proposed rule will revise the regulations to ensure that parties generating proprietary data and information are able to use the data and information in at least one lease sale. The costs or benefits of this rulemaking have not been determined but are not expected to be major.

Timetable:

Action	Date	FR Cite
NPRM	05/05/86	
NPRM Comment Period End	06/15/86	

Small Entity: Undetermined

Agency Contact: John Mirabella, General Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA93

1214. ● BOREHOLE ABANDONMENT

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.44

Legal Deadline: None

Abstract: There are no provisions in current Minerals Management Service regulations which address the requirements for the temporary abandonment of a borehole. This revision allows an operator to temporarily abandon a borehole in an environmentally sound manner. There are no potential additional costs as the rule reflects current industry practice. The benefits are an operator may be able to utilize a drilled well at a later point rather than immediately abandoning it, thereby reducing the cost of operations. The requirements in the amendment will ensure that the temporarily abandoned wells will not constitute a hazard to navigation or other uses of the ocean, or to the environment.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
NPRM Comment Period End	07/00/86	

Small Entity: Undetermined

Agency Contact: William S. Cook, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA98

1215. ACCIDENTS, FIRES, AND MALFUNCTIONS FACT-FINDINGS PROCEEDINGS

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.45(c), (new)

Legal Deadline: None

Abstract: Proposes to establish procedures to obtain testimony from witnesses or persons who have knowledge of serious accidents, fires, blowouts, or spills that occurred during oil and gas and sulphur operations in the Outer Continental Shelf. The testimony would help accident investigation panels to determine the cause or probable cause of an accident under investigation. The procedures would facilitate meetings of investigatory panels and would reduce legal challenges to future Minerals Management Service fact-finding investigations. The alternative would be not to have procedures. The proposed rule is procedural in nature; therefore, it does not imply cost.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: Mario Rivero, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA88

1216. ● EMERGENCY EVACUATION PLANS

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.47

Legal Deadline: None

Abstract: There are no provisions in current Minerals Management Service regulations requiring the submission of evacuation plans for fixed manned facilities on the OCS. The costs relative to this action would be that of preparing and submitting the document. The benefit is ensuring that adequate evacuation plans exist for all fixed facilities to ensure that fatalities and injuries during emergency evacuation are minimized.

Timetable:

Action	Date	FR Cite
NPRM	06/01/86	
NPRM Comment Period End	07/31/86	

Small Entity: Undetermined

DOI—MMS

Proposed Rule Stage

Agency Contact: William S. Cook, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA95

1217. PROSPECTING FOR NONENERGY MINERALS ON THE OUTER CONTINENTAL SHELF

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 257, or a new part to be determined

Legal Deadline: None

Abstract: Proposes the desirability of new regulations to govern exploration on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to specify requirements in a permitting document rather than in regulations. Promulgation of regulations is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices. The rules will require that hard mineral operations will be conducted in a manner which will ensure safety and protection of the environment.

Timetable:

Action	Date	FR Cite
ANPRM	12/07/84	49 FR 47871
ANPRM Comment Period End	04/08/85	
NPRM	04/00/86	
NPRM Comment Period End	06/00/86	

Small Entity: Undetermined

Agency Contact: Jane Roberts, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA71

1218. ISSUANCE OF LEASES FOR NONENERGY MINERALS ON THE OUTER CONTINENTAL SHELF

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 256, or new part to be determined

Legal Deadline: None

Abstract: Proposes the desirability of new regulations to govern lease issuance on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to not have leasing requirements in regulations. Promulgation of regulation for leasing of hard mineral resources is not expected to add to the cost to industry. Regulations will ensure uniform leasing policy for all interested parties.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/85	
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: Jane Roberts, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA82

1219. APPEALS PROCEDURES

Legal Authority: 25 USC 396; 25 USC 396a; 30 USC 181 to 287; 30 USC 351 to 359; 30 USC 1001 to 1025; 30 USC 1701 to 1757; 43 USC 1331 to 1356

CFR Citation: 30 CFR 290

Legal Deadline: None

Abstract: Revisions to 30 CFR 290 are needed to assure that the administrative appeals procedures are compatible with the newly adopted civil penalty regulations of 30 CFR 241, are in accord with current organizational configurations, and contain new provisions concerning filing dates and the submission of confidential information. Persons exercising administrative appeals rights would be required to identify information that they claim is exempt from public disclosure and to provide second copies of appeals documents. The procedural revisions should increase efficiencies in processing appeals and reduce risks of inadvertent disclosure of private information. The maximum estimated total cost of the proposed revisions is not expected to exceed $5,000 per year for all affected persons.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: C. Eric Hager, Staff Assistant (Appeals), Department of the Interior, Minerals Management Service, Mail Stop 623, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7251**

RIN: 1010-AA68

DEPARTMENT OF THE INTERIOR (DOI)

Minerals Management Service (MMS)

Final Rule Stage

1220. NOTICE TO LESSEES NO. 5 (NTL-5) VALUATION OF NATURAL GAS PRODUCED FROM ONSHORE FEDERAL AND INDIAN LEASES

Legal Authority: 30 USC 181 et seq

CFR Citation: 30 CFR 206.13

Legal Deadline: None

Abstract: Notice to Lessees No. 5 (NTL-5) requires payment of royalty on gas based on the higher of market price or the Federal Energy Regulatory Commission (FERC) ceiling price. This requirement is not appropriate in times of market "softness" when demand is low and market prices are universally lower than the FERC ceiling price. This proposal would allow royalty to be paid on the market price when it is lower than the FERC ceiling price. The alternative is no action which would result in the adverse effect of litigation by the industry against the Minerals Management Service.

Timetable:

Action	Date	FR Cite
NPRM	01/03/86	51 FR 260
NPRM Comment Period End	02/03/86	
Final Action	04/15/86	

Small Entity: No

Additional Information: This proposal is for the purpose of correcting inequities existing as the result of imposing the present NTL-5 during a period of "softness" in the gas market. The revised NTL-5 is intended to be an interim action pending promulgation of final product valuation regulation for gas under RIN 1010-AA54.

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AA86

1221. INFORMATION COLLECTION - SOLID MINERALS

Legal Authority: 30 USC 189; 30 USC 359; 25 USC 296d

CFR Citation: 30 CFR 210; 30 CFR 218

Legal Deadline: None

Abstract: The Department of the Interior intends to promulgate an interim rule requiring coal and other solid mineral operators/lessees to provide information to start-up and operate the Auditing and Financial System (AFS) for solid minerals produced on Federal and Indian lands. The data collected will be used to document payments, maintain royalty accounts, and for audits.

Timetable:

Action	Date	FR Cite
NPRM	06/20/85	50 FR 25585
NPRM Comment Period End	07/22/85	
Final Action	04/15/86	

Small Entity: Undetermined

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AA62

1222. IMPLEMENTATION AND OPERATION OF THE PRODUCTION ACCOUNTING AND AUDITING SYSTEM (PAAS)

Legal Authority: 30 USC 1701 et seq; 30 USC 181 et seq

CFR Citation: 30 CFR 216

Legal Deadline: None

Abstract: The proposed regulations set out the specific reports required from operators of Federal and Indian Leases for the implementation and operation of the Production Accounting and Auditing System. This will ensure tighter controls on Federal lands and thus result in additional revenues for the Government.

Timetable:

Action	Date	FR Cite
NPRM	04/01/85	50 FR 12828
NPRM Comment Period End	06/17/85	
Final Action	04/15/86	

Small Entity: No

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AA55

1223. ● EXTENDING PROPRIETARY TERMS IN AREAS UNAVAILABLE FOR LEASING

Legal Authority: 43 USC 1352

CFR Citation: 30 CFR 250.3; 30 CFR 251.14-1

Legal Deadline: None

Abstract: Amends rules to provide for extensions of the terms during which data and information are not releasable to the public without consent of the lessees or permittees. The terms would be extended for areas of the OCS designated by the Secretary as unavailable for leasing. The rule would protect the proprietary nature of data and information from areas unavailable for leasing. When areas are unavailable, data and information cannot be used commercially as it was intended and the Government does not get the benefit of data and information that would have been collected had they been able to be used commercially. Not providing extensions would harm owners of already collected data and information and discourage collection of additional data and information. This rule is expected to affect the data and information generated from 20 permits per year. The value of the data and information can be estimated based on an average of $1,000,000 per permit to generate the data and information. The maximum impact of the proposed rule is estimated to be the cost of generating the data and information or $20,000,000 per year.

Timetable:

Action	Date	FR Cite
NPRM	02/20/86	51 FR 6133
Final Action	06/00/86	

Small Entity: No

Agency Contact: Jane A. Roberts, Legislative Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7916

RIN: 1010-AA97

1224. REIMBURSEMENT TO PERMITTEES, GEOPHYSICAL

Legal Authority: 43 USC 1331; 43 USC 1352; PL 99-190

CFR Citation: 30 CFR 251.13(b), (Revision); 30 CFR 252.3

Legal Deadline: None

Abstract: Regulation revisions implement certain provisions concerning reimbursement contained in the 1986 appropriations act for MMS. The act stipulates that permittees engaged in geological and geophysical exploration on the Outer Continental Shelf be treated the same as lessees with respect to reimbursement on processed geophysical data provided by permittees to the MMS.

Timetable:

Action	Date	FR Cite
Final Action	05/00/86	
Final Action Effective	06/00/86	

Small Entity: Undetermined

Agency Contact: Mary B. McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7916

RIN: 1010-AA90

DEPARTMENT OF THE INTERIOR (DOI)

Minerals Management Service (MMS)

Completed Actions

1225. SUSPENSION AND DEBARMENT AS ADDITIONAL PENALTY

Legal Authority: 30 USC 181 et seq

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Minerals Leasing Act and Federal Oil and Gas Royalty Management Act authorize assessing significant penalties for the failure to pay royalties. These penalties include financial penalties, criminal sanctions, and the authority to revoke leases. Although debarring authority is not explicitly granted, we believe we have that authority. It is needed because the other remedies may not be effective. The process approval is complicated and time consuming. There may be little incentive for a company to comply at the outset. Debarment would provide that incentive. The alternative considered is operating only under the present penalty regulations at 30 CFR 241.

Timetable:

Action	Date	FR Cite
Withdrawn It is determined that rulemaking is not necessary.	02/00/86	

Small Entity: Undetermined

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center-BLDG 85 (628), Denver, Colorado 80225, **303 231-3432**

RIN: 1010-AA72

1226. VALUATION OF SOLID MINERALS OTHER THAN COAL

Legal Authority: 30 USC 192 et seq; 25 USC 2102

CFR Citation: 30 CFR 201 to 249

Legal Deadline: None

Abstract: The proposed regulation will revise old and develop new sections to cover Royalty Management's increased responsibilities required by Federal Law. This would clarify existing regulations.

Timetable:

Action	Date	FR Cite
Withdrawn No action required at this time.	03/03/86	

Small Entity: Undetermined

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Denver Federal Center, Mail Stop 653, Bldg 85, Lakewood, CO 80225, **303 231-3184**

RIN: 1010-AA58

1227. MISCELLANEOUS AMENDMENTS TO ROYALTY MANAGEMENT REGULATIONS

Legal Authority: 30 USC 181 et seq; 30 USC 1701 et seq

CFR Citation: 30 CFR 202; 30 CFR 212; 30 CFR 218

Legal Deadline: None

Abstract: The proposed amendments would ensure consistency with other Royalty Management regulations and would conform to present practices. The amendments include elimination of references in regulations to provide a monthly statement of account to lessees. The potential costs and benefits of this action have not been determined. The alternative is to continue the present system of inconsistency within Royalty Management regulations.

Timetable:

Action	Date	FR Cite
Withdrawn Merged in whole or part with 1010--AA30 and 1010--AA62	03/03/86	

Small Entity: Undetermined

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, **303 231-3432**

RIN: 1010-AA80

1228. ROYALTY PAYMENTS ON TAKE OR PAY CONTRACTS

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: This action will reaffirm the Department's authority that royalties are due on proceeds under provisions of natural gas contracts on Federal and Indian lands. The potential costs and benefits of this action have not been determined. The alternative is not to promulgate this rule which would leave industry unclear as to what their obligations are under take or pay contracts.

Timetable:

Action	Date	FR Cite
Withdrawn Merged in whole with 1010-AA54	03/03/86	

Small Entity: Undetermined

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Denver Federal Center, Mail Stop 653, Bldg. 85, Denver, CO 80225, **303 231-3184**

RIN: 1010-AA75

1229. DESIGNATION OF A SINGLE PAYOR FOR EACH FEDERAL AND INDIAN LEASE

Legal Authority: 30 USC 181 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: The Department of the Interior is considering the establishment of a single payor requirement for each Federal and Indian lease. This was a specific recommendation by the Secretary's Advisory Committee on Minerals Accountability. The potential costs and benefits of this action have not been determined.

Timetable:

Action	Date	FR Cite
ANPRM	12/06/84	49 FR 47624
ANPRM Comment Period End	01/07/85	
Withdrawn No action required at this time	03/03/86	

Small Entity: Undetermined

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, **303 231-3432**

RIN: 1010-AA76

1230. ACCOUNTING ADJUSTMENT DATA LIMITATION

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: The regulation will limit accounting adjustments to 180 days after month of production by lessee. At present, accounting adjustments are made years later for very small amounts. There is a need to reduce the accounting entries to the account, which will generate a cost benefit. The potential costs and benefits of this action have not been determined. The alternatives of longer and shorter times have been considered, as well as maintaining the present system.

Timetable:

Action	Date	FR Cite
Withdrawn Adjustments are not significant to require rulemaking.	02/00/86	

Small Entity: Undetermined

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center-BLDG 85 (628), Denver, Colorado 80225, **303 231-3432**

RIN: 1010-AA77

1231. CHARGES AND PENALTIES FOR LATE PAYMENT AND LATE REPORTING

Legal Authority: 31 USC 952; 96 Stat 1749 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: This proposed rule would conform the Minerals Management Service Royalty Management regulations on non-payment and late payment of royalties, fees, and other assessments to the requirements of the Debt Collection Act of 1982 (DCA). This would be accomplished by requiring the payment of charges to cover the costs of processing and handling delinquent payments. The alternative to this action would be no action. That alternative would be contrary to law.

Timetable:

Action	Date	FR Cite
Withdrawn Rulemaking is not necessary to fulfill this statutory obligation	03/03/86	

Small Entity: No

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, **303 231-3432**

RIN: 1010-AA91

1232. SUSPENSION OF OPERATIONS AND LEASE CANCELLATION

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.12

Legal Deadline: None

Abstract: Amends the regulations to require the granting of an automatic suspension of operations to permit time to carry out the activities described in an approved development and production plan for a Gulf of Mexico lease in water depths of 400 to 900 meters. Alternatives considered include maintaining the current policy of discretionary suspensions and granting longer primary terms in deeper water. The amendment is expected to cut costs and increase Federal revenues by eliminating some of the uncertainties of operating in deeper water.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/24/84	49 FR 17449
Overtaken by other action final rule (RIN 1010-AA89)	11/29/85	50 FR 49041

Small Entity: No

Agency Contact: Jane A. Roberts, Legislative Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA64

1233. EIGHT-YEAR PRIMARY TERMS FOR LEASES IN 400 TO 900 METERS OF WATER

Legal Authority: 43 USC 1337(b)(2)

CFR Citation: 30 CFR 250.34-1; 30 CFR 256.37

Legal Deadline: None

Abstract: The amendment would provide 8-year primary terms for leases in water depths of 400 to 900 meters with a requirement to commence an exploratory well within the first 5 years of the term. The longer term is to provide the time needed to explore, develop, and produce in deeper water. Current rules provide a 5-year term with an automatic suspension of operations to carry out the activities set out in an approved development and production plan. The rule applies to the Gulf of Mexico only. Alternatives considered include extending the automatic suspension provisions to all OCS, granting lease terms between 5 and 10 years at various water depths from 300 to 900 meters, or leaving the rules as is. The industry is expected to realize increased profit from marginal leases and the government should receive higher bids because the risk of losing the lease is decreased.

Timetable:

Action	Date	FR Cite
NPRM	06/11/85	50 FR 24546
NPRM Comment Period End	07/11/85	
Final Action	11/29/85	50 FR 49041
Final Action Effective	12/30/85	

Small Entity: No

Agency Contact: Jane Roberts, Legislative Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA89

1234. AREA ADJACENT TO A STATE

Legal Authority: 43 USC 1352

CFR Citation: 30 CFR 252.2(e)

Legal Deadline: None

Abstract: Amendment would revise the definition of area adjacent to a State. Current regulations give the definition as that portion of the OCS within a planning area if such planning area is bordered by that State. Under current rules New York and Rhode Island are not considered adjacent to the North Atlantic planning area but are adjacent to the Mid-Atlantic planning area. The amendment would deem both states adjacent to both planning areas for the purpose of inspecting proprietary information. Alternatives include leaving the current rule as is or deeming the states adjacent the North Atlantic planning area and not the Mid-Atlantic.

DOI—MMS

Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	10/24/85	50 FR 43256
NPRM Comment Period End	11/25/85	
Final Action	03/26/86	51 FR 10381
Final Action Effective	04/25/86	

Small Entity: No

Agency Contact: Jane Roberts, Legislative Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7916

RIN: 1010-AA92

[FR Doc. 86-4521 Filed 04-18-86; 8:45 am]

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DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSM)

Proposed Rule Stage

1235. SUBCHAPTER A - GENERAL, APPLICABILITY

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 700.11; 30 CFR 704

Legal Deadline: None

Abstract: The lack of review procedures for operations meeting the two-acre exemption under the Surface Mining Control and Reclamation Act has led to difficulty in enforcing this provision of the Statute. Therefore, OSMRE is proposing to implement rules to identify the procedures by which a surface mining operation will be exempted from the provisions of the Statute. The proposed rule will identify the qualification and operator notification requirements, verification procedures and recordation process. The rule would result in benefits to small operators and regulatory authorities in clarifying those operations clearly meeting the exemption criteria and they would be treated as such. No additional costs to the environment would occur because operations would not commence within a specified time of notice, for regulatory authority review.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
NPRM Comment Period End	09/00/86	
Final Action	01/00/87	

Small Entity: Undetermined

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5101 L, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5546

RIN: 1029-AA89

1236. PERMANENT REGULATORY PROGRAM REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 785.19(d)

Legal Deadline: None

Abstract: This proposed rule would comply with a ruling by the District Court for the District of Columbia which stated that the definition of farming and agricultural activities were not equal as it related to Alluvial Valley Floors as defined in OSM's regulations. The Court ordered that the definition be repromulgated in a manner consistent with Congressional intent. Pursuant to the Court ruling, additional guidance would be provided as to what the "essential hydrologic functions" are of AVFs.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
NPRM Comment Period End	07/00/86	
Final Action	12/00/86	

Small Entity: Undetermined

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5546

RIN: 1029-AA54

1237. PERMANENT PROGRAM PERFORMANCE STANDARDS SURFACE AND UNDERGROUND ACTIVITIES ROADS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 816.150; 30 CFR 816.151; 30 CFR 817.150; 30 CFR 817.151

Legal Deadline: None

Abstract: The regulation will address the sections that were remanded back to OSM by the action of the Court and modify some provisions that are confusing in the existing file. The changes will provide additional guidance to the surface coal mine operator in fulfilling the performance standards of the Act. Costs will not be increased because the regulations will amplify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
NPRM Comment Period End	09/00/86	
Final Action	01/00/87	

Small Entity: Undetermined

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5546

RIN: 1029-AA60

1238. PERMANENT REGULATORY PROGRAM DEFINITIONS; AREAS UNSUITABLE FOR MINING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 761

Legal Deadline: None

Abstract: The proposed rule would clarify the applicability of the prohibitions in section 522(e)(4) and (5) of the Surface Mining Control and Reclamation Act of surface impacts of

underground mining. The issue of the relationship between section 522(e) and mining related subsidence will be addressed in the proposed rulemaking. The rulemaking will seek to clarify whether OSM's rules have the effect of prohibiting underground mining operations related to the features and facilities within the distance limitations enumerated in sections 522(e)(4) and (5) of the Act. The proposed rulemaking will address the issue of what is a "Surface Impact" incident to an underground mine.

Timetable:

Action	Date	FR Cite
ANPRM	04/03/85	50 FR 13250
Notice of intent to prepare a draft EIS & Preliminary RIA: Scoping Meeting	06/19/85	50 FR 25473
Notice of Scoping Meeting, Request for comments	06/19/85	50 FR 25473
ANPRM Comment Period End	08/27/85	50 FR 13250
Scoping Hearing for NEPA and RIA	04/00/86	
NPRM	03/00/87	
NPRM Comment Period End	05/00/87	
Final Action	09/00/87	

Small Entity: Yes

Additional Information: The Office of Surface Mining has determined that the proposed rulemaking constitutes a major Federal action requiring an EIS to meet the requirements of the National Environmental Policy Act. OSM has also made the determination that the proposed rule may be significant within the meaning of E.O. 12291. Precise cost/price impacts cannot be determined prior to further development of the regulation, but such costs are anticipated to be significant in terms of E.O. 12291 and the Regulatory Flexibility Act. Therefore, a Preliminary Regulatory Impact Analysis and Small Entity Flexibility Analysis are being prepared.

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5101 L, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5546**

RIN: 1029-AA80

1239. PERMANENT REGULATORY PROGRAM DEFINITIONS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5

Legal Deadline: None

Abstract: The proposed rulemaking is in response to a court order of the District Court for the District of Columbia which remanded the portion of OSM's definition of "affected area" relating to the description and inclusion of roads in "affected areas." The proposed regulation will address alternative definitions and descriptions of roads as part of the definition of "affected areas" and clarify the relationship of these terms to various provisions of the Surface Mining Control and Reclamation Act of 1977. OSM is unable at this time to determine precisely what additional costs would be associated with the rule. It should be minimal, however, as this rule is intended only to identify the limitations on roads to be included in surface mining operations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	
NPRM Comment Period End	02/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Mary Josie Smith, Chief, Branch of Western Activities, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5121, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5150**

RIN: 1029-AA84

1240. PERMANENT PROGRAM PERFORMANCE STANDARDS DEFINITIONS, PREVIOUSLY MINED AREAS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5

Legal Deadline: None

Abstract: This rulemaking action is in response to a Court Order by the U.S. District Court for the District of Columbia In re; Permanent Surface Mining Regulation Litigation II, July 15, 1985. The proposed regulation would amend the definition of previously mined area to include only those lands mined prior to May 3, 1978, and not reclaimed to the standards of the Act. This rule may lead to a reduction of environmental benefits since there will be less incentive for remining and reclamation of mines abandoned after May 3, 1978. Otherwise, there are no significant increase or decrease in costs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Undetermined

Agency Contact: Raymond E. Aufmuth, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 210, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-5843**

RIN: 1029-AA88

1241. EXEMPTION FOR COAL EXTRACTION INCIDENTAL TO THE EXTRACTION OF OTHER MINERALS

Legal Authority: 30 USC 1201

CFR Citation: 30 CFR 702

Legal Deadline: None

Abstract: The Surface Mining Act exempts mining operations that extract other minerals where coal does not exceed 16 2/3 percent of tonnage of minerals removed for sale. Evidence of abuse of this exemption has been given to Congress by legitimate operators. Coal mine operators are using the exemption to avoid compliance with the Surface Mining Act's environmental protection performance standards. Proposed regulations would require operations claiming exemption to apply for exemption and report on their operations. The costs of compliance for these operations is undetermined. Benefits would be to the public in terms of protection of health, safety, and environment from detrimental effects of mining. Legitimate noncoal operators would be able to compete fairly with those operations now using the

exemption to undersell their legitimate competitors.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: Undetermined

Agency Contact: Henry Gerke, Biological Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, Room 5101 L, **202 343-1512**

RIN: 1029-AA53

1242. RESTRICTION ON FINANCIAL INTERESTS OF STATE EMPLOYEES

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 705.5

Legal Deadline: None

Abstract: This rule will address whether the Office of Surface Mining should retain the exemption for members of multiple interest boards in the definition of the term "employee" in 30 CFR 705.5 for purposes of determining restrictions on financial interests of State regulatory authority employees. In the event the exemption is retained, the Office of Surface Mining would propose to define multiple interest boards qualifying for the exemption.

Timetable:

Action	Date	FR Cite
NPRM	09/06/79	44 FR 52098
NPRM Comment Period End	07/31/84	49 FR 22498
NPRM-Second	07/00/86	
Final Action	11/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Ann L. Chapman, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Washington, DC 20240, Room 5415 L, **202 343-4665**

RIN: 1029-AA41

1243. EXEMPTION FOR COAL EXTRACTION INCIDENTAL TO GOVERNMENT FINANCED CONSTRUCTION

Legal Authority: 30 USC 1202; 30 USC 1211; 30 USC 1278

CFR Citation: 30 CFR 707

Legal Deadline: None

Abstract: The current limiting language in 30 CFR Part 707 can have at least three adverse results for the Abandoned Mine Lands (AML) Program. The inability to remove incidental amounts of coal encountered during reclamation activities can result in: 1) the loss of a valuable energy resource, 2) a no-cost subsidy of a future mining operation, and 3) a windfall profit to the mineral owner. In addition, the Federal and State governments are unable to reduce the costs of their AML projects. Participation in the incidental recovery of coal and resulting reduction in reclamation costs would allow the Federal and State AML programs to accomplish more reclamation at a substantial saving. To correct these deficiencies and to allow greater flexibility for the AML Program to remove incidental amounts of coal encountered during AML-financed reclamation activities, the clarification and expansion of the scope of Part 707 is being proposed.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
NPRM Comment Period End	07/00/86	
Final Action	01/00/87	

Small Entity: Undetermined

Agency Contact: Ted Ifft, Reclamation Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, Room 5124 L, **202 343-7887**

RIN: 1029-AA58

1244. REQUIREMENTS FOR COAL EXPLORATION--PERMIT REQUIREMENTS FOR EXPLORATION REMOVING MORE THAN 250 TONS OF COAL

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 772.11; 30 CFR 772.12

Legal Deadline: None

Abstract: The proposed rule would comply with a court order of the District Court for the District of Columbia which remanded OSM reporting requirements for surface coal exploration. The proposed rule would revise existing requirements to include the filing of a notice by all individuals or operators planning coal exploration, and specify the information required on applications for coal exploration. The obligation to report is a standing requirement of existing regulations. This rule would expand the requirement to report. Because affected States already have the expanded requirement in place, no additional costs or benefits are expected to be associated with the rule.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	
NPRM Comment Period End	02/00/87	
Final Action	08/00/87	
Final Action Effective	09/00/87	

Small Entity: Undetermined

Agency Contact: Mark Boster, Chief, Division of Permit & Environmental Analysis, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5111 L, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-1480**

RIN: 1029-AA92

1245. INDIVIDUAL CIVIL PENALTIES

Significance: Regulatory Program

Legal Authority: 30 USC 1201

CFR Citation: 30 CFR 723; 30 CFR 724; 30 CFR 845; 30 CFR 846, (New)

Legal Deadline: None

Abstract: The proposed rule will improve the implementation of Section 518(f) of the Surface Mining Control and Reclamation Act by clarifying the meaning of "knowing and willful" and defining the manner in which a daily penalty will be assessed for a continuing violation. Corporate officials associated with a permittee in violation of the Act will be identified and assessed individual civil penalties in addition to any penalties imposed on the Corporate entity.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
NPRM Comment Period End	08/00/86	
Final Action	12/00/86	

Small Entity: No

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Washington, DC 20240, 202 343-5546

RIN: 1029-AA81

1246. MAINTENANCE OF STATE PROGRAMS AND PROCEDURES FOR SUBSTITUTING FEDERAL ENFORCEMENT OF STATE PROGRAMS AND WITHDRAWING APPROVAL OF STATE PROGRAMS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 733

Legal Deadline: None

Abstract: This rule will be revised to provide the Director, Office of Surface Mining, with additional options when problems are identified in the administration of approved State programs. The Office will propose a shortened, streamlined process for taking action when a site-specific problem arises in a State.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	
NPRM Comment Period End	02/00/87	
Final Action	06/00/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Mary Tisdale, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Washington, DC 20240, 202 343-5361

RIN: 1029-AA42

1247. SURFACE COAL MINING AND RECLAMATION OPERATIONS; PERMANENT REGULATORY PROGRAM; FEDERAL PROGRAM FOR A STATE; PROCEDURAL REQUIREMENTS

Legal Authority: 30 USC 1251; 30 USC 1253 to 1269; 30 USC 1271; 30 USC 1272; 30 USC 1295

CFR Citation: 30 CFR 736.11

Legal Deadline: None

Abstract: OSM will propose revisions to its rules governing standards and procedures for the promulgation, implementation, revision, and termination of a Federal program for a State for coal exploration and surface coal mining operations on non-Federal and non-Indian lands within that State.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Undetermined

Agency Contact: Mark Boster, Chief, Division of Permit & Environmental Analysis, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, Room 5111 L, 202 343-1480

RIN: 1029-AA71

1248. FEDERAL LANDS PROGRAM

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; 30 USC 181 et seq

CFR Citation: 30 CFR 740; 30 CFR 745; 30 CFR 746

Legal Deadline: None

Abstract: Various language changes will be proposed in 30 CFR 740, 745, and 746 in response to a ruling by the District Court for the District of Columbia with respect to the definition of "mining plans", the applicability of the Federal lands program, and for technical accuracy and to clarify ambiguous language that has surfaced since publication of the rules in February 1983.

Timetable:

Action	Date	FR Cite
NPRM	11/00/86	
NPRM Comment Period End	01/00/87	
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5546

RIN: 1029-AA76

1249. DEFINITION AND CRITERIA FOR VALID EXISTING RIGHTS

Significance: Regulatory Program

Legal Authority: 30 USC 1254; 30 USC 1272

CFR Citation: 30 CFR 761.5; 30 CFR 761.11(h)

Legal Deadline: None

Abstract: OSM is repromulgating certain portions of its regulations which define "valid existing rights" and prohibit surface coal mining on lands within units of the National Park System, National Wildlife Refuge System and certain other areas designated by Congress. OSM is repromulgating these regulations as a result of a District Court Decision in Round III of the present litigation on OSM's permanent program regulations.

Timetable:

Action	Date	FR Cite
Scoping Hearings for NEPA and RIA	04/00/86	
NPRM	03/00/87	
NPRM Comment Period End	05/00/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Division of Regulation and Inspection, 202 343-5546

RIN: 1029-AA77

1250. LANDS UNSUITABLE REGULATIONS

Significance: Agency Priority

Legal Authority: 30 USC 1254; 30 USC 1272

CFR Citation: 30 CFR 761.5; 30 CFR 761.11(a); 30 CFR 761.11(c); 30 CFR 762.5; 30 CFR 764.15(a)(3); 30 CFR 764.15(b)(2); 30 CFR 769.14(a)(1); 30 CFR 769.14(a)(3); 30 CFR 769.14(b)(2)

Legal Deadline: None

Abstract: OSM is repromulgating certain portions of its regulations under Subchapter F which contain criteria for and describe the petition process for designating lands unsuitable for surface coal mining operations. OSM is repromulgating these regulations as a result of a District Court decision in Round III of the present litigation on OSM's permanent program regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: No

Agency Contact: Richard O. Miller, Chief, Regulatory Development & Issues Management, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 134, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-5546**

RIN: 1029-AA90

1251. REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING PERMIT APPLICATIONS MINIMUM REQUIREMENTS FOR LEGAL FINANCIAL CIVIL PENALTIES

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 773, (Revision); 30 CFR 778, (Revision); 30 CFR 845, (Revision)

Legal Deadline: None

Abstract: The existing rules pertaining to the requirements for permit and permit processing. Permit applications and civil penalties are to be amended. The proposed revisions expressly establish an affirmative obligation on permittees and permit applicants to pay uncontested penalties and abate uncontested violations. Permittees and applicants for permits must meet these obligations prior to the issuance of a permit and as a condition of continued operation under existing permits.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
NPRM Comment Period End	07/00/86	
Final Action	12/00/86	

Small Entity: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5546**

RIN: 1029-AA66

1252. REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 773

Legal Deadline: None

Abstract: This regulation is intended to clarify existing requirements concerning protection of historic properties which may be affected by surface coal mining and reclamation operations. This rule would clarify that States with regulatory programs approved by the Secretary of the Interior have authority to require specific actions to assist the Secretary of the Interior comply with section 106 of the National Historic Preservation Act. Since this is a clarification of existing requirements, no change in costs are expected. Benefits will be seen in more clarity in regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
NPRM Comment Period End	06/00/86	
Final Action	10/00/86	

Small Entity: No

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, TSR Room 5111-L, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5546**

RIN: 1029-AA87

1253. SURFACE MINING PERMIT APPLICATIONS MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 779.20; 30 CFR 780.16; 30 CFR 783.20; 30 CFR 784.21; 30 CFR 816.97(a); 30 CFR 816.97(b); 30 CFR 817.97

Legal Deadline: None

Abstract: OSM is amending Fish and Wildlife performance standards at 30 CFR 816.97 to comply with the District Court's decision of October 1, 1984, which pertains to protection of endangered and threatened species and the exclusion of wildlife from toxic ponds. In addition, OSM is amending the Fish and Wildlife permitting requirements at 30 CFR 779.20 and 780.16 to provide greater flexibility and clarity.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
NPRM Comment Period End	07/00/86	
Final Action	11/00/86	

Small Entity: Undetermined

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5546**

RIN: 1029-AA74

1254. UNDERGROUND MINING PERMIT APPLICATIONS MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN SUBSIDENCE CONTROL PLAN

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 784.20

Legal Deadline: None

Abstract: In remanding Section 817.21(c)(2) for further comment following the Permanent Surface Mining Regulation Litigation II, the court also found that the 1979 rule requiring the subsidence control plan to include the results of the pre-subsidence survey and description of proposed monitoring measure were deleted in the 1982 proposed and 1983 final rule without adequate notice. Because this regulation related to Section 817.121(c)(2) concerning the protection of surface structures, the court ordered the Secretary to request additional public comments on this deletion in conjunction with the comments of 817.121(c)(2). No other alternative to the repromulgation of this rule is being considered because of the court order. Depending upon the number and types of comments received, this 1983 rule may or may not be changed. Consequently, the action's potential costs and benefits cannot be assessed.

Timetable:

Action	Date	FR Cite
NPRM	07/08/85	50 FR 27910
NPRM Comment Period End	09/16/85	
Scoping Hearings for NEPA and RIA	04/00/86	

Action	Date	FR Cite
End of Comment Period	05/00/87	
Final Action	09/00/87	

Small Entity: Undetermined

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5546

RIN: 1029-AA63

1255. REQUIREMENT TO RELEASE PERFORMANCE BONDS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 800-40(a)(2)

Legal Deadline: None

Abstract: This proposed rule would require that an applicant for bond release include the name of the permittee in the application. This action is being taken as a result of a commitment made during litigation on bonding requirements before the District Court for the District of Columbia where it was found that an explicit requirement for providing the name of the applicant was necessary. There will be no increase or decrease in the cost/benefits of this rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
NPRM Comment Period End	11/00/86	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5121-L, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5546

RIN: 1029-AA91

1256. PERMANENT PROGRAM PERFORMANCE STANDARDS SURFACE AND UNDERGROUND MINING ACTIVITIES BACKFILLING AND GRADING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.100; 30 CFR 816.102(g); 30 CFR 816.104(a); 30 CFR 816.105(a); 30 CFR 817.100; 30 CFR 817.102; 30 CFR 817.104; 30 CFR 817.105

Legal Deadline: None

Abstract: The regulation will address the sections that were remanded back to OSM by the action of the Court. The regulation will provide additional guidance to the surface coal mine operator in fulfilling the performance standards of the Act. Costs will not be increased because the regulations will amplify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
NPRM Comment Period End	09/00/86	
Final Action	01/00/87	

Small Entity: Undetermined

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5546

RIN: 1029-AA57

1257. PERMANENT PROGRAM PERFORMANCE STANDARDS - SURFACE MINING ACTIVITIES, UNDERGROUND MINING ACTIVITIES -- REVEGETATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.116(b)(3)(ii); 30 CFR 816.116(c)(4); 30 CFR 817.116(b)(3)(ii); 30 CFR 817.116(c)(4); 30 CFR 816.116(c)(2); 30 CFR 817.116(c)(2)

Legal Deadline: None

Abstract: This rule is being proposed in response to an order of the U.S. District Court remanding several aspects of OSM regulations concerning revegetation which has inadequate support in the administrative record. OSM will propose rules concerning replanting of trees as a normal husbandry practice, the period for revegetation success, and rills and gullies control as a normal conservation practice. Costs and benefits of this action have not been determined since the final scope of the rule is not certain. This analysis will be based in large part on public comments received on the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Yes

Agency Contact: Arlo Dalrymple, Biological Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 210, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-3613

RIN: 1029-AA86

1258. PERMANENT PROGRAM PERFORMANCE STANDARDS - SURFACE MINING ACTIVITIES, UNDERGROUND MINING ACTIVITIES - IMPOUNDMENTS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.49(a)(8); 30 CFR 817.49(a)(8)

Legal Deadline: None

Abstract: The regulation will address the issue addressed in a district court challenge to OSM regulations. The rule will address the problem of combination spillways and will specify a spillway configuration that must be installed to safely pass the designed precipitation event. In some cases, the rule may allow one spillway to serve as a combination principal and emergency spillway. The proposed action may reduce costs in those cases where one spillway will safely pass the design precipitation event with no corresponding decrease in environmental protection.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	
NPRM Comment Period End	12/00/86	
Final Action	04/00/87	

Small Entity: Undetermined

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5101 L, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5546

RIN: 1029-AA79

1259. PERMANENT PROGRAM PERFORMANCE STANDARDS UNDERGROUND MINING ACTIVITIES SUBSIDENCE CONTROL

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 817.121(c)(2)

Legal Deadline: None

Abstract: Following Permanent Surface Mining Regulation Litigation II, the court remanded portions of the subsidence control rule relating to the protection of surface structures and facilities to Office of Surface Mining to repromulgate the rule for notice and comment, holding that the final 1983 rule represents a radical change from the 1982 proposed rule. No other alternative to the repromulgation of the 1983 rule is being considered because of the court order. Depending upon the number and type of comments received the 1983 final rule relating to the protection of surface structures and facilities may or may not be changed. Consequently, the action's potential costs and benefits cannot be assessed.

Timetable:

Action	Date	FR Cite
NPRM	07/08/85	50 FR 27910
NPRM Comment Period End	09/16/85	
NPRM-Second	03/00/87	
Final Action	09/00/87	

Small Entity: Undetermined

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5546**

RIN: 1029-AA65

1260. PERMANENT PROGRAM PERFORMANCE STANDARDS UNDERGROUND MINING ACTIVITIES - HYDROLOGIC BALANCE PROTECTION

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 817.41(b)(2)

Legal Deadline: None

Abstract: The rulemaking is in response to a challenge of this issue in District Court where the Office agreed to suspend 30 CFR 817.41(b)(2), concerning requirement to restore groundwater recharge capacity, and repromulgate the rule to develop the administrative records. OSM will propose two options: (1) removing 817.41(b)(2) and (2) retaining this paragraph while asking for comments concerning its legality, technological validity, and environmental impacts. Since this rule will be repromulgated with options, a determination of its potential costs and benefits cannot be assessed until comments are received and options chosen.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
NPRM Comment Period End	07/00/86	
Final Action	11/00/86	

Small Entity: Undetermined

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5010 L, 1951 Constitution Ave., NW, Washington, DC, **202 343-5546**

RIN: 1029-AA75

1261. SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS OPERATIONS ON PRIME FARMLAND

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 823.11(a); 30 CFR 823.11(b)

Legal Deadline: None

Abstract: These regulations are being revised as ordered by the District Court for the District of Columbia. They will amend OSM's permanent program performance standards with respect to prime farmlands by allowing last cut lakes to remain after mining is complete only where they are beneficial or necessary to agricultural activity and allowing for a support facility exemption only for underground mines. These changes are mandated by Court Order, thus, no alternatives to this action are being considered.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
NPRM Comment Period End	07/00/86	
Final Action	01/00/87	

Small Entity: Undetermined

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5546**

RIN: 1029-AA64

1262. SURFACE COAL MINING AND RECLAMATION OPERATIONS; PERMANENT REGULATORY PROGRAMS; PERMANENT PROGRAM INSPECTION AND ENFORCEMENT PROCEDURES

Legal Authority: 30 USC 1267

CFR Citation: 30 CFR 840; 30 CFR 842; 30 CFR 843

Legal Deadline: None

Abstract: The proposed rule would clarify inspection requirements of surface coal mining and reclamation operations under initial and permanent regulatory programs and nomenclature designations of the Office of Surface Mining field operating Units.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	
NPRM Comment Period End	02/00/87	
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Daniel E. Stocker, Chief, Branch of Inspection, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5384**

RIN: 1029-AA67

1263. RECLAMATION ON PRIVATE LAND

Legal Authority: 30 USC 1238

CFR Citation: 30 CFR 882

Legal Deadline: None

Abstract: To address concerns raised by Inspector General and states in regulations implementing Lien Provisions of Surface Mining Control Act. Provisions for documenting lien waivers and defining unclear terms will be proposed. State and Federal reclamation programs will expend more time and resources documenting their decisions to waive liens but possibility for windfall profits to private landowners from expenditure of federal

funds will be decreased. Satisfaction of liens will result in recovery of federal funds.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Undetermined

Agency Contact: Ted Ifft, Reclamation Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, Room 5124 L, 202 343-7887

RIN: 1029-AA68

DEPARTMENT OF THE INTERIOR (DOI)
Office of Surface Mining Reclamation and Enforcement (OSM)

Final Rule Stage

1264. PERMANENT REGULATORY PROGRAM DEFINITION OF ADVERSE PHYSICAL IMPACT

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 816.106(b); 30 CFR 817.106(b)

Legal Deadline: None

Abstract: This regulation addresses the result of a joint motion approved by the District Court for the District of Columbia on December 3, 1984. The final regulation will remove the definition of adverse physical impact; remove the limitations imposed by 30 CFR 816.106(b) and 817.106(b); and require that all reasonably available spoil in the immediate vicinity of the remining operation be used to backfill the highwall to the maximum extent technically practicable. In view of the joint motion this is the only alternative being considered. There will be little if any potential costs because of the very limited application of this rule. Therefore, benefits which will result will also be very limited. The proposed rule asks for public comment on this very issue.

Timetable:

Action	Date	FR Cite
NPRM	06/13/85	50 FR 7522
NPRM Comment Period End	08/22/85	
Final Action	05/00/86	

Small Entity: Undetermined

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5546

RIN: 1029-AA52

1265. SURFACE COAL MINING AND RECLAMATION OPERATIONS PERMANENT REGULATORY PROGRAM - CONTROL

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 773.15; 30 CFR 773.17; 30 CFR 778.13

Legal Deadline: None

Abstract: The proposed rule would require the regulatory authority to make findings prior to permit issuance that the applicant and persons or business entities closely connected to the applicant do not have any outstanding unabated violations, delinquent AML reclamation fee accounts, or unpaid final civil penalties.

Timetable:

Action	Date	FR Cite
NPRM	04/05/85	50 FR 13724
NPRM Comment Period End	06/28/85	
Final Action	05/00/86	

Small Entity: Undetermined

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5546

RIN: 1029-AA56

1266. PERMANENT REGULATORY PROGRAM DEFINITION OF SUPPORT FACILITIES

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5

Legal Deadline: None

Abstract: The proposed rule will amend the definition of the term support facilities as a result of the District Court for the District of Columbia's opinion of July 6, 1984. The proposed regulation would bring additional support facilities under the Permanent Program Regulations of the Surface Mining Control and Reclamation Act and amend the definition of support facility to connote a functional relationship with a regulated facility. This proposed rule would impose only minor costs to the coal industry since relatively few operations will be affected.

Timetable:

Action	Date	FR Cite
NPRM	07/10/85	50 FR 28180
Interim Final Rule	07/10/85	50 FR 28186
NPRM Comment Period End	09/09/85	
Final Action	05/00/86	

Small Entity: Undetermined

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5546

RIN: 1029-AA73

1267. PERMIT APPLICATION FEE SCHEDULE FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS UNDER FEDERAL, FEDERAL LANDS NOT UNDER COOPERATIVE AGREEMENT, AND INDIAN LANDS PROGRAMS

Legal Authority: 30 USC 1257

CFR Citation: 30 CFR 701; 30 CFR 736; 30 CFR 740; 30 CFR 746; 30 CFR 750; 30 CFR 772

Legal Deadline: None

Abstract: The proposed rule would govern the collection by OSM of application fees for permits to conduct surface coal mining and reclamation operations, and for permits to conduct coal exploration, as well as fees for

processing mining plans and for mid-term review of surface coal mining and reclamation permits. Recipients of these services would be required to reimburse OSM for the actual cost incurred by the Department in providing the service. An amendment to OSM's appropriations for 1986 prohibits further expenditure of funds for development of this regulation. Rulemaking action suspended.

Timetable:

Action	Date	FR Cite
NPRM	02/22/85	50 FR 7522
NPRM Comment Period End	07/26/85	

Next Action Undetermined

Small Entity: No

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW, Washington, DC 20240, **202 343-5546**

RIN: 1029-AA48

1268. ● PERMANENT REGULATORY PROGRAM AREAS UNSUITABLE FOR SURFACE MINING - AREAS DESIGNATED BY ACT OF CONGRESS - WILD AND SCENIC RIVERS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq.

CFR Citation: 30 CFR 761

Legal Deadline: None

Abstract: This rule is being proposed to eliminate an inconsistency between provisions of OSMRE regulations governing how far mining can occur from the banks of study rivers designated as such under the Wild and Scenic Rivers Act and guidelines of the National Park Service. The proposed rule would establish the same boundary for study areas as is established under the Wild and Scenic Rivers Act. OSMRE does not expect any significant costs or benefits of this rule other than the benefits of removing duplicative requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/15/85	50 FR 32962
NPRM Comment Period End	10/24/85	50 FR 32962
Final Action	04/30/86	
Final Action Effective	05/30/86	

Small Entity: No

Agency Contact: Richard Miller, Chief, Regulatory Development and Issues Management, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5546**

RIN: 1029-AA78

1269. CRITERIA FOR DESIGNATING AREAS AS UNSUITABLE FOR SURFACE COAL MINING OPERATIONS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 762.5

Legal Deadline: None

Abstract: The objection to the definitions of the terms "fragile lands" and "historic lands" in 762.5 is their requirement that damage from proposed mining to historic and other values must be irreparable or permanent before lands can be classified as fragile or historic and therefore, eligible for consideration as being unsuitable for mining. The court order requires only a finding of significant damage, in accordance with Section 522(a)(3)(b) of the Act. In as much as the required wording "significant damage" is used in 762.11(b)(2) in the fragile-or-historic-lands criterion for designating lands as unsuitable, rather than using the wording of the two definitions, the proposed rule change would remove the degree-of-damage requirement from the definitions and thereby remove the wording objected to. In addition, the two terms would be combined into the one term "fragile or historic lands" that is used in the Act and also in 762.11(b)(2). The cost and benefits would remain unchanged because a finding of only significant damage and the combined term are already in place in 762.11(b)(2).

Timetable:

Action	Date	FR Cite
NPRM	07/25/85	50 FR 30408
NPRM Comment Period End	10/03/85	
Final Action	08/00/86	

Small Entity: Undetermined

Agency Contact: Richard Miller, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5546**

RIN: 1029-AA62

1270. BLASTER TRAINING AND CERTIFICATION FOR BLASTERS AND MEMBERS OF BLASTING CREWS FOR FEDERAL PROGRAMS AND FEDERAL LANDS NOT UNDER COOPERATIVE AGREEMENTS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 855

Legal Deadline: None

Abstract: The proposed rule will establish a program to train and certify persons who use or are in charge of crews that use explosives in connection with surface coal mining on Federal lands not under cooperative agreements and for Federal programs.

Timetable:

Action	Date	FR Cite
Final Action	06/00/76	
NPRM	09/11/84	49 FR 35714
Interim Final Rule	00/00/00	

Small Entity: No

Agency Contact: Arthur Anderson, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW, Washington, DC 20240, Room 5101 L, **202 343-1509**

RIN: 1029-AA51

1271. STATE RECLAMATION PLAN AMENDMENTS

Legal Authority: 30 USC 1235

CFR Citation: 30 CFR 884; 30 CFR 886

Legal Deadline: None

Abstract: The revised rule provides that the Director may request that a State initiate procedures to amend its reclamation plan and that the Director may establish, after consultation with the State, a timetable which is consistent with established administrative and legislative procedures in the State for submitting an amendment to the reclamation plan. Failure to amend the reclamation plan within the specified time could result in either the suspension of the AMLR

Plan, reduction, suspension or termination of existing grants or the withdrawal from consideration of all future grant applications. States may have minor administrative costs in amending their approved reclamation plans. Benefits would include more efficient and cost effective reclamation procedures.

Timetable:

Action	Date	FR Cite
NPRM	01/04/85	50 FR 483
NPRM Comment Period End	03/04/85	
Final Action	04/00/86	

Small Entity: Undetermined

Agency Contact: Ted Ifft, Reclamation Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, Room 5124 L, 202 343-7887

RIN: 1029-AA70

1272. STATE-FEDERAL COOPERATIVE AGREEMENTS

Legal Authority: 30 USC 1201 et seq.

CFR Citation: 30 CFR Subchapter T

Legal Deadline: None

Abstract: This Subchapter will incorporate the State-Federal Cooperative Agreements for the permanent regulatory programs on Federal lands in various States. The affected Parts in Title 30 are indicated in parentheses after each State.

Supplemental Timetable:

Alabama (901)
Final Action Effective 08/29/85

Alabama(901)
NPRM 01/23/85 (50 FR 2988)
Final Action 07/30/85 (50 FR 30916)

Utah(944)
NPRM 03/31/82 (47 FR 13738)
Final Action 04/00/86

Virginia(946)
NPRM 06/27/83 (48 FR 29545)
Final Action 12/00/86

West Virginia(948)
NPRM 03/09/84 (49 FR 8913)

Wyoming(950)
Final Action 12/00/86 (49 FR 4106)

Small Entity: No

Additional Information: Originally scheduled: January 1980.

Agency Contact: Murray Newton, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5866

RIN: 1029-AA40

DEPARTMENT OF THE INTERIOR (DOI)
Office of Surface Mining Reclamation and Enforcement (OSM)

Completed Actions

1273. SUBSIDENCE INSURANCE PROGRAM GRANTS

Significance: Regulatory Program

Legal Authority: HR RES 648; PL 98-473; 30 USC 1231

CFR Citation: 30 CFR 887, (New)

Legal Deadline: None

Abstract: Proposed regulations implementing Congressional amendment to Surface Mining Control Act that authorizes up to $3 million to States for the establishment of state administered self-sustaining subsidence insurance programs. If all eligible states avail themselves of the opportunity, the costs to the AML Reclamation Fund will be $69 million. Benefits are, if land is insured, approximately $100 million in savings to the AML reclamation program. If land is not insured, then the AML Trust Fund will lose up to a maximum of $69 million. The subsidence insurance program will result in considerable savings to home owners and commercial and industrial entities who will be able to insure their property from damage caused by subsidence in abandoned underground coal mines.

Timetable:

Action	Date	FR Cite
NPRM	07/25/85	50 FR 30402
NPRM Comment Period End	08/26/85	
Final Action	02/13/86	51 FR 5490

Small Entity: Undetermined

Agency Contact: Richard Miller, Program Management Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5546

RIN: 1029-AA55

[FR Doc. 86-4521 Filed 04-18-86; 8:45 am]
BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Reclamation (RB)

Proposed Rule Stage

1274. OFF-ROAD VEHICLE USE

Legal Authority: 43 USC 391 et seq

CFR Citation: 43 CFR 420

Legal Deadline: None

Abstract: This rule governs the use of off-road vehicles on Bureau Lands and provides for the opening of only those lands where the use of such vehicles will not adversely affect associated project features or facilities. The provisions of this rule will be expanded to cover the use of ultralight vehicles, since, by definition, these vehicles are excluded from control of the Federal Aviation Administration.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

DOI—RB

Proposed Rule Stage

Agency Contact: Fred Gientke, Chief, Water O&M Branch, Department of the Interior, Bureau of Reclamation, Bldg 67, Federal Center, Denver, CO 80225, 303 776-8081

RIN: 1006-AA06

1275. ● ACREAGE LIMITATION: REVISED PROPOSED RULES AND REGULATIONS

Significance: Regulatory Program

Legal Authority: 5 USC 552; 43 USC 371; 43 USC 390

CFR Citation: 43 CFR 426

Legal Deadline: Statutory, April 17, 1987

Abstract: Under the Reclamation Reform Act (RRA) of 1982, districts and individuals have the option of coming under the acreage limitation provisions of the new law or remaining subject to those of prior Reclamation law. Section 203(b) of the RRA provides that districts have 4 1/2 years from the date of enactment of the RRA to amend their existing repayment and water service contracts to come under the RRA provisions. After April 12, 1987, individuals in nonamending districts will be required to pay full cost for water supplied to leased land in excess of 160 acres.

The final rules published in December 1983 did not address implementation of section 203(b). The existing rules need to be revised in order to implement this provision, as required by law.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
NPRM Comment Period End	07/00/86	
Final Action	11/00/86	

Small Entity: No

Agency Contact: James Cook, Chief, Division of Water and Land, Department of the Interior, Bureau of Reclamation, 18th & C Sts., NW, Washington, DC 20240, 202 343-5104

RIN: 1006-AA15

1276. ● GENERAL REGULATIONS FOR POWER GENERATION, OPERATION, MAINTENANCE AND REPLACEMENT AT THE BOULDER CANYON PROJECT, ARIZONA/NEVADA

Legal Authority: 43 USC 617 et seq; 74 USC 628 et seq; PL 98-381

CFR Citation: 43 CFR 431, (new)

Legal Deadline: None

Abstract: The proposed regulations will define the procedures to be used in providing specific power contractors with cost and power generation data associated with the operation of the Boulder Canyon Project. These regulations will replace those portions of the "General Regulations for Lease of Power," dated April 25, 1930, and the "General Regulations for Generation and Sale of Power in Accordance with the Boulder Canyon Project Adjustment Act," approved and promulgated on May 20, 1941 (1941 General Regulations), which are under the jurisdiction of the Secretary of the Interior and which will terminate on May 31, 1987.

Timetable:

Action	Date	FR Cite
NPRM	03/06/86	51 FR 7833
Final Action	05/00/86	

Supplemental Timetable:

Rulemaking

Notice of Intent to Propose 12/03/85 (50 FR 49563)

Small Entity: No

Affected Sectors: None

Government Levels Affected: Local, State

Agency Contact: Everett Wallace, Jr., Senior Staff Assistant for Power Operations, and Maintenance, Department of the Interior, Bureau of Reclamation, Washington, DC 20240, 202 343-1289

RIN: 1006-AA14

DEPARTMENT OF THE INTERIOR (DOI)

Final Rule Stage

Bureau of Reclamation (RB)

1277. NEWLANDS RECLAMATION PROJECT, NV; TRUCKEE RIVER STORAGE PROJECT, NV; & WASHOE RECLAMATION PROJECT; NV-CA (TRUCKEE & CARSON RIVER BASINS, CA-NV); PYRAMID LAKE INDIAN RESERVATION, NV, ETC

Legal Authority: 43 USC 373; 33 USC 466; 16 USC 703 to 711; 16 USC 715 to 715r; 32 Stat 388; 70 Stat 775; 72 Stat 705

CFR Citation: 43 CFR 418, (Revision)

Legal Deadline: Judicial. The issue is under Judicial deadline imposed by court order, but is being held up by pending legal suits.

Abstract: Allocation of water for irrigation, Indian tribes and endangered species in an area of water shortage as required by the Secretary of the Interior by Court Order orders. See Pyramid Lake Paiute Tribe of Indians v. Morton, 353 F. Supp. 252 (D.D.C. 1973) and Carson-Truckee Water Conservancy District v. Watt, 549 F. Supp. 704 (D. Nev. 1982). Review completed, changes in rule published in NPRM.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: TITLE CONT: Stillwater Area, NV. New legislation and revised operating criteria are being proposed, but effective dates are indefinite due to lawsuits and legal concerns.

Affected Sectors: 01 AGRICULTURAL PRODUCTION-CROPS; 09 FISHING, HUNTING, AND TRAPPING

Agency Contact: Roy H. Boyd, Chief, Water Operations Branch, Department of the Interior, Bureau of Reclamation, 18th & C Streets, NW, Washington, DC 20240, 202 343-5471

RIN: 1006-AA08

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Reclamation (RB)

Completed Actions

1278. UNPRODUCTIVE LAND: ELIMINATION OR EXCHANGE

Legal Authority: 43 USC 1201; 43 USC 423

CFR Citation: 43 CFR 403

Legal Deadline: None

Abstract: Provides the procedures for the eliminating from irrigated project lands of lands permanently unproductive, for exchanging entries, for making additional entries, amending water rights, extending time for making repayments of construction, operation and maintenance charges and for the taking over of a project by the Water User's Organization.

Timetable:

Action	Date	FR Cite
Revoked and Removed	11/14/85	50 FR 47049

Small Entity: Undetermined

Agency Contact: Terence Cooper, Staff Specialist - Land Resources, Department of the Interior, Bureau of Reclamation, Washington, DC 20240, **202 343-5204**

RIN: 1006-AA11

1279. RECLASSIFICATION AS IRRIGABLE OF HIGH LAND COLUMBIA BASIN PROJECT, WASHINGTON

Legal Authority: Sec. 8, 57 Stat 14; 16 USC 835

CFR Citation: 43 CFR 416

Legal Deadline: None

Abstract: Prescribe policies and procedures under which arable high land within an irrigation district, when included in farm units or water delivery units, or in designated areas served therefrom, on the Columbia Basin Project, Washington, may be reclassified as irrigable. Such reclassification will permit the lands to receive water and be subject to assessment by the district.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
End Review	01/31/85	
Revoked and Removed	11/14/85	50 FR 47050

Small Entity: Undetermined

Agency Contact: Terence Cooper, Staff Specialist, Land Resources, Department of the Interior, Bureau of Reclamation, Washington, DC 20240, **202 343-5204**

RIN: 1006-AA10

[FR Doc. 86-4521 Filed 04-18-86; 8:45 am]
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DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Proposed Rule Stage

1280. PUBLIC LAND RECORDS

Legal Authority: 5 USC 301; 43 USC 2; 44 USC 3101; 43 USC 13; 43 USC 751; 43 USC 1201; 43 USC 2457; 43 USC 1740

CFR Citation: 43 CFR 1813

Legal Deadline: None

Abstract: This rule will amend the existing regulations by updating them to reflect and accommodate the transition from the Manual Record System (Tract Books, Master Plats, etc), to an Automated Records System.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: Robert Nauert, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AA77

1281. ● MINERALS (NONMINERAL ENTRIES ON MINERAL LANDS)

Legal Authority: 30 USC 186; 30 USC 124

CFR Citation: 43 CFR Subpart 2093

Legal Deadline: None

Abstract: The amendments made by this rulemaking would eliminate portions of the existing regulations that refer to repealed authorities and make minor changes that reflect the merger of functions between the Bureau of Land Management and the Minerals Management Service.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Undetermined

Agency Contact: Ben Koski, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington DC 20240, **202 343-8693**

RIN: 1004-AB20

1282. LAND CLASSIFICATION

Legal Authority: 43 USC 315f; 43 USC 869; 43 USC 1701 et seq

CFR Citation: 43 CFR 2400

Legal Deadline: None

Abstract: The rulemaking will revise the existing land classification regulations, will remove obsolete provisions, remove burdensome provisions, simplify the land classification system and provide a new protest system for use in connection with land classification decisions.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: No

Agency Contact: Jim Crisp, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AB19

1283. DESERT LAND ENTRIES

Legal Authority: 43 USC 321 to 323

CFR Citation: 43 CFR 2520

Legal Deadline: None

Abstract: This rule will revise the existing regulation to streamline and simplify its provisions, while removing burdensome and obsolete provisions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Gary Rowe, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AB11

1284. 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	09/00/86	

Small Entity: Undetermined

Agency Contact: Rob Nauert, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AB10

1285. RIGHTS-OF-WAY: PRINCIPLES AND PROCEDURES

Significance: Regulatory Program

Legal Authority: 43 USC 1746; 30 USC 185

CFR Citation: 43 CFR 2800

Legal Deadline: None

Abstract: This rule will be amended to revise the schedule used in the cost reimbursement process for processing and monitoring right-of-way grants(2803.1-1; 2883.1-1).

Timetable:

Action	Date	FR Cite
NPRM	01/17/83	48 FR 2110
NPRM	07/00/86	
Final Action	03/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: October 1982.

Agency Contact: Theodore Bingham, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, **202 343-5441**

RIN: 1004-AA17

1286. RIGHTS-OF-WAY; PRINCIPLES AND PROCEDURES; OIL AND NATURAL GAS PIPELINES AND RELATED FACILITIES, GENERAL

Significance: Regulatory Program

Legal Authority: 43 USC 1746; 30 USC 181 et seq

CFR Citation: 43 CFR 2800; 43 CFR 2880

Legal Deadline: None

Abstract: This rule will amend the existing right-of-way regulations to provide a clear and streamlined procedure for setting the annual rental for rights-of-way.

Timetable:

Action	Date	FR Cite
ANPRM	05/04/84	49 FR 19049
ANPRM Comment Period End	07/03/84	49 FR 19049
ANPRM - Second	01/18/85	50 FR 2697
ANPRM - Second	03/19/85	50 FR 2697
NPRM	09/00/86	
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Theodore Bingham, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-5441**

RIN: 1004-AA74

1287. RIGHTS-OF-WAY, PRINCIPLES AND PROCEDURES

Legal Authority: 43 USC 1746

CFR Citation: 43 CFR 2800

Legal Deadline: None

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Federal Land Policy and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735.

Agency Contact: Darrell Barnes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-5441**

RIN: 1004-AB00

1288. RIGHTS-OF-WAY UNDER THE MINERAL LEASING ACT

Legal Authority: 30 USC 185

CFR Citation: 43 CFR 2880

Legal Deadline: None

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Mineral Leasing Act.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735.

Agency Contact: Darrell Barnes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-5441**

RIN: 1004-AA98

1289. RECREATION AND PUBLIC PURPOSES ACT LEASES

Legal Authority: 43 USC 869 et seq

CFR Citation: 43 CFR 2910; 43 CFR 2912

Legal Deadline: None

Abstract: The rule will amend the existing regulations to implement policy changes as they relate to the granting of public lands for recreation and public purposes under the Recreation and Public Purposes Act.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Undetermined

Agency Contact: Rob Nauert, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AA73

1290. EXPLORATION ACTIVITY; OIL AND GAS LEASING

Legal Authority: 16 USC 3101 et seq; 30 USC 181 et seq; 30 USC 351 to 359; 40 USC 760 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3040; 43 CFR 3100; 43 CFR 3110; 43 CFR 3120

Legal Deadline: None

Abstract: This rulemaking will make corrections and modifications to the existing regulations, including procedural changes that have resulted from operations under the regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Agency Contact: Mona Schermerhorn, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 **653-2228**

RIN: 1004-AA97

1291. EXPLORATION ACTIVITY; OIL AND GAS LEASING, OIL AND GAS LEASING - NATIONAL PETROLEUM RESERVE - ALASKA; GEOTHERMAL RESOURCE LEASING - GENERAL

Legal Authority: 30 USC 181 et seq; 30 USC 301 to 306; 30 USC 351 to 359; 43 USC 1701 et seq; PL 96-514; 40 Op. Atty. Gen. 41

CFR Citation: 43 CFR 3040; 43 CFR 3100; 43 CFR 3130; 43 CFR 3200

Legal Deadline: None

Abstract: This rule would amend the existing regulations as they relate to bond coverage for oil and gas and geothermal resources. Bond amounts may be modified.

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	50 FR 18614
NPRM Comment Period End	07/01/85	50 FR 18614
NPRM	10/00/86	

Small Entity: No

Agency Contact: Mona Schermerhorn, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-2190**

RIN: 1004-AB13

1292. ONSHORE OIL AND GAS OPERATIONS - NONCOMPLIANCE AND ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 30 USC 188; 30 USC 189; 30 USC 359; 30 USC 1701 et seq; 25 USC 396; 25 USC 396d

CFR Citation: 43 CFR 3163

Legal Deadline: None

Abstract: This rule will amend the recently codified regulations implementing the Federal Oil and Gas Royalty Management Act to address concerns raised about the impact of the regulations on industry.

Timetable:

Action	Date	FR Cite
ANPRM	03/22/85	50 FR 11517
ANPRM Comment Period End	05/21/85	50 FR 11517
NPRM	01/30/86	51 FR 3882
NPRM Comment Period End	03/31/86	
Final Action	12/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce, (202) 343-8735.

Agency Contact: George F. Brown, Assistant Director, Fluid Leasable Minerals, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-2147**

RIN: 1004-AB05

1293. 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	08/00/86	

Small Entity: No

Additional Information: Onshore Oil and Gas Orders are used in place of the previously issued or proposed Notice to Lessees and Operators (NTL) which were issued by the Conservation Division of the U.S. Geological Survey.

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-2147**

RIN: 1004-AA66

1294. ONSHORE OIL AND GAS ORDER NO. 6 - HYDROGEN SULFIDE OPERATIONS

Significance: Regulatory Program

Legal Authority: 30 USC 189; 30 USC 359

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas regulations as found in 43 CFR Part 3160. The order details the requirements for protecting workers and the public from hydrogen sulfide. It specifies documentation needed prior to operation and measures required during drilling and production. This order is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	10/15/84	49 FR 40354
NPRM Comment Period End	01/14/85	49 FR 48576
NPRM-Second	07/00/86	
Final Action	06/00/87	

Small Entity: No

Additional Information: Onshore Oil and Gas Orders are used in place of the previously issued or proposed Notice to Lessees and Operators (NTL) which were issued by the Conservation Division of the U.S. Geological Survey.

Agency Contact: George F. Brown, Assistant Director, Fluid Leasable Minerals, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2127

RIN: 1004–AA67

1295. ONSHORE OIL AND GAS OPERATIONS - ONSHORE OIL AND GAS ORDER NUMBER 4- MEASUREMENT OF CRUDE OIL

Legal Authority: 30 USC 189; 30 USC 359; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.7

Legal Deadline: None

Abstract: This document is being issued under the oil and gas operations regulations as found in 43 CFR Part 3160. The order details the requirements for the accurate measurement and recording of the volumes of crude oil and lease condensation produced and sold from Federal and Indian (except Osage) leases. This includes such production from other leases which is allocated to a covered lease. This order will also contain inspection standards. This is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Undetermined

Additional Information: Onshore Oil and Gas Orders are used in place of the previously issued or proposed Notice to Lessees and Operators (NTL) which were issued by the Conservation Division of the Geological Survey.

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004–AA96

1296. ● ONSHORE OIL AND GAS ORDER NO. 2 - DRILLING OPERATIONS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 226; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR Part 3160. The order details the uniform national minimum standards of performance which are expected for drilling operations on Federal and Indian (except Osage) lands. It also will contain enforcement actions that will result from failure to meet the minimum standards.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: Undetermined

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004–AB21

1297. ● ONSHORE OIL AND GAS ORDER NO. 2 - SITE SECURITY

Significance: Regulatory Program

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 1701 et seq.; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3161.3; 43 CFR 3162.7-1; 43 CFR 3162.7-4

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR Part 3160. The order supplements the minimum standards found in the regulations at 43 43 CFR 3162.7-4(b), (c) and (d).

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	12/00/86	

Small Entity: Undetermined

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington DC 20240, 202 653-2147

RIN: 1004–AB24

1298. ONSHORE OIL AND GAS OPERATIONS - COOPERATIVE AGREEMENTS, DELEGATIONS OF AUTHORITY AND CONTRACTS FOR OIL AND GAS INSPECTION AND ENFORCEMENT

Legal Authority: 30 USC 1701; 30 USC 1732; 30 USC 1735; 30 USC 1751

CFR Citation: 43 CFR 3170

Legal Deadline: None

Abstract: This rulemaking will provide the procedures for implementing the provisions of the Federal Oil and Gas Royalty Management Act authorizing cooperative agreements with States and Indian tribes for inspection and enforcement. It will also provide the procedures for delegation of authority to States in connection with oil and gas operations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Susan Pepperney, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2200

RIN: 1004–AB17

1299. GEOTHERMAL RESOURCE OPERATIONS

Legal Authority: 30 USC 1001 to 1025

CFR Citation: 43 CFR 3200; 43 CFR 3260; 43 CFR 3270

Legal Deadline: None

Abstract: This rulemaking will revise provisions of former 30 CFR 270 which was transferred to the Bureau from the Minerals Management Service and amend the geothermal leasing provisions which regulate geothermal operations conducted on Federal lands. The changes are designed to remove burdensome and cumbersome provisions and simplify the regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: No

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004–AB18

1300. ● ONSHORE OIL AND GAS ORDER NO. 5 - MEASUREMENT OF NATURAL GAS

Legal Authority: 30 USC 189; 30 USC 359; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.7

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Proposed Rule Stage

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR Part 3160. The order details the requirements for the accurate measurement of the volumes of natural gas produced and sold from Federal and Indian (except Osage) leases. This includes such production from other leases which is allocated to a covered lease. The order also will contain inspection standards. This order is to be referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Undetermined

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004-AB22

1301. OPERATING REGULATIONS FOR EXPLORATION, DEVELOPMENT AND PRODUCTION

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3570

Legal Deadline: None

Abstract: This rule will revise the existing regulations to streamline them and to have them reflect current policy and industry operating practices relating to the leasing of minerals other than oil and gas.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: Harry Moritz, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-7722

RIN: 1004-AA68

1302. MULTIPLE USE: MINING: MINING CLAIMS UNDER THE GENERAL MINING LAWS

Legal Authority: 30 USC 22 et seq; 30 USC 521 to 540; 30 USC 601 to 615; 30 USC 621 to 625; 43 USC 2; 43 USC 1732; 43 USC 1740; 61 Stat. 681

CFR Citation: 43 CFR Group 3700; 43 CFR Group 3800

Legal Deadline: None

Abstract: These two groups of regulations will be combined into a single group, with the language being revised to remove burdensome, cumbersome and unnecessary provisions. In addition, the language will be updated and clarified and some provisions will be revised to meet the needs of today's conditions.

Timetable:

Action	Date	FR Cite
Notice of Intent to Proposed Rulemaking	12/27/82	47 FR 57521
NPRM	06/00/86	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce, (202) 343-8735.

Agency Contact: Eugene Carlet, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8537

RIN: 1004-AB04

1303. ● GRAZING ADMINISTRATION - EXCLUSIVE OF ALASKA

Legal Authority: 43 USC 315, 315a to 315r; 43 USC 1701 et seq; 43 USC 118(d); 43 USC 1901 et seq

CFR Citation: 43 CFR 4100

Legal Deadline: None

Abstract: The amendment made by this rulemaking would bring the existing regulations into compliance with the decision in Natural Resources Defense Council, Inc. v. Hodel, et al., No. CIV. S-84-616 RAR (1985). It also would update the existing regulations to have them conform to recent grazing policy changes.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Undetermined

Agency Contact: Billy R. Templeton, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-9195

RIN: 1004-AB23

1304. PROTECTION OF SPECIAL STATUS PLANTS

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 6850

Legal Deadline: None

Abstract: This rule will provide the procedure for protecting rare plants located on the public lands. The uncontrolled collection of these rare plants will endanger their existence.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Undetermined

Agency Contact: William H. Radtkey, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-9202

RIN: 1004-AB09

1305. 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 review system of review.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Undetermined

Agency Contact: John G. Douglas, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-9353

RIN: 1004-AA69

1306. PALEONTOLOGY

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 8270

Legal Deadline: None

Abstract: This rule will be revised to provide the procedures for the

management of paleontological specimens located on the public lands.

Timetable:

Action	Date	FR Cite
NPRM	08/17/82	47 FR 35914
NPRM- Second	11/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Ted Hudson (202) 343-8735 (see Agency Contact heading for address). The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 USC 3501 et seq and assigned clearance number 1004-0106. Originally scheduled: 07/80.

Agency Contact: Carl Barna, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-3207

RIN: 1004-AA27

1307. RECREATION: GENERAL

Legal Authority: 43 USC 1701 et seq; 43 USC 869; 43 USC 1181a; 43 USC 315; 43 USC 4321 et seq; 16 USC 460l to 461; 16 USC 1131; 16 USC 1271 to 1287; 16 USC 1241; 16 USC 670; 29 USC 794

CFR Citation: 43 CFR Subpart 8300

Legal Deadline: None

Abstract: This rule will be amended to revise the policy statement for recreation management of the public lands.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Ted Hudson (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: October 1981.

Agency Contact: Wesley R. Henry, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-9353

RIN: 1004-AA35

1308. CADASTRAL SURVEY

Legal Authority: 43 USC 1701 et seq; 48 USC 351; 43 USC 772; 43 USC 773

CFR Citation: 43 CFR 9180

Legal Deadline: None

Abstract: This rule would revise the existing regulations to remove obsolete and burdensome provisions and clarify and simplify the remaining provisions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Undetermined

Agency Contact: Bernard W. Hostrop, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8798

RIN: 1004-AB07

1309. 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	06/00/86	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: April 1981.

Agency Contact: Walter I. Johnson, Jr., Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 653-8815

RIN: 1004-AA38

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Final Rule Stage

1310. OPENING AND CLOSING LANDS

Legal Authority: 43 USC 1740; 43 USC 1201

CFR Citation: 43 CFR 2090; 43 CFR 2091

Legal Deadline: None

Abstract: This rule will amend the existing regulations to: (1) clarify how and when specific actions close or open public lands; (2) provide the procedure under which information concerning opening and closing of public lands will be published in the Federal Register; and (3) eliminate confusion about when lands are open or closed by specifying if and when the record notation rule will apply.

Timetable:

Action	Date	FR Cite
NPRM	06/07/85	50 FR 24124
NPRM Comment Period End	08/08/85	50 FR 24124
Final Action	06/00/86	
Final Action Effective	07/00/86	

Small Entity: No

Agency Contact: Jim Powell, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-6846

RIN: 1004-AA78

1311. EXCHANGES - GENERAL PROCEDURES -- EXCHANGES INVOLVING FEE FEDERAL COAL DEPOSITS

Legal Authority: 43 USC 1715; 43 USC 1716

CFR Citation: 43 CFR Subpart 2203

Legal Deadline: None

Abstract: The rulemaking will provide the procedures for antitrust review of exchanges of Federally-owned coal. This rulemaking is in response to recommendations made by the Commission on Fair Market Value for Federal Coal Leasing.

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Timetable:

Action	Date	FR Cite
NPRM	09/13/85	50 FR 37389
NPRM Comment Period End	10/15/85	50 FR 37389
Final Action	04/00/86	
Final Action Effective	05/00/86	

Small Entity: No

Agency Contact: David Hemstreet, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AB15

1312. ALASKA STATE SELECTION

Legal Authority: 94 Stat. 2437

CFR Citation: 43 CFR Subpart 2627

Legal Deadline: None

Abstract: This rule will be amended to provide a change in selection procedures for the State of Alaska as provided for in the amendments to the Alaska Statehood Act.

Timetable:

Action	Date	FR Cite
NPRM	11/18/83	48 FR 48400
Final Action	10/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: January 1981.

Agency Contact: Robert Faithful, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, **202 343-6511**

RIN: 1004-AA12

1313. FAA AIRPORT GRANTS

Legal Authority: 49 USC 2215

CFR Citation: 43 CFR 2640; 43 CFR 2641

Legal Deadline: None

Abstract: This rule will amend the existing regulations to incorporate changes made by the Airport and Airway Improvement Act of 1982 and other procedural changes to improve the operation of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/07/85	50 FR 31897
NPRM Comment Period End	10/07/85	50 FR 31897
Final Action	06/00/86	

Small Entity: No

Agency Contact: Gary Rowe, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AA76

1314. ALASKA NATIVE SELECTIONS

Legal Authority: 43 USC 1601 et seq

CFR Citation: 43 CFR 2650; 43 CFR 2651

Legal Deadline: None

Abstract: This rule will establish a new method of charging acreage against Alaska Native Entitlement pursuant to the Alaska Native Claims Settlement Act. It will also establish a procedure for use by Alaska Native Corporations in selecting additional lands to fulfill any additional entitlement due to the change in the method of charging acreage.

Timetable:

Action	Date	FR Cite
NPRM	07/07/84	49 FR 31457
NPRM Comment Period End	11/23/84	49 FR 41266
Final Action	10/00/86	

Small Entity: No

Agency Contact: Robert Faithful, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-6511**

RIN: 1004-AA75

1315. CONVEYANCE OF FEDERALLY-OWNED MINERAL INTERESTS

Legal Authority: 43 USC 1719(b)

CFR Citation: 43 CFR 2720

Legal Deadline: None

Abstract: This rule will be amended to make minor revisions to the existing regulations on conveyancing of Federally-owned mineral interests and to provide segregation of lands covered by an application.

Timetable:

Action	Date	FR Cite
NPRM	02/07/85	50 FR 5296
NPRM Comment Period End	04/08/85	50 FR 5296
Final Action	05/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: April 1981.

Agency Contact: David Hemstreet, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AA15

1316. RIGHTS-OF-WAY, PRINCIPLES AND PROCEDURES

Legal Authority: 43 USC 1732; 43 USC 1740

CFR Citation: 43 CFR 2800

Legal Deadline: None

Abstract: This rulemaking will provide procedures for the administration of rights-of-way granted under statutes that were repealed by the Federal Land Policy and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	07/02/85	50 FR 27322
NPRM Comment Period End	09/03/85	50 FR 27322
Final Action	04/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735.

Agency Contact: Darrell Barnes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-5441**

RIN: 1004-AA99

1317. AIRPORT LEASES

Legal Authority: 43 USC 1201; 43 USC 1734; 43 USC 1740

CFR Citation: 43 CFR Subpart 2911

Legal Deadline: None

Abstract: This rule would be revised to: remove from the regulations those provisions repealed by the Federal Land Policy and Management Act of

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1976 relating to withdrawals of beacon lights and air navigation facilities; to impose an increased application service fee; and to update the provisions relating to the setting of rental charges for lands leased for airport purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/20/85	50 FR 33578
NPRM Comment Period End	10/21/85	50 FR 33578
Final Action	06/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: April 1983.

Agency Contact: Gary Rowe, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004-AA49

1318. COMBINED HYDROCARBON LEASING

Legal Authority: 30 USC 181 et seq; 30 USC 351 et seq; 43 USC 1701 et seq; 95 Stat. 1070

CFR Citation: 43 CFR 3140

Legal Deadline: None

Abstract: This rule would be amended to provide definitions of and procedures for meeting the production in paying quantities and the diligent development of tar sand requirements for all combined hydrocarbon leases.

Timetable:

Action	Date	FR Cite
NPRM	01/10/85	50 FR 1300
NPRM Comment Period End	03/11/85	50 FR 1300
Final Action	06/00/86	

Small Entity: No

Agency Contact: Edward E. Coggs, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-2892**

RIN: 1004-AA70

1319. COAL MANAGEMENT - GENERAL

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359

CFR Citation: 43 CFR 3400

Legal Deadline: None

Abstract: This rule will amend the existing regulations covering the procedures for leasing and management of Federal coal to reflect certain recommendations of the Commission on Fair Market Value Policy for Federal Coal Leasing.

Timetable:

Action	Date	FR Cite
NPRM	11/05/84	49 FR 44221
NPRM Comment Period End	05/09/85	50 FR 12053
Final Action	06/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Dan Dick (202) 343-4437.

Agency Contact: Tom Walker, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-4636**

RIN: 1004-AA95

1320. COAL MANAGEMENT - GENERAL

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359

CFR Citation: 43 CFR 3400

Legal Deadline: None

Abstract: This rule will amend the existing regulations covering the procedures for leasing and management of Federal coal to reflect certain recommendations of the Office of Technology Assessment.

Timetable:

Action	Date	FR Cite
NPRM	03/15/85	50 FR 10508
NPRM Comment Period End	05/09/85	50 FR 12053
Final Action	06/00/86	

Small Entity: No

Additional Information: This rulemaking was split from an existing RIN, 1004-AA95, Coal Management - General.

Agency Contact: Tom Walker, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-4636**

RIN: 1004-AB14

1321. LEASING OF SOLID MINERALS OTHER THAN COAL AND OIL SHALE

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359

CFR Citation: 43 CFR Group 3500

Legal Deadline: None

Abstract: This rulemaking is being totally revised by format only to facilitate ease of understanding and to promote clarity and efficiency. The rulemaking will divide the minerals covered into specific titles.

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 4512
NPRM Comment Period End	07/11/85	50 FR 4512
Final Action	04/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACTS: Robert C. Bruce (202) 343-8735.

Agency Contact: Zareh Mozian, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-3258**

RIN: 1004-AB01

1322. WILD FREE-ROAMING HORSE AND BURRO PROTECTION: MANAGEMENT AND CONTROL

Legal Authority: 16 USC 1331 to 1340; 43 USC 1701 et seq

CFR Citation: 43 CFR 4700

Legal Deadline: None

Abstract: This part will be revised in order to reorganize the regulations into a logical, consistent format and to remove needless self-regulation more appropriate for the Bureau Manual. In addition, related rules will be consolidated (aircraft and motor vehicles - 4730 and 4740; removal of horses and burros - 4720, 4740 and 4750), and rules which have no foundation in the law will be eliminated (problem animals - (4740.3(c); fencing of private land - 4750.3)). Procedures for adoption and title transfer will be clarified, and burdensome requirements for veterinarian certifications will be eased by canceling the requirement or allowing certification from any qualified official (4740.4-2 and 4740.5). The costs to those who choose to participate in the adoption program should be lessened by these revisions.

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Timetable:

Action	Date	FR Cite
NPRM	12/18/84	49 FR 49252
NPRM Comment Period End	02/19/85	49 FR 49252
Final Action	06/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Ted Hudson (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: April 1981.

Agency Contact: Richard Starke, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, **202 653-9215**

RIN: 1004-AA31

1323. USE AUTHORIZATIONS; SPECIAL RECREATION PERMITS

Legal Authority: 43 USC 1201 et seq; 43 USC 1701 et seq; 43 USC 1181a; 16 USC 460 to 6a

CFR Citation: 43 CFR Subpart 8372

Legal Deadline: None

Abstract: This rule is being revised to reflect revised, special recreation policies.

Timetable:

Action	Date	FR Cite
NPRM	09/16/85	50 FR 37555
NPRM Comment Period End	11/15/85	50 FR 37555
Final Action	06/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Ted Hudson (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: October 1981.

Agency Contact: Bruce Brown, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, **202 343-9353**

RIN: 1004-AA36

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Completed Actions

1324. RECREATION AND PUBLIC PURPOSES ACT: CONVEYANCES

Legal Authority: 43 USC 869 et seq; 43 USC 1721

CFR Citation: 43 CFR 2740; 43 CFR 2910

Legal Deadline: None

Abstract: These rules will be amended to facilitate acquisition of public lands by States, State instrumentalities and subdivisions, including counties and municipalities, for recreational or public purposes. These amendments would not affect procedures as they relate to non-profit associations other than to require a nonrefundable application service fee.

Timetable:

Action	Date	FR Cite
NPRM	09/28/82	47 FR 42684
Final Action	12/10/85	50 FR 50298
Final Action Effective	01/09/86	50 FR 50298

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: October 1981.

Agency Contact: Rob Nauert, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, **202 343-8731**

RIN: 1004-AA16

1325. COAL LEASE AND COAL LAND EXCHANGES; ALLUVIAL VALLEY FLOORS

Legal Authority: 30 USC 1260(b)(5)

CFR Citation: 43 CFR Subpart 3436

Legal Deadline: None

Abstract: This rule will be revised to delete the provision requiring alluvial valley floor exchange proponents to bear all the administrative costs connected with such exchanges.

Timetable:

Action	Date	FR Cite
NPRM	06/07/85	50 FR 23997
NPRM Comment Period End	08/07/85	50 FR 23997
Final Action	10/17/85	50 FR 42022
Final Action Effective	11/18/85	50 FR 42022

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address).

Agency Contact: Carole Smith, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, **202 343-6821**

RIN: 1004-AA64

1326. COAL EXPLORATION AND MINING OPERATIONS RULES - CLARIFICATION OF LOGICAL MINING UNIT EFFECTIVE DATE

Legal Authority: 30 USC 181 et seq; 90 Stat. 1083

CFR Citation: 43 CFR 3480

Legal Deadline: None

Abstract: This rulemaking will clarify the discretionary authority of the Secretary of the Interior in establishing the effective date of approval of a logical mining unit.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/02/85	50 FR 40197
Final Action	11/00/85	

Small Entity: No

Agency Contact: Allen B. Agnew, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-7722**

RIN: 1004-AB16

1327. GRAZING ADMINISTRATION - EXCLUSIVE OF ALASKA

Legal Authority: 43 USC 315; 43 USC 1181(d); 43 USC 1701 et seq; PL 98-473

CFR Citation: 43 CFR 4100; 43 CFR 4130; 43 CFR 4140; 43 CFR 4170

Legal Deadline: None

DOI—BLM

Completed Actions

Abstract: This rule will amend the existing regulations to incorporate the provisions of the Department of the Interior Appropriations Act for Fiscal Year 1985 covering subleasing of grazing leases and permits.

Timetable:

Action	Date	FR Cite
NPRM	03/11/85	50 FR 9696
NPRM Comment Period End	05/10/85	50 FR 9696
Final Action	11/04/85	50 FR 45824
Final Action Effective	12/04/85	50 FR 45824

Small Entity: No

Agency Contact: Billy Templeton, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-9193**

RIN: 1004-AB12

1328. PROCEDURES - FOSSIL FOREST RESEARCH NATURAL AREA

Legal Authority: 16 USC 1131 to 1136; 43 USC 1701 et seq; 30 USC 181 et seq; 30 USC 1201 et seq; 90 Stat. 1083 to 1092

CFR Citation: 43 CFR 8224

Legal Deadline: None

Abstract: This rule will provide procedures for the management and protection of natural, aesthetic, scientific, educational and paleontological values in the Fossil Forest of New Mexico.

Timetable:

Action	Date	FR Cite
NPRM	05/30/85	50 FR 23034
NPRM Comment Period End	07/29/85	50 FR 23034
Final Action	10/17/85	50 FR 42122
Final Action Effective	11/18/85	50 FR 42122

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Ted Hudson, (202) 343-8735

Agency Contact: F. Carl Barna, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-9353**

RIN: 1004-AB06

[FR Doc. 86-4521 Filed 04-18-86; 8:45 am]

BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)

Geological Survey (GS)

Final Rule Stage

1329. WATER RESOURCES RESEARCH AND WATER RESOURCES TECHNOLOGY DEVELOPMENT PROGRAM

Legal Authority: PL 98-242, Sec 105 to 106 Water Resources Research Act of 1984

CFR Citation: 30 CFR 402, (New)

Legal Deadline: None

Abstract: The purpose of the new proposed regulation is to establish procedures that will enable the Department of the Interior to meet its responsibilities in administering the Water Resources Research Act of 1984. The objective of this Act is to assist the Nation and the States in augmenting their water resources science and technology. The proposed regulation addresses the location of the administrative responsibility within the Department of the Interior; cost-sharing requirements and evaluation processes required by the Water Resources Research Act of 1984; and, application and reporting procedures to be utilized by interested parties.

Timetable:

Action	Date	FR Cite
NPRM	10/18/85	50 FR 42188
NPRM Comment Period End	12/17/85	50 FR 42188
Final Action	06/00/86	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Melvin Lew, Department of the Interior, Geological Survey, 426 National Center, Reston VA 22092, **703 860-7324**

RIN: 1028-AA01

[FR Doc. 86-4521 Filed 04-18-86; 8:45 am]

BILLING CODE 4310-10-T

Federal Register

Monday
April 21 1986

Part XI

Department of Justice

Semiannual Regulatory Agenda

DOJ

DEPARTMENT OF JUSTICE

8 CFR Ch. I

21 CFR Ch. II

28 CFR Ch. I

48 CFR Ch. 28

Regulatory Agenda

AGENCY: Justice Management Division, Department of Justice.

ACTION: Regulatory agenda.

SUMMARY: The Department of Justice is publishing its April 1986 regulatory agenda pursuant to Executive Order No. 12291, "Federal Regulation," 3 CFR 127 (1981 Compilation), the Regulatory Flexibility Act, 5 U.S.C.A. 601-612 (West 1984), and Office of Management and Budget Bulletin No. 86-4, December 23, 1985.

FOR FURTHER INFORMATION CONTACT: Janis A. Sposato, General Counsel, Justice Management Division, Department of Justice, Room 1226, 10th and Constitution Avenue, N.W., Washington, D.C. 20530 (202-633-3452).

SUPPLEMENTARY INFORMATION: The Department has identified 25 current and projected rulemakings for inclusion in the agenda. Three of these regulations have had final actions.

DATED: February 20, 1986.

W. Lawrence Wallace,

Assistant Attorney General for Administration.

DEPARTMENT OF JUSTICE (DOJ)
Civil Rights Division (CRT)

Proposed Rule Stage

1330. ● ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF JUSTICE PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 28 CFR 42

Legal Deadline: None

Abstract: This proposed regulation would amend the regulation issued by the Department of Justice for enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in federally assisted programs or activities to include a cross-reference to the Uniform Federal Accessibility Standards.

Timetable:

Action	Date	FR Cite
NPRM	05/01/86	
NPRM Comment Period End	07/01/86	

Small Entity: No

Agency Contact: Howard Feinstein, Attorney, Department of Justice, Civil Rights Division, Coordination and Review Section, Civil Rights Division, Washington, DC 20530, 202 724-5737

RIN: 1190-AA16

DEPARTMENT OF JUSTICE (DOJ)
Civil Rights Division (CRT)

Final Rule Stage

1331. 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 H, (New)

Legal Deadline: None

Abstract: This regulation will implement the Age Discrimination Act of 1975, as amended. The proposed rule was published for comment, modified, approved by the Office of Legal Counsel, Department of Justice and forwarded to the Secretary of the Department of Health and Human Services for approval on November 10, 1980.

Timetable:

Action	Date	FR Cite
NPRM	05/19/80	45 FR 32710
Final Action	00/00/00	

Small Entity: No

Agency Contact: Doreen Dennis, Attorney, Department of Justice, Civil Rights Division, Coordination and Review Section, Washington, DC 20530, 202 724-2219

RIN: 1190-AA03

1332. PROCEDURES FOR THE ADMINISTRATION OF SECTION 5 OF THE VOTING RIGHTS ACT OF 1965, AS AMENDED

Significance: Regulatory Program

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510; 42 USC 1973c

CFR Citation: 28 CFR 51

Legal Deadline: None

Abstract: PROBLEM THE REGULATION WILL ADDRESS: Revision of the Procedures is needed as a result of experience under them since 1981, interpretations of Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c, contained in judicial decisions, changes mandated by the 1982 Amendments to the Voting Rights Act, P.L. 97-205, 96 Stat. 131., and to set out substantive standards followed by the Attorney General. ALTERNATIVES BEING CONSIDERED: (1) Revisions to address all of the problems described above, or (2) revisions limited to incorporate changes made by the 1982 Amendments. ACTION'S POTENTIAL COSTS: None. ACTION'S POTENTIAL BENEFITS: Entities subject to Section 5 and other interested persons will receive greater guidance with respect to the procedures and standards of the Attorney General.

Timetable:

Action	Date	FR Cite
NPRM	05/06/85	50 FR 19122
NPRM Comment Period End	07/05/85	
Final Action	04/01/86	

DOJ—CRT

Final Rule Stage

Action	Date	FR Cite
Final Action Effective	05/01/86	

Small Entity: Not Applicable

Agency Contact: David Hunter, Attorney, Voting Section, Department of Justice, Civil Rights Division, Washington, DC 20530, 202 724-5898

RIN: 1190-AA05

1333. IMPLEMENTATION OF THE PROVISIONS OF THE VOTING RIGHTS ACT REGARDING LANGUAGE MINORITY GROUPS

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510; 42 USC 1973b; 42 USC 1973j(d); 42 USC 1973aa-1a; 42 USC 1973aa-2

CFR Citation: 28 CFR 55

Legal Deadline: None

Abstract: Revision of the minority language guidelines is needed to conform them to new determinations of coverage and to changes mandated by the 1982 Amendments to the Voting Rights Act, PL 97-205. Affected entities and interested persons will have more accurate information with respect to the application of the minority language requirements of the Voting Rights Act.

Timetable:

Action	Date	FR Cite
Final Action	04/01/86	
Final Action Effective	04/01/86	

Small Entity: Not Applicable

Agency Contact: David H. Hunter, Attorney, Voting Section, Department of Justice, Civil Rights Division, Washington, DC 20530, 202 724-5898

RIN: 1190-AA15

[FR Doc. 86-5774 Filed 04-18-86; 8:45am]

BILLING CODE 4410-01-T

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Prerule Stage

1334. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW REPRESENTATION AND APPEARANCES

Legal Authority: 28 USC 509; 28 USC 510; 5 USC 301; 8 USC 1103; 8 USC 1362

CFR Citation: 8 CFR 292.3; 8 CFR 3.1

Legal Deadline: None

Abstract: The contemplated regulation change would revise the procedure by which attorneys and representatives may be disbarred or suspended. It provides for a hearing and decision by an immigration judge, with appeal rights to the Board of Immigration Appeals and some limited review by the Attorney General. The change is desirable since it eliminates procedural entanglements between the Service and the immigration judges which exist in the current procedure.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1103-AA03

1335. REPRESENTATION AND APPEARANCES

Legal Authority: 8 USC 1103; 8 USC 1362

CFR Citation: 8 CFR 292.1

Legal Deadline: None

Abstract: The contemplated regulation change would limit practice of foreign-licensed attorneys outside the definition of attorney under 8 CFR 1.1(f) to matters arising outside the United States and to those instances where the Immigration and Naturalization Service allows such practice. This is designed to help assure the high quality of representation in immigration matters.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1103-AA05

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Proposed Rule Stage

1336. PROCEDURAL RULES FOR IMMIGRATION JUDGE PROCEEDINGS

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1253

CFR Citation: 8 CFR 3; 8 CFR 103; 8 CFR 208; 8 CFR 236; 8 CFR 242; 8 CFR 243; 8 CFR 246; 8 CFR 292

Legal Deadline: None

Abstract: The contemplated regulation revisions would set out a group of uniform rules of procedure in immigration proceedings to provide guidance to parties appearing before immigration judges in deportation,

exclusion, bond, and rescission matters. These rules are designed to assist in the expeditious, fair, and proper resolution of matters coming before immigration judges. These rules encompass such matters as jurisdiction, venue, motions, conduct of hearing, decisions, and appeals.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, **703 756-6470**

RIN: 1103-AA04

1337. MOTIONS TO REOPEN DEPORTATION PROCEEDINGS

Legal Authority: 8 USC 1103; 8 USC 1252

CFR Citation: 8 CFR 242

Legal Deadline: None

Abstract: The contemplated revision would delete the language allowing an application for adjustment of status under section 245 of the Immigration and Nationality Act, filed by itself, to be considered as a motion to reopen in deportation proceedings. The practice of allowing such applications to be treated as motions to reopen has resulted in confusion and administrative delay. This revision would treat motions to reopen for adjustment of status as any other motion to reopen. It is designed to eliminate the administrative difficulties involved with the filing of a bare adjustment of status application with no indication of whether or not it is a motion to reopen.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, **703 756-6470**

RIN: 1103-AA07

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Final Rule Stage

1338. APPEAL OF SECTION 212(C) WAIVER APPLICATIONS

Legal Authority: 8 USC 301; 8 USC 509; 8 USC 510; 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1182b; 8 USC 1182c; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252

CFR Citation: 8 CFR 3; 8 CFR 212

Legal Deadline: None

Abstract: The proposed regulation revisions would streamline the appeal procedure for this application by eliminating an appeal to the Board of Immigration Appeals following a denial of the waiver by an INS district director. The appeal to the Board of Immigration Appeals is retained in reviewing proceedings before immigration judges. The revision is designed to encourage speedy adjudication of Immigration and Nationality Act section 212(c) applications and economy of resources.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 25904
NPRM Comment Period End	07/24/85	50 FR 25904
Interim Final Rule	00/00/00	

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, **703 756-6470**

RIN: 1103-AA06

1339. ● PROCEDURAL RULES FOR IMMIGRATION JUDGE PROCEEDINGS

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1253

CFR Citation: 8 CFR 3; 8 CFR 103; 8 CFR 208; 8 CFR 236; 8 CFR 242; 8 CFR 243; 8 CFR 246; 8 CFR 292

Legal Deadline: None

Abstract: The proposed regulation revisions would set out a group of uniform Rules of Procedure in Immigration Proceedings to provide guidance to parties appearing before immigration judges in deportation, exclusion, bond, and rescission matters. These rules are designed to assist in the expeditious, fair, and proper resolution of matters of jurisdiction, venue, motions, conduct of hearing, decisions, and appeals.

Timetable:

Action	Date	FR Cite
NPRM	12/19/85	50 FR 51693
NPRM Comment Period End	01/21/86	50 FR 51693
Final Action	00/00/00	

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, 5203 Leesburg Pike, Suite 1609, Falls Church, Virginia 22041, **703 756-6470**

RIN: 1103-AA08

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Completed Actions

1340. JUSTICE ACQUISITION REGULATIONS

CFR Citation: 48 CFR 32

Completed:

Reason	Date	FR Cite
Rulemaking no longer considered necessary	01/29/86	

Small Entity: Undetermined

Agency Contact: Larry Silvis 202 272-8356

RIN: 1103-AA02

[FR Doc. 86-5774 Filed 04-18-86; 8:45am]

BILLING CODE 4410-01-T

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Prerule Stage

1341. ASYLUM PROCEDURES

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1252; 8 USC 1253

CFR Citation: 8 CFR 208; 8 CFR 235.9; 8 CFR 236.3; 8 CFR 242.17(c); 8 CFR 243.9; 8 CFR 253.1(f)

Legal Deadline: None

Abstract: The proposed rule would set forth procedures to be used in adjudicating asylum and withholding of deportation applications under sections 208 and 243(h) of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/86	
ANPRM Comment Period End	06/00/86	

Small Entity: No

Agency Contact: Ralph B. Thomas, Immigration Inspector, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-5463**

RIN: 1115-AA13

1342. NONIMMIGRANT CLASSES; TEMPORARY EMPLOYEES AND INTRACOMPANY TRANSFEREES

Legal Authority: 8 USC 1101; 8 USC 1184

CFR Citation: 8 CFR 214.2(h); 8 CFR 214.2(l)

Legal Deadline: None

Abstract: This proposed rule would amend existing regulations relating to temporary employees and intracompany transferees to clarify the requirements for eligibility and facilitate public understanding of the adjudication process.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Flora Richardson, Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-3240**

RIN: 1115-AA18

1343. DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE; DIRECT TRANSITS

Legal Authority: 8 USC 1182

CFR Citation: 8 CFR 212.1(k)

Legal Deadline: None

Abstract: The proposed rule would outline requirements for approval of Section 212(k) Waivers, including an Amended I-193 for use in making application.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/86	
ANPRM Comment Period End	05/00/86	

Small Entity: No

Agency Contact: Dennis McCloskey, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-2680**

RIN: 1115-AA19

1344. PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING AND APPEAL; ORDER TO SHOW CAUSE AND NOTICE OF HEARING

Legal Authority: 8 USC 1252

CFR Citation: 8 CFR 242.1(A)

Legal Deadline: None

Abstract: This proposed change would extend order to show cause issuance authority to an Assistant District Director for Deportation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Michael Cronin, Detention and Deportation Officer, Department of Justice, Immigration and Naturalization Service, 425 Eye Street, NW, Washington, DC 20536, **202 633-4120**

RIN: 1115-AA20

DEPARTMENT OF JUSTICE (DOJ)

Proposed Rule Stage

Immigration and Naturalization Service (INS)

1345. ● POWERS AND DUTIES OF SERVICE OFFICES; AVAILABILITY OF SERVICE RECORDS

Legal Authority: 8 USC 1103

CFR Citation: 8 CFR 103.7(B)(1)

Legal Deadline: None

Abstract: This rule proposes to amend the fee schedule of the Immigration and Naturalization Service and the Executive Office for Immigration Review with the charges being adjusted to more nearly reflect the current recovery cost of providing the benefits and services. These changes are necessary to place the financial burden of providing special services and benefits, which do not accrue to the public at large, on the recipients.

Timetable:

Action	Date	FR Cite
NPRM	01/22/86	51 FR 2895
NPRM Comment Period End	03/24/86	51 FR 2895
Final Action	07/00/86	
Final Action Effective	08/00/86	

Small Entity: No

Agency Contact: Charles S. Thomason, Systems Accountant, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-4705**

RIN: 1115-AA21

1346. ● POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Legal Authority: 8 USC 1103

CFR Citation: 8 CFR 103.2(B)(2)

Legal Deadline: None

Abstract: This proposed rule would incorporate a provision to allow the withholding of information relating to a pending civil or criminal investigation, or if such disclosure will, in the opinion of the District Director, compromise a confidential informant. This rule would also correct current language by requiring consent of classifying authority prior to release of classified information.

Timetable:

Action	Date	FR Cite
NPRM	07/02/85	50 FR 27289
NPRM Comment Period End	10/03/85	50 FR 35098

Next Action Undetermined

Small Entity: No

Agency Contact: Paul W. Schmidt, Deputy General Counsel, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-2895**

RIN: 1115-AA22

DEPARTMENT OF JUSTICE (DOJ)

Final Rule Stage

Immigration and Naturalization Service (INS)

1347. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT; FILING DATE

Legal Authority: 8 USC 1154

CFR Citation: 8 CFR 204.1(d)(2)

Legal Deadline: None

Abstract: This proposed rule would require filing of third and sixth preference petitions within 30 days of issuance of a labor certification in order to preserve the date of submission to a state employment service office as the alien's priority date. Otherwise the priority date would be the date the petition is filed with the Service.

Timetable:

Action	Date	FR Cite
NPRM	11/08/85	50 FR 46441
NPRM Comment Period End	01/07/86	50 FR 46441
Final Action	03/00/86	
Final Action Effective	04/00/86	

Small Entity: No

Agency Contact: Lloyd Sutherland, Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-3946**

RIN: 1115-AA14

1348. CERTIFICATES OF CITIZENSHIP; EXAMINATION UPON APPLICATION; NATURALIZATION AND CITIZENSHIP PAPERS LOST, MUTILATED, OR DESTROYED; NEW CERTIFICATE IN CHANGED NAME

Legal Authority: 8 USC 1452; 8 USC 1454

CFR Citation: 8 CFR 341.2(A); 8 CFR 343A.1

Legal Deadline: None

Abstract: This rule would amend the existing regulations relating to the conducting of required interviews on applications for citizenship or replacement of lost, mutilated, or destroyed citizenship papers. This would eliminate unnecessary interview time and allow more applications to be processed.

Timetable:

Action	Date	FR Cite
NPRM	07/15/85	50 FR 28586
NPRM Comment Period End	09/13/85	50 FR 28586
Final Action	03/00/86	
Final Action Effective	04/00/86	

Small Entity: No

Agency Contact: Raymond R. Jaroneski, Jr., Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-5014**

RIN: 1115-AA15

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Completed Actions

1349. IMPOSITION OF MINIMUM BOND AS CONDITION OF RELEASE

CFR Citation: 8 CFR 3.1(b)(7); 8 CFR 242.2

Completed:

Reason	Date	FR Cite
Not Presently Being Considered	02/03/86	

Small Entity: No

Agency Contact: Michael J. Heilman 202 633-2620

RIN: 1115-AA03

1350. NONIMMIGRANT CLASSES; EXTENSIONS OF STAY FOR CERTAIN NONIMMIGRANT CLASSIFICATIONS

CFR Citation: 8 CFR 214.2

Completed:

Reason	Date	FR Cite
Final Action	10/17/85	50 FR 42006
Final Action Effective	11/18/85	50 FR 42006

Small Entity: No

Agency Contact: Jeffrey Trecartin 202 633-3240

RIN: 1115-AA11

1351. DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE; DIRECT TRANSITS

CFR Citation: 8 CFR 212.1(e)

Completed:

Reason	Date	FR Cite
Final Action	10/09/85	50 FR 41314
Final Action Effective	01/07/86	50 FR 47035

Small Entity: No

Agency Contact: Harvey Adler 202 633-2694

RIN: 1115-AA17

[FR Doc. 86-5774 Filed 04-18-86; 8:45am]

BILLING CODE 4410-01-T

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Final Rule Stage

1352. REVISION OF DEPARTMENT OF JUSTICE FEE REGULATIONS IMPLEMENTING THE FREEDOM OF INFORMATION ACT

Legal Authority: 28 USC 509; 28 USC 510; 5 USC 301; 5 USC 552; 31 USC 9701

CFR Citation: 28 CFR 16, (Revision)

Legal Deadline: None

Abstract: This is a proposed revision to the procedural regulations of the Department of Justice, 28 CFR 16.10, setting forth the fees to be charged under the Freedom of Information Act ("FOIA"), 5 USC 552. It is proposed that this provision be amended, for the first time since 1975, to increase certain of the fees charged under the Act. No change is proposed in the current charge of 10 cents per page for duplication.

Timetable:

Action	Date	FR Cite
NPRM	12/23/85	50 FR 52335
NPRM Comment Period End	01/22/86	50 FR 52335
Final Action	00/00/00	

Small Entity: No

Agency Contact: Daniel J. Metcalfe, Co-Director, Department of Justice, Legal Activities, Office of Information and Privacy, Washington, DC, 202 724-7400

RIN: 1105-AA04

1353. 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
Interim Final Rule	04/00/86	
Final Action	06/00/86	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, Federal

Analysis: Regulatory Impact Analysis

Agency Contact: Helen Shaw, Department of Justice, Legal Activities, 202 633-2034

RIN: 1105-AA05

[FR Doc. 86-5774 Filed 04-18-86; 8:45am]

BILLING CODE 4410-01-T

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Completed Actions

1354. OMB ADMINISTRATIVE REQUIREMENTS FOR DOJ ASSISTANCE PROGRAMS--GRANTS ADMINISTRATION

CFR Citation: 28 CFR 11

Completed:

Reason	Date	FR Cite
Withdrawn	07/00/85	

Small Entity: Not Applicable

Agency Contact: Charles A. Lauer 202 724-7795

RIN: 1121-AA05

1355. CRIME VICTIM ASSISTANCE GRANTS

CFR Citation: 00 CFR None

Completed:

Reason	Date	FR Cite
Final Action	10/23/85	50 FR 43011
Final Action Effective	10/23/85	50 FR 43011

Small Entity: Not Applicable

Agency Contact: Charles M. Hollis 202 724-5947

RIN: 1121-AA07

1356. EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

CFR Citation: 28 CFR 65

Completed:

Reason	Date	FR Cite
Final Action	12/16/85	50 FR 51340
Final Action Effective	12/16/85	50 FR 51340

Small Entity: No

Agency Contact: R. John Gregrich 202 724-6838

RIN: 1121-AA08

[FR Doc. 86-5774 Filed 04-18-86; 8:45am]

BILLING CODE 4410-01-T

Federal Register

Monday
April 21, 1986

Part XII

Department of Labor

Semiannual Regulatory Agenda

DOL

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, and VII

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual agenda of regulations selected for review or development.

SUMMARY: This document sets forth the Department's Semiannual Agenda of Regulations which have been selected for review or development during the coming one-year period. The agenda complies with the requirements of both Executive Order 12291 and the Regulatory Flexibility Act.

DATES: The agenda includes all regulations which are expected to be under review or development between April 1986 and April 1987.

FOR FURTHER INFORMATION CONTACT: Roland G. Droitsch, Acting Deputy Assistant Secretary for Policy, Office of the Assistant Secretary for Policy, Department of Labor, 200 Constitution Avenue, N.W., Room S-2233, Washington, D.C. 20210, (202) 523-9058.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and the Regulatory Flexibility Act require the semiannual publication in the **Federal Register** of an agenda of regulations.

Executive Order 12291 became effective February 17, 1981, and in substance requires the Department of Labor to publish an agenda, listing all the regulations it expects to have under active consideration for promulgation, proposal or review during the coming one-year period. It also requires the Department to conduct a Regulatory Impact Analysis for all "major" regulations being developed.

The Regulatory Flexibility Act became effective on January 1, 1981. It applies only to regulations for which a notice of proposed rulemaking was issued on or after January 1, 1981, and requires the Department of Labor to publish an agenda, listing all the regulations it expects to propose or promulgate that are likely to have a "significant economic impact on a substantial number of small entities" (5 U.S.C. 602). For any regulation that will have this impact, the Department must conduct a Regulatory Flexibility Analysis to gauge the economic consequences of the rule, and to analyze the availability of more flexible approaches for lightening the rule's regulatory burden on "small entities."

If a proposed regulation will not have a "significant economic impact on a substantial number of small entities," the Department of Labor must publish a certification to that effect at the time of the general notice of proposed rulemaking or at the time of the publication of the final rule. That certification must be accompanied by a succinct statement explaining the reasons for the agency's determinations.

As permitted by law, the Department of Labor is combining in this publication its agendas under the Regulatory Flexibility Act and Executive Order 12291.

The regulatory reform process, of which the unified agenda is a part, continues to be an extremely valuable aid in the development of better regulations by the Department. We believe that our regulatory reform program has resulted in improved regulatory management, more clearly written regulations and significantly less burdensome regulations.

Further improvement is certainly needed, and we are constantly seeking new and innovative approaches in pursuit of this goal. All interested members of the public are invited and encouraged to let Departmental Officials know how our regulatory reform process can be further improved and, of course, to participate in and comment on the review or development of the regulations listed on the agenda.

William E. Brock,

Secretary of Labor.

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1357	Debt Collection Act Regulations: Salary Offset	1290-AA04
1358	Right to Financial Privacy Act	1290-AA05

Employment Standards Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1359	Employment of Minors Between 14 and 16 Years of Age (Child Labor Regulation Number 3) (ESA/W-H)	1215-AA09
1360	Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity. . ." (ESA/W-H)	1215-AA14
1361	Child Labor Regulations Subpart E, Occupations Particularly Hazardous for the Employment of Minors 16 and 17 Years of Age Involved the Operation of Bakery Machines (ESA/W-H)	1215-AA20
1362	Child Labor Regulations Subpart E, Occupations Particularly Hazardous for the Employment of Minors 16 and 17 Years of Age Involving Slaughtering and Related Occupations (ESA/W-H)	1215-AA21

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Employment Standards Administration—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1363	Child Labor Regulations Subpart E, Occupations Particularly Hazardous for the Employment of Minors 16 and 17 Years of Age Involving Motor Vehicle Drivers and Helpers (ESA/W-H)	1215-AA23
1364	Wage Payments Under the Fair Labor Standards Act of 1938	1215-AA32

Employment Standards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1365	Government Contractors: Nondiscrimination and Affirmative Action Obligation (ESA/OFCCP)	1215-AA01
1366	Labor Standards Provisions, Davis-Bacon and Related Acts (ESA/WH)	1215-AA07
1367	Records to be Kept by Employers (ESA/W-H)	1215-AA22
1368	Claims for Compensation Under the Federal Employees' Compensation Act	1215-AA29
1369	General Regulations Under the Walsh-Healey Public Contracts Act	1215-AA33
1370	Employment of Handicapped Clients in Sheltered Workshops	1215-AA34
1371	Labor Standards on Projects or Productions Assisted by Grants from the National Endowment for the Arts (ESA/W-H)	1215-AA35
1372	Application of the Fair Labor Standards Act to State and Local Government Agencies (29 CFR 553 Subpart A)	1215-AA37
1373	Application of the Fair Labor Standards Act to State and Local Government Agencies (29 CFR 553, Subpart C)	1215-AA38
1374	Application of the Fair Labor Standards Act to State and Local Government Agencies (29 CFR 553, Subpart B)	1215-AA39
1375	Claims for Compensation Under the War Hazards Compensation Act	1215-AA42

Employment Standards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1376	Nondiscrimination and Affirmative Action Obligations for Disabled Veterans, Veterans of Vietnam Era, and Handicapped Workers (ESA/OFCCP)	1215-AA02
1377	Black Lung: Obligations of Lessors for Claims for Benefits (ESA/OWCP)	1215-AA03
1378	FECA Medical Fee Regulations (ESA/OWCP)	1215-AA13

Employment Standards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1379	Longshoreman's Act: Regional Offices (ESA/OWCP)	1215-AA12
1380	Longshoremen's Act: Second Injury Relief; Annual Assessments (ESA/OWCP)	1215-AA18
1381	Longshore and Harbor Workers' Compensation Act and Related Statutes	1215-AA30

Employment and Training Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1382	Services to Migrant and Seasonal Farmworkers, Job Service Complaint System, Monitoring and Enforcement	1205-AA37
1383	Use of Funds Transferred to the States Under Section 903(c) of the Social Security Act (Reed Act)	1205-AA43
1384	Review SESA Administrative Financing System	1205-AA51
1385	Job Training Partnership Act Audits	1205-AA53

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Employment and Training Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1386	Airline Deregulation: Employee Benefit Program	1205-AA07
1387	Limitations on Tax Credit Reductions and Interest on Advances to States	1205-AA14
1388	Federal-State Extended Unemployment Compensation Act of 1970	1205-AA15
1389	Unemployment Compensation for Ex-Servicemembers	1205-AA26
1390	Unemployment Insurance Quality Control Program	1205-AA28
1391	Piece Rate Adjustments	1205-AA30
1392	Labor Certification Process for the Permanent Employment of Aliens in the United States	1205-AA33
1393	Agricultural Adverse Effect Wage Rates - Methodology for Computing Rates for 1986	1205-AA39
1394	Work Incentive Programs for Aid to Families with Dependent Children Recipients under Title IV of the Social Security Act	1205-AA45
1395	Administrative Procedure	1205-AA46
1396	Disaster Unemployment Assistance Program (DUA)	1205-AA50
1397	Labor Certification Process for Temporary Employment of Alien Workers in Agriculture: Adverse Effect Wage Rates for Idaho, Oregon and Louisiana	1205-AA52
1398	Job Corps Program Under Title IV-B of the Job Training Partnership Act	1205-AA54
1399	Preference in Federal Procurement For Labor Surplus Areas Under Executive Orders 12073 and 10582	1205-AA55

Employment and Training Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1400	Trade Adjustment Assistance for Workers	1205-AA17
1401	Senior Community Service Employment Program	1205-AA29
1402	Trade Adjustment Assistance for Workers	1205-AA31
1403	Labor Certification Process for the Temporary Employment of Aliens in Agriculture and Logging in the United States	1205-AA34
1404	Labor Certification Process for Temporary Employment of Alien Workers in Agriculture: Montana Adverse Effect Wage Rate	1205-AA48

Employment and Training Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1405	Implementation of the Deficit Reduction Act (P.L. 98-369) Provisions for Exchange of Income and Eligibility Information Among Federally-assisted Income Maintenance Programs	1205-AA32

Pension and Welfare Benefits Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1406	Participant Directed Individual Account Plans	1210-AA08
1407	Loans to Participants	1210-AA09
1408	Adequate Consideration	1210-AA15
1409	Amendment of Severance Pay Regulation	1210-AA18
1410	Qualified Domestic Relations Orders Under the Retirement Equity Act	1210-AA19
1411	Procedures for Administrative Imposition of Civil Sanctions	1210-AA20
1412	Top Hat Plans	1210-AA21
1413	The Payment of Trustees' Litigation Expenses	1210-AA22

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Pension and Welfare Benefits Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1414	Individual Benefit Reporting - Recordkeeping - Multiple Employer Plans	1210-AA02
1415	Individual Benefit Reporting and Recordkeeping for Single Employer Plans	1210-AA03
1416	Plan Assets Regulation	1210-AA06
1417	Exemption and Alternative Method of Compliance for Annual Reporting of Certain Entities	1210-AA14
1418	Definition of Plan Assets -- Employee Contributions	1210-AA16

Pension and Welfare Benefits Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1419	Participation of Self-Regulatory Organizations in the Prohibited Transaction Exemption Process	1210-AA17

Mine Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1420	Review of Self-Contained Self Rescue Devices (SCSR) Standards Applicable to Coal Mining	1219-AA08
1421	Underground Coal Mine Electrical Standards	1219-AA10
1422	Review of Hoisting and Transportation of Persons and Material Standards Applicable to Coal Mining	1219-AA12
1423	Approval Criteria for Diesel-Powered Equipment for Underground Coal Mines	1219-AA27
1424	Approval Criteria for Respiratory Protective Devices	1219-AA30
1425	Surface Coal Mine Electrical Standards	1219-AA32
1426	Notification, Investigation, Reports and Records of Accidents Injuries, Illnesses, Employment, and Coal Production in Mines	1219-AA33

Mine Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1427	Pattern of Violations	1219-AA04
1428	Procedures for Approval of Mining Equipment	1219-AA06
1429	Underground Coal Mine Ventilation	1219-AA11
1430	Review of Metal and Nonmetal Electricity Standards	1219-AA14
1431	Explosives and Blasting in Underground Coal Mines	1219-AA16
1432	Review of Metal and Nonmetal Explosives Standards	1219-AA17
1433	Metal and Nonmetal Air Quality Standards	1219-AA21
1434	Approval Requirements for Explosives and Sheathed Explosive Units	1219-AA23
1435	Mine Plan Approvals	1219-AA26
1436	Metal and Nonmetal Radiation Standards	1219-AA28
1437	Updating Fees Associated with Equipment Approvals	1219-AA29

Mine Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1438	Underground Coal Mine Roof Control	1219-AA13
1439	Metal and Nonmetal Gassy Mines	1219-AA15
1440	Safety Standards for Loading, Hauling and Dumping at Metal and Nonmetal Mines	1219-AA18
1441	Safety Standards for Machinery and Equipment at Metal and Nonmetal Mines	1219-AA19

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Mine Safety and Health Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1442	Metal and Nonmetal Ground Control Standards	1219-AA22

Office of the Assistant Secretary for Administration and Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1443	Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance from the Department of Labor	1291-AA02
1444	Department of Labor Acquisition Regulation (DOLAR) Implementation of Competition in Contracting Act of 1984 (CICA) (Pub. L. 98-369) into DOLAR	1291-AA06
1445	Closeout Requirements for Grants, Contracts, and Other Agreements	1291-AA09
1446	Public Contracts and Property Management; Federal Standards for Audit of Federally Funded Grants, Contracts and Agreements	1291-AA10

Office of the Assistant Secretary for Administration and Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1447	Enforcement of Nondiscrimination on the Basis of Handicap in Department of Labor Programs	1291-AA04

Office of the Assistant Secretary for Administration and Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1448	Administrative Requirements Governing All Grants and Agreements by which Department of Labor Agencies Award Funds to State and Local Governments, Indian and Native American Entities, ETC	1291-AA05
1449	Implementation of the Single Audit Act of 1984	1291-AA07

Occupational Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1450	Carcinogen Policy	1218-AA01
1451	4,4'-Methylenedianiline	1218-AA58
1452	Manual Lifting (Part 1910)	1218-AA95
1453	Methylene Chloride	1218-AA98

Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1454	Occupational Exposures to Toxic Substances in Laboratories	1218-AA00
1455	Respiratory Protection	1218-AA05
1456	Hazard Communication	1218-AA08
1457	Methods of Compliance	1218-AA28
1458	Hazardous Materials--Flammable and Compressed Gases (Part 1910)	1218-AA31

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Occupational Safety and Health Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1459	Electrical Safety-Related Work Practices (Part 1910)	1218-AA32
1460	Oil and Gas Well Drilling and Servicing (Part 1910)	1218-AA34
1461	Excavations (Part 1926)	1218-AA36
1462	Fall Protection (Part 1926)	1218-AA37
1463	Scaffolds (Part 1926)	1218-AA40
1464	Safety Testing/Certification (Part 1910)	1218-AA42
1465	Scaffolds and Similar Work Surfaces (Part 1910)	1218-AA46
1466	Benzene	1218-AA47
1467	Fall Protection Systems (Personal Protective Equipment) (Part 1910)	1218-AA48
1468	Ladders and Similar Climbing Devices (Part 1910)	1218-AA50
1469	Confined Space (Part 1910)	1218-AA51
1470	Logging (Part 1910)	1218-AA52
1471	Control of Hazardous Energy Sources (Lockout/Tagout) (Part 1910)	1218-AA53
1472	Safety and Health Regulations for Longshoring(Part 1918)	1218-AA56
1473	Stairways and Ladders (Part 1926)	1218-AA57
1474	Electric Power Generation, Transmission and Distribution (Part 1910)	1218-AA59
1475	Revision of Recordkeeping Requirements for Tests, Inspections, and Maintenance Checks	1218-AA60
1476	Pulp, Paper and Paperboard Mills (Part 1910)	1218-AA61
1477	Motor Vehicles, Mechanized Equipment, and Marine Operations (Part 1926)	1218-AA63
1478	Steel Erection (Part 1926)	1218-AA65
1479	Fall Protection (Part 1915)	1218-AA66
1480	Scaffolds (Part 1915)	1218-AA68
1481	Access and Egress (Part 1915)	1218-AA70
1482	Face, Head, Eye and Foot Protection (Personal Protective Equipment) (Part 1910)	1218-AA71
1483	Welding, Cutting and Brazing (Part 1910)	1218-AA72
1484	Welding, Cutting and Heating (Part 1915)	1218-AA73
1485	Personal Protective Equipment (Part 1915)	1218-AA74
1486	Servicing Single Piece Rim Wheels (Part 1917)	1218-AA75
1487	Compressed Air (Part 1926)	1218-AA76
1488	Hazardous Materials--Flammable and Combustible Liquids (Part 1910)	1218-AA77
1489	Formaldehyde	1218-AA82
1490	Hazard Communication in Shipyard Employment (Part 1915)	1218-AA88
1491	Explosive and Other Dangerous Atmospheres (Part 1915)	1218-AA91
1492	Surface Preparation and Preservation (Part 1915)	1218-AA96

Occupational Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1493	Ethylene Dibromide (EDB)	1218-AA06
1494	Access to Employee Exposure and Medical Records	1218-AA15
1495	Concrete and Masonry Construction (Part 1926)	1218-AA20
1496	Grain Handling Facilities (Parts 1910 and 1917)	1218-AA22
1497	Asbestos	1218-AA26
1498	Powered Platforms for Exterior Building Maintenance (Part 1910)	1218-AA33
1499	Underground Construction (Tunnels and Shafts)(Part 1926)	1218-AA38
1500	Electrical Standards for Construction (Part 1926)	1218-AA39
1501	Crane or Derrick Suspended Platforms (1926)	1218-AA45
1502	Accident Prevention Tags (Part 1910)	1218-AA49
1503	Presence Sensing Device Initiation of Mechanical Power Presses (Part 1910)	1218-AA54
1504	Hazard Communication (Trade Secrets)	1218-AA93

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Occupational Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1505	Cotton Dust	1218-AA02
1506	Lead - Reconsideration of Whole Standard	1218-AA11
1507	Lead - Coverage of the Stevedoring Industry	1218-AA13
1508	Safety and Health Regulations for Shipyard	1218-AA55
1509	Motor Vehicles, Mechanized Equipment, and Marine Operations (Part 1926)	1218-AA63
1510	Steel Erection (Part 1926)	1218-AA65

Office of the Assistant Secretary for Veteran's Employment & Training—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1511	Annual Report From Federal Contractors	1293-AA01

DEPARTMENT OF LABOR (DOL)

Office of the Secretary (OS)

Final Rule Stage

1357. DEBT COLLECTION ACT REGULATIONS: SALARY OFFSET

Legal Authority: 5 USC 5514

CFR Citation: 29 CFR 20

Legal Deadline: None

Abstract: These regulations will implement the Debt Collection Act of 1982 (P.L. 97-365). The Debt Collection Act gives Federal agencies new tools to collect on debts owed to the United States. These include the authority of Federal agencies to offset the current pay account of an employee ("Salary Offset") when the employee owes money to the United States. These regulations will establish the policies and procedures the Department of Labor will use to implement a salary offset, in conformance with the Office of Personnel Management Regulations on this matter (49 FR 27470).

Timetable:

Action	Date	FR Cite
NPRM	12/16/85	50 FR 51354
NPRM Comment Period End	01/30/86	50 FR 51354
Final Action	06/00/86	
Final Action Effective	07/00/86	

Small Entity: No

Agency Contact: Seth Zinman, Associate Solicitor for Legislation and, Legal Counsel, Department of Labor, Office of the Secretary, 200 Constitution Ave. NW, Rm N2428, FPBldg., Washington, DC 20210, **202 523-8201**

RIN: 1290-AA04

1358. RIGHT TO FINANCIAL PRIVACY ACT

Legal Authority: 12 USC 3401 et seq Right to Financial Privacy Act of 1978

CFR Citation: 29 CFR 19, (New)

Legal Deadline: None

Abstract: These proposed regulations would authorize Department of Labor units to request financial records from a financial institution pursuant to the formal written request procedure established by the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq., and would set forth the conditions under which such requests may be made. Section 1108(2) of the Right to Financial Privacy Act of 1978 requires that the formal written request be authorized by regulations promulgated by the head of the agency or department. These proposed regulations would thus, once implemented, enable Department of Labor units to utilize the formal written request procedure to obtain financial records.

Timetable:

Action	Date	FR Cite
NPRM	04/02/85	50 FR 13049
NPRM Comment Period End	05/02/85	
Final Action	08/00/86	
Final Action Effective	09/00/86	

Small Entity: No

Agency Contact: Seth D. Zinman, Associate Solicitor, for Legislation and Legal Counsel, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N2428, FPBldg., Washington, DC 20210, **202 523-8201**

RIN: 1290-AA05

[FR Doc. 86-5775 Filed 04-18-86; 8:45 am]

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Prerule Stage

1359. ● EMPLOYMENT OF MINORS BETWEEN 14 AND 16 YEARS OF AGE (CHILD LABOR REGULATION NUMBER 3) (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. 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.

Changes in technology and job content over the years have expanded the types of employment which could be made available for 14 and 15 year olds. In order to increase job opportunities for such minors, while maintaining essential protection for their well-being, possible modifications to the regulation are being considered.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/86	

Small Entity: Undetermined

Agency Contact: Herbert J. Cohen, Deputy Administrator, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, **202 523-8305**

RIN: 1215-AA09

1360. 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'd)

Timetable:

Action	Date	FR Cite
Indefinite stay of Final Rule	02/12/81	46 FR 11972
Propsl to suspend Rule indefinitely	03/27/81	46 FR 18998
Comments due on Suspension Proposal	04/28/81	
ANPRM	11/19/85	50 FR 47696
Extension of ANPRM Comment period from 01/2l/86 to 03/22/86	01/17/86	51 FR 2525
ANPRM Comment Period End	03/22/86	51 FR 2525
NPRM	12/00/86	

Small Entity: Yes

Additional Information: subsequently extended to 03/22/86. A NPRM scheduled to be issued by 12/00/86.

Agency Contact: Herbert J. Cohen, Deputy Administrator, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8305**

RIN: 1215-AA14

1361. ● CHILD LABOR REGULATIONS SUBPART E, OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS 16 AND 17 YEARS OF AGE INVOLVED THE OPERATION OF BAKERY MACHINES (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570.62

Legal Deadline: None

Abstract: Section 3(1) of the Fair Labor Standards Act directs the Secretary of Labor to designate occupations which may be particularly hazardous for the employment of minors between 16 and 18 or detrimental to their health or well-being. The specific hazardous order under consideration for possible revision is Hazardous Occupations Order No. 11, occupations involving the operation of power-driven bakery machines.

A review of the order is planned to ensure the health and safety of 16 and 17 year olds in these occupations are safeguarded, and to assess the impact of technological change in the industry on employment opportunities for youth.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/86	

Small Entity: Undetermined

Agency Contact: Herbert J. Cohen, Deputy Administrator, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, **202 523-8305**

RIN: 1215-AA20

1362. ● CHILD LABOR REGULATIONS SUBPART E, OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS 16 AND 17 YEARS OF AGE INVOLVING SLAUGHTERING AND RELATED OCCUPATIONS (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570.61

Legal Deadline: None

Abstract: Section 3(1) of the Fair Labor Standards Act directs the Secretary of Labor to designate occupations which may be particularly hazardous for the employment of minors between 16 and

DOL—ESA **Prerule Stage**

18 or detrimental to their health or well-being. The specific hazardous order under consideration for possible revision is Hazardous Occupations Order No. 10, involving occupations in slaughtering, meat-packing or processing.

A review of the order is planned to ensure that the health and safety of 16 and 17 year olds in these occupations are safeguarded, while at the same time assessing the impact of technological advances in the industry on employment opportunities for youth.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/86	

Small Entity: Undetermined

Agency Contact: Herbert J. Cohen, Deputy Administrator, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA21

1363. ● CHILD LABOR REGULATIONS SUBPART E, OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS 16 AND 17 YEARS OF AGE INVOLVING MOTOR VEHICLE DRIVERS AND HELPERS (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570.52

Legal Deadline: None

Abstract: Section 3(1) of the Fair Labor Standards Act directs the Secretary of Labor to designate occupations which may be particularly hazardous for the employment of minors between 16 and 18 or detrimental to their health or well being. The specific hazardous order under consideration for possible revision is Hazardous Occupations Order No. 2, concerning motor vehicle drivers and their helpers.

A review of this order is planned to ensure that the health and safety of 16 and 17 year olds in these occupations are safeguarded, and that restrictions on the employment opportunities of youth are not imposed unnecessarily.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/86	

Small Entity: Undetermined

Agency Contact: Herbert J. Cohen, Deputy Administrator, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA23

1364. WAGE PAYMENTS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Significance: Regulatory Program

Legal Authority: 29 USC 203(m); 29 USC 203(t)

CFR Citation: 29 CFR 531

Legal Deadline: None

Abstract: These regulations contain the basic standards governing the application of Section 3(m) of the FLSA, which provides that, under certain conditions, the reasonable cost or fair value of furnishing employees with board, lodging, or other facilities may be applied towards meeting the Act's minimum wage and overtime requirements. Section 3(m) also provides that tips received by certain employees may be credited towards the payments of the statutory minimum wage (up to a maximum of 40 percent). The changes under consideration would conform the regulations to legislative amendments, court decisions interpreting Section 3(m), and administrative experience related to enforcement of these provisions.

Timetable:

Action	Date	FR Cite
End Review	12/00/86	

Small Entity: Undetermined

Agency Contact: Herbert J. Cohen, Deputy Administrator, Department of Labor, Employment Standards Administration, Room S3502, FP Bldg., 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-8305

RIN: 1215-AA32

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Employment Standards Administration (ESA)

1365. GOVERNMENT CONTRACTORS: NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATION (ESA/OFCCP)

Significance: Regulatory Program

Legal Authority: EO 11246, as amended; 38 USC 2012; 29 USC 793; 29 USC 1781

CFR Citation: 41 CFR 60-1; 41 CFR 60-2; 41 CFR 60-4; 41 CFR 60-20; 41 CFR 60-30; 41 CFR 60-50; 41 CFR 60-60; 41 CFR 60-250; 41 CFR 60-741

Legal Deadline: Judicial, October 1983. Rules implementing Section 481 of the 1982 JTPA are required to be published under the Act. The operational aspects of such rules need to be coordinated with the pending revisions discussed above, which has resulted in a delay.

Abstract: These provisions contain OFCCP's rules covering nondiscrimination and affirmative action obligations of covered contractors under EO 11246, the Vietnam Era Veterans Readjustment Assistance Act of 1974, and Sec. 503 of the Rehabilitation Act of 1973. The rule would be revised to make them more cost effective, reduce paperwork burdens and assure that contractors hire the best qualified person regardless of race, color, religion, sex, or national origin. Proposed changes to the regulations were published in the Federal Register on 12/28/79 and 02/22/80, and a final rule on these issues was published on 12/30/80 (45 FR 86215). The rule was stayed and reviewed in accordance with the President's Executive Order 12291 of 02/17/81. An ANPRM was published on 07/14/81 (46 FR 36213) and supplemented on 08/21/81 (46 FR 42490) to elicit comments on several issues pertaining to the regulation. A notice of proposed rulemaking was published on 08/25/81 (46 FR 42968) with comments due by 10/26/81. The proposal suspended the effective date of the 12/30/80 regulation, and proposed revision of that regulation. A supplemental proposal was published 04/23/82 (47 FR 17770). A final (cont)

DOL—ESA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	07/14/81	46 FR 36213
Supplement to ANPRM	08/21/81	46 FR 42490
Previous NPRM & suspend eff date	08/25/81	46 FR 42968
NPRM	04/23/82	47 FR 17770
NPRM Comment Period End	05/24/82	
NPRM (Section 481, 29 USC 1781)	12/00/86	
Final Action	12/00/86	

Small Entity: Yes

Additional Information: ABSTRACT CONT: rule will be forwarded to OMB for review and publication in the Federal Register in December 1986. In addition, in accordance with Section 481 of the Job Training Partnership Act of 1982 (JTPA), a Notice of Proposed Rulemaking, which would permit Federal contractors to meet their Executive Order affirmative action obligations through approved publication on the Federal Register in December 1986.

Agency Contact: Leonard J. Biermann, Director, Division of Program Policy, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm C3324, FPBldg., Washington, DC 20210, 202 523-9426

RIN: 1215-AA01

1366. LABOR STANDARDS PROVISIONS, DAVIS-BACON AND RELATED ACTS (ESA/WH)

Significance: Regulatory Program

Legal Authority: 40 USC 276a to 276a7; 40 USC 276c; 40 USC 327 to 332; 5 USC Appendix Reorganization Plan No. 14 of 1950; 29 USC 259

CFR Citation: 29 CFR 1; 29 CFR 5

Legal Deadline: None

Abstract: These regulations govern labor standards applicable to federally funded or assisted construction contracts subject to the Davis- Bacon and Related Acts (as well as contracts subject to the Contract Work Hours and Safety Standards Act). The Department plans to implement provisions in these regulations that would permit contractors to expand their use of semi-skilled "helpers" on Davis-Bacon covered projects at wages lower than those paid to skilled journeymen. Revised final rules were originally published 05/28/82 (47 FR 23058), but were deferred on 07/26/82 (47 FR 32070) due to an injunction issued by the U.S. District Court. Although the U.S. Court of Appeals for the D.C. Circuit has since upheld most of the key provisions published in 1982, the district court injunction remains in effect against certain provisions dealing with helpers. The Department intends to implement the helper provisions in accordance with the decisions of the district and appeals courts.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Yes

Agency Contact: Herbert J. Cohen, Deputy Administrator, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA07

1367. RECORDS TO BE KEPT BY EMPLOYERS (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 211(c)

CFR Citation: 29 CFR 516

Legal Deadline: None

Abstract: Revision of this regulation is being considered to reflect the repeal or modification of certain minimum wage and overtime exemptions by the 1974 and 1977 amendments to the Fair Labor Standards Act, and to simplify regulatory language.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
NPRM Comment Period End	07/00/86	
Final Action	09/00/86	

Small Entity: No

Agency Contact: Herbert J. Cohen, Deputy Administrator, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8305

RIN: 1215-AA22

1368. CLAIMS FOR COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT

Significance: Regulatory Program

Legal Authority: 5 USC 8101 et seq

CFR Citation: 20 CFR 10.1 et seq

Legal Deadline: None

Abstract: This proposal would revise the Federal Employees' Compensation Act regulations to (1) increase the ability of employing agencies to monitor the Act's continuance of pay (COP) provisions; (2) reduce the period for using up the remainder of the 45-day COP eligibility when there is a recurrence of a disability subsequent to a first return to work from six months to 90 days from the date of return to work; (3) require partially disabled employees to report on their efforts to find work; (4) make other modifications designed to provide consistent rationale for the payment of benefits; and (5) incorporate procedures for giving full due process in overpayment cases before recoupment.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	09/00/86	

Small Entity: No

Agency Contact: Thomas M. Markey, Associate Director for Federal Employees, Compensation, Department of Labor, Employment Standards Administration, Rm S3229, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7552

RIN: 1215-AA29

1369. GENERAL REGULATIONS UNDER THE WALSH-HEALEY PUBLIC CONTRACTS ACT

Legal Authority: 41 USC 38

CFR Citation: 41 CFR 50-201.101(b)(6); 41 CFR 50-201.1201

Legal Deadline: None

Abstract: The proposed rule would revise the role of the Small Business Administration (SBA) in determining a small business concern's eligibility as a "manufacturer" or "regular dealer" under the Walsh-Healey Public Contracts Act (PCA). Current procedures for small businesses require SBA review of all contracting agency findings of ineligibility, as well as all protests which challenge an agency's

findings of eligibility. SBA did not have an opportunity to comment when the current rules were first adopted following enactment of the 1977 Amendments to the Small Business Act (P.L. 95-89, 91 Stat. 561 (15 USC 637(b)(7)(B)). SBA believes its review authority under the Act is restricted to only executive branch agency findings of noneligibility under PCA, and has requested revisions to the regulations which would eliminate SBA review in protest cases which challenge an agency's findings that a small business is eligible for award. Additional revisions requested by SBA would streamline the processing of cases between SBA and Wage Hour. (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Additional Information: ABSTRACT CONT: b. An additional procedural change would discontinue the reporting requirement for federal contracting agencies to submit Standard Form (SF) 99, Notice of Award of Contract, to the Wage and Hour Division for contracts subject to the Walsh-Healey Public Contracts Act (PCA). A similar rule change was promulgated under the Service Contract Act (SCA) regulations (29 CFR 4.8) published October 27, 1983 (48 FR 49770). The reduced administrative burden for the affected procurement agencies resulting from the rule change under both SCA and PCA is expected to produce estimated annual cost savings governmentwide of nearly $410,000, the majority of which is attributable to PCA contract awards.

Agency Contact: Herbert J. Cohen, Deputy Administrator, Department of Labor, Employment Standards Administration, Room S-3502, FP Building, Washington, DC 20210, 202 523-8305

RIN: 1215-AA33

1370. EMPLOYMENT OF HANDICAPPED CLIENTS IN SHELTERED WORKSHOPS

Significance: Regulatory Program

Legal Authority: 29 USC 214; 29 USC 211

CFR Citation: 29 CFR 525

Legal Deadline: None

Abstract: These regulations establish the terms and conditions under which handicapped clients in sheltered workshops performing work subject to the provisions of the Fair Labor Standards Act (FLSA), the Walsh-Healey Public Contracts Act, and the Service Contact Act may be employed, under certificate, at wage rates less than those otherwise required by these acts. The FLSA Amendments of 1966 substantially revised the provision of section 14(c) of the Act which authorizes such employment. The regulations have not been comprehensively revised since 1967 when they were revised to reflect the amendments. The Department is planning to issue an NPRM by 07/00/86.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
Final Action	12/00/86	

Small Entity: Yes

Agency Contact: Herbert J. Cohen, Deputy Administrator, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8305

RIN: 1215-AA34

1371. LABOR STANDARDS ON PROJECTS OR PRODUCTIONS ASSISTED BY GRANTS FROM THE NATIONAL ENDOWMENT FOR THE ARTS (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 20 USC 954(i) and (j); 20 USC 956 (g)

CFR Citation: 29 CFR 505

Legal Deadline: Statutory, June 18, 1986

Abstract: The National Foundation on the Arts and Humanities Act of 1965, as amended in 1976, requires the Secretary to determine the prevailing minimum compensation for professional performers and related or supporting personnel employed on projects or productions assisted by grants from the National Endowment for the Arts and the National Endowment for the Humanities. As originally enacted, these labor standards only applied to the Arts; the existing regulations do not reflect the amendments which applied the same labor standards to the Humanities. The Arts, Humanities, and Museums Amendments of 1985, which were enacted on December 20, 1985, require the Secretary of Labor to issue regulations to assure that prevailing minimum compensation is provided to all professional performers and related or supporting professional personnel employed on projects or productions financed in whole or in part by the National Endowment for the Humanities.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	06/18/86	

Small Entity: Undetermined

Agency Contact: Herbert J. Cohen, Deputy Administrator, Department of Labor, Employment Standards Administration, Room S3502, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8305

RIN: 1215-AA35

1372. ● APPLICATION OF THE FAIR LABOR STANDARDS ACT TO STATE AND LOCAL GOVERNMENT AGENCIES (29 CFR 553 SUBPART A)

Significance: Regulatory Program

Legal Authority: PL 99-150; 29 USC 201 et seq

CFR Citation: 29 CFR 553

Legal Deadline: Statutory, April 15, 1986

Abstract: As a result of the Fair Labor Standards Act (FLSA) Amendments of 1985, certain provisions of the FLSA relating to employees of State and local governments were changed. The Subpart will implement general provisions of the FLSA as required by the Amendments.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	07/00/86	

Small Entity: Undetermined

Agency Contact: Herbert J. Cohen, Deputy Administrator, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA37

DOL—ESA

Proposed Rule Stage

1373. ● APPLICATION OF THE FAIR LABOR STANDARDS ACT TO STATE AND LOCAL GOVERNMENT AGENCIES (29 CFR 553, SUBPART C)

Significance: Regulatory Program

Legal Authority: PL 99-150; 29 USC 201 et seq

CFR Citation: 29 CFR 553

Legal Deadline: Statutory, April 15, 1986

Abstract: As a result of the Fair Labor Standards Act (FLSA) Amendments of 1985, certain provisions of the FLSA relating to employees of State and local governments were changed. This revised subpart will amend existing rules concerning fire protection and law enforcement activities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	07/00/86	

Small Entity: Undetermined

Agency Contact: Herbert J. Cohen, Deputy Administrator, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA38

1374. ● APPLICATION OF THE FAIR LABOR STANDARDS ACT TO STATE AND LOCAL GOVERNMENT AGENCIES (29 CFR 553, SUBPART B)

Significance: Regulatory Program

Legal Authority: PL 99-150; 29 USC 201 et seq

CFR Citation: 29 CFR 553

Legal Deadline: Statutory, March 15, 1986

Abstract: As a result of the Fair Labor Standards Act (FLSA) Amendments of 1985, certain provisions of the FLSA relating to employees of State and local governments were changed. This revised subpart will implement the provisions of Section 3(e)(4) of the FLSA regarding volunteers, as required by the Amendments. The Department is mandated to promulgate regulations on public agency volunteers by March 15, 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	07/00/86	

Small Entity: Undetermined

Agency Contact: Herbert J. Cohen, Deputy Administrator, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA39

1375. ● CLAIMS FOR COMPENSATION UNDER THE WAR HAZARDS COMPENSATION ACT

Significance: Agency Priority

Legal Authority: 42 USC 1701 et seq

CFR Citation: 20 CFR 61; 20 CFR 62

Legal Deadline: None

Abstract: The War Hazards Compensation Act regulations are being reviewed to determine whether modifications should be proposed to (1) reflect amendments made to the Act which replaced the World War II frame of reference in the Act with language applicable to the current and future conditions faced by employees of contractors working in hazardous overseas locations; (2) simplify and clarify the requirements for filing a claim under the Act; (3) remove unnecessary and repetitious sections in the existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Agency Contact: Thomas M. Markey, Associate Director, Federal Employees', Compensation, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm S3229 - FPBldg., Washington, DC 20210, 202 523-7522

RIN: 1215-AA42

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Final Rule Stage

1376. NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS FOR DISABLED VETERANS, VETERANS OF VIETNAM ERA, AND HANDICAPPED WORKERS (ESA/OFCCP)

Significance: Agency Priority

Legal Authority: 29 USC 793; 38 USC 2012

CFR Citation: 41 CFR 60-1; 41 CFR 60-250; 41 CFR 60-741

Legal Deadline: None

Abstract: This proposal would make the definition section of these regulations consistent with 1978 amendments to the Rehabilitation Act of 1973 and the 1980 amendments to the Vietnam Era Veterans' Readjustment Assistance Act, and conform these rules to changes in DOL's regulations implementing employment under Section 504 of the Rehabilitation Act. The provisions reflecting statutory changes have been incorporated into the 08/25/81 "main" OFCCP proposal (46 FR 42968).

Timetable:

Action	Date	FR Cite
NPRM	12/30/80	45 FR 86205
NPRM Comment Period End	03/02/81	45 FR 86205
Final Action	12/00/86	

Small Entity: Undetermined

Agency Contact: Leonard J. Biermann, Director, Division of Program Policy, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm C3324, FPBldg., Washington, DC 20210, 202 523-9426

RIN: 1215-AA02

1377. BLACK LUNG: OBLIGATIONS OF LESSORS FOR CLAIMS FOR BENEFITS (ESA/OWCP)

Legal Authority: 30 USC 901 et seq

CFR Citation: 20 CFR 725.491(b)(2)

DOL—ESA

Final Rule Stage

Legal Deadline: None

Abstract: The intent of this proposal is to make explicit the Department's policy that a lessor of a coal mine, who has never actually operated such a mine, will not be held liable for the payment of benefits for black lung contracted in the course of employment in that mine and, therefore, need not insure against that possibility.

Timetable:

Action	Date	FR Cite
NPRM	01/27/81	46 FR 8570
NPRM Comment Period End	03/30/81	46 FR 8570
Final Action	06/30/86	

Small Entity: Undetermined

Agency Contact: James DeMarce, Associate Director, Department of Labor, Employment Standards Administration, Rm C3520, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-6692

RIN: 1215-AA03

1378. FECA MEDICAL FEE REGULATIONS (ESA/OWCP)

Significance: Agency Priority

Legal Authority: 5 USC 8101 et seq

CFR Citation: 20 CFR 10.400 et seq

Legal Deadline: None

Abstract: 5 USC 8103(a) of the Federal Employees' Compensation Act provides that the United States shall furnish a broad range of medical services and supplies to employees of the United States injured in the performance of duty. ESA proposes to exercise its statutory authority to define the "reasonableness" of medical service costs and thereby monitor, and possibly reduce, these costs by imposing a schedule of allowable fees to be paid for services under this law. On 06/07/84 (49 FR 23658), a notice of proposed rulemaking was published with comments due by 08/06/84. The comment period was extended from 08/06/84 to 10/05/84 in response to a request by the American Medical Association (49 FR 33695), and reopened from 01/31/85 to 03/04/85 (50 FR 4525).

Timetable:

Action	Date	FR Cite
NPRM	06/07/84	49 FR 23658
NPRM Comment Period End	08/06/84	49 FR 23658
Extension of Comment Period	08/24/84	49 FR 33695
Comment Period Reopened from 1/31/85 to 3/4/85	03/04/85	50 FR 4525
Final Action	03/00/86	

Small Entity: Undetermined

Agency Contact: Thomas M. Markey, Deputy Associate Director, Department of Labor, Employment Standards Administration, Rm S3229, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7552

RIN: 1215-AA13

DEPARTMENT OF LABOR (DOL)
Employment Standards Administration (ESA)

Completed Actions

1379. LONGSHOREMAN'S ACT: REGIONAL OFFICES (ESA/OWCP)

Legal Authority: 33 USC 939(b)

CFR Citation: 20 CFR 702.101

Legal Deadline: None

Abstract: The low volume of cases received under the Longshore Act and its extensions did not justify maintaining separate longshore district offices for the disposition of cases in the Denver and Kansas City regions. Therefore, these offices were closed and their workloads transferred to the Seattle and Chicago district offices, respectively. This rule formalizes these changes by making a technical amendment to 20 CFR 702.101 redefining the jurisdictions of the four affected district offices. This rule has been incorporated into regulatory changes implementing the Longshore and Harbor Workers' Compensation Amendments of 1984, and is, therefore, withdrawn.

Timetable:

Action	Date	FR Cite
Withdrawn	01/14/86	

Small Entity: No

Agency Contact: Neil Montone, Associate Director, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm C4315, FPBldg., Washington, DC 20210, 202 523-8572

RIN: 1215-AA12

1380. LONGSHOREMEN'S ACT: SECOND INJURY RELIEF; ANNUAL ASSESSMENTS (ESA/OWCP)

Legal Authority: 33 USC 901 et seq

CFR Citation: 20 CFR 702

Legal Deadline: None

Abstract: Revisions and additions have been considered to reflect and codify the Department's policies and procedures for handling second injury relief cases and to modify the procedures pertaining to the annual assessment of insurance carriers and self-insurers. Action was deferred in light of Congressional action on amendments to the Act. The 1984 Amendments made changes in these areas. These revisions have been incorporated into regulatory changes implementing the Longshore and Harbor Workers' Compensation Act of 1984. This rule, therefore, is withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	01/27/81	46 FR 8890
NPRM Comment Period End	03/30/81	46 FR 8890
Withdrawn	01/14/86	

Small Entity: No

Agency Contact: Neil Montone, Associate Director, Department of Labor, Employment Standards Administration, Rm C4315, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8572

RIN: 1215-AA18

1381. LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT AND RELATED STATUTES

Legal Authority: 5 USC 301; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat 1263; 33 USC 939; 42 USC 1651 et seq; 36

DC Code 501 et seq; 43 USC 1331; 5 USC 8171 et seq; Secretary of Labor's Order No. 13-71, 36 FR 8755; PL 98-426

CFR Citation: 20 CFR 701; 20 CFR 702; 20 CFR 703

Legal Deadline: None

Abstract: The Longshore and Harbor Workers' Compensation Act Amendments of 1984 were passed and signed into law on September 28, 1984 (P.L. 98-426). These amendments made many substantive changes to the Longshore Act (33 USC 901 et seq.), which were effective on the date of enactment, or 90 days thereafter. These regulations implement the changes made by the amendments, and make technical corrections in the unchanged sections of the regulations. The changes include an exemption from the Act's coverage for specified classes of workers, a certification procedure for exemption from coverage of certain small-vessel facilities, provisions allowing the Secretary to debar medical care providers and representatives for certain reasons, and revisions in the assessment formula for the program's Special Fund (for second injury coverage). Because of the statutory deadlines imposed, these regulations were published as interim final rules on January 3, 1985 with a comment period which was extended until March 22, 1985. The interim final rules remained in effect until 01/31/86, at which time they became final rules.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/03/85	50 FR 384
Comment Period of Interim FinalRule Extended from 03/04/85	03/12/85	50 FR 9799
Interim Final Rule Extendedfrom 10/01/85 to 12/31/85	09/30/85	50 FR 39661
Interim Final Rule Extendedfrom 12/31/85 to 02/03/86	12/31/85	50 FR 53308
Final Action Effective	01/31/86	51 FR 4270
Final Action	02/03/86	51 FR 4270

Small Entity: No

Agency Contact: Richard Staufenberger, Deputy Director, Department of Labor, Employment Standards Administration, 200 Constitution Ave. NW, Rm S3524, FPBldg., Washington, DC 20210, 202 523-7503

RIN: 1215-AA30

[FR Doc. 86-5775 Filed 04-18-86; 8:45 am]

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Prerule Stage

1382. ● SERVICES TO MIGRANT AND SEASONAL FARMWORKERS, JOB SERVICE COMPLAINT SYSTEM, MONITORING AND ENFORCEMENT

Significance: Regulatory Program

Legal Authority: 29 USC 49(k)

CFR Citation: 20 CFR 653; 20 CFR 658; 20 CFR 651

Legal Deadline: None

Abstract: ETA is reviewing services to migrant and seasonal farmworkers under the Wagner-Peyser Act as a result of amendments to Wagner-Peyser under Title V of the Job Training Partnership Act. It is anticipated that an ANPRM and subsequent rulemaking may result.

Timetable:

Action	Date	FR Cite
Begin Review	03/00/86	
ANPRM	11/00/86	

Small Entity: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certifications, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 8122, PHBldg., Washington, DC 20213, 202 376-6228

RIN: 1205-AA37

1383. USE OF FUNDS TRANSFERRED TO THE STATES UNDER SECTION 903(C) OF THE SOCIAL SECURITY ACT (REED ACT)

Legal Authority: 26 USC 3304; 42 USC 1302; 42 USC 503; 42 USC 1103

CFR Citation: 20 CFR 601; 20 CFR 651; 20 CFR 652; 20 CFR 658; 41 CFR 29 to 70

Legal Deadline: None

Abstract: This regulation sets out Reed Act requirements for StateS. It covers: restoration of Reed Act funds used to pay unemployment benefits; appropriation by the States and use of funds for administration; and disposition, reduced usage, and replacement of Reed Act-financed property. The regulation implements P.L. 97-248 and updates existing material issued as manuals. Alternatives being considered include: (1) Issuing a regulation, another type of directive, or nothing; (2) Issuing particular rules for calculating Reed Act balances which reflect P.L. 97-248 restorations, Title XII advances, program income, and sales, other dispositions, and reduced usage of real and personal property, issuing alternative rules for calculating balances, or issuing no rules; (3) Issuing particular rules covering sales, other dispositions, and reduced usage of Reed Act property, issuing alternative property disposition rules, or issuing no rules. Issuing a regulation will benefit grantees by reducing the uncertainty as to the applicable rules. No significant additional costs will result.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity:

DOL—ETA **Prerule Stage**

Not Applicable

Public Compliance Cost: Initial Cost: $5,000; Yearly Recurring Cost: $5,000; Base Year for Dollar Estimates: 1984

Affected Sectors: 94 ADMINISTRATION OF HUMAN RESOURCES PROGRAMS

Government Levels Affected: State, Federal

Agency Contact: Janice M. Sawyer, Administrator, Ofc of Financial Control &, Mgmt Systems, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 5000, PHBldg., Washington, DC 20213, 202 376-6585

RIN: 1205-AA43

1384. ● REVIEW SESA ADMINISTRATIVE FINANCING SYSTEM

Significance: Regulatory Program

Legal Authority: 42 USC 501 to 504; 42 USC 1302

CFR Citation: 20 CFR 601.6

Legal Deadline: None

Abstract: States and other interested parties have questioned the adequacy of the existing method for financing and allocating SESA administrative resources in general and unemployment insurance (UI) administrative resources in particular. Problems identified include: (1) basis and methodology for allocating SESA administrative resources among States; (2) insufficient flexibility to meet State management needs; (3) excessive Federal intervention and prescription; (4) inadequate State accountability and authority; (5) disincentives for improving productivity; (6) inadequate resources for nonpersonal services. The framework for the basic UI system is outlined in the Social Security Act (SSA) and the Federal Unemployment Tax Act (FUTA). Title III of the SSA states that the Secretary of Labor shall provide the administrative funds needed by each State approved under FUTA for the proper and efficient administration of the UI program. A formal consultation process has been initiated to solicit public comments on problems and proposed changes to the current SESA administrative financial system. Planned (cont.)

Timetable:

Action	Date	FR Cite
Public Meetings	01/00/86	
Secretary's Policy Decision	05/00/86	

Small Entity: No

Additional Information: (ABSTRACT CONT): changes will be announced upon completion of this review.

Government Levels Affected: State, Federal

Agency Contact: Carolyn M. Golding, Director, Unemployment Insurance Service, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7112, PHBldg., Washington, DC 20213, 202 376-6636

RIN: 1205-AA51

1385. ● JOB TRAINING PARTNERSHIP ACT AUDITS

Significance: Agency Priority

Legal Authority: Section 164 Job Training Partnership Act; Section 169 Job Training Partnership Act

CFR Citation: 20 CFR 629.42

Legal Deadline: None

Abstract: Governors are responsible for resolving audits of their JTPA subgrantees and subcontractors. Current ETA policy requires federal review and approval of these resolutions only in cases of fraud, gross mismanagement and abuse. More routine audit resolutions are only reviewed on a sample basis during onsite compliance reviews. However, a recent legal opinion stated that the JTPA regulations as presently written could be construed as requiring federal review and approval of all Governors' audit resolutions. The regulations may have to be amended in order to implement ETA's policy.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	07/00/86	

Small Entity: No

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: David O. Williams, Administrator, Office of Program and, Fiscal Integrity, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 8400, PHBldg., Washington, DC 20213, 202 376-2022

RIN: 1205-AA53

DEPARTMENT OF LABOR (DOL) — Proposed Rule Stage

Employment and Training Administration (ETA)

1386. AIRLINE DEREGULATION: EMPLOYEE BENEFIT PROGRAM

Significance: Regulatory Program

Legal Authority: 49 USC 1552

CFR Citation: 20 CFR 638

Legal Deadline: None

Abstract: These regulations are being developed to implement the benefit provisions contained in Sec. 43 of the Airline Deregulation Act of 1978. The Act requires the Secretary of Labor to specify the percentage of prior salary which an "eligible protected employee" would receive as a benefit payment under the Act. An eligible protected employee is a person who has had at least 4 years of employment with a certificated air carrier as of October 24, 1978 and who loses his or her job during the ten years following such date in a bankruptcy or major employment contraction if and only if the Civil Aeronautics Board 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. However, further judicial action on other issues is likely before the Department can implement these regulations.

Timetable:

Action	Date	FR Cite
NPRMPrevious	03/30/79	44 FR 19146
NPRM First right of hire	09/17/82	47 FP 41304

DOL—ETA

Proposed Rule Stage

Action	Date	FR Cite
Comments due First right of hire NPRM	10/18/82	
NPRM	11/00/86	
NPRM Comment Period End	12/00/86	
Final Action	06/00/87	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7430, PHBldg., Washington, DC 20213, 202 376-7366

RIN: 1205-AA07

1387. LIMITATIONS ON TAX CREDIT REDUCTIONS AND INTEREST ON ADVANCES TO STATES

Significance: Regulatory Program

Legal Authority: 26 USC 3302; 42 USC 1302; PL 97-35, Sec 2408

CFR Citation: 20 CFR 608

Legal Deadline: None

Abstract: The Omnibus Budget Reconciliation Act of 1981 amended the tax credit provisions of FUTA to authorize the placing of a "cap" on reductions in tax credits on a State-by-State basis in certain prescribed circumstances. The amendment requires these determinations to be made in accordance with regulations prescribed by the Secretary of Labor. The same Act also amended Title XII of the Social Security Act to assess interest on advances to States, the payment of which is prohibited from State unemployment funds. The proposal would implement these statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	02/00/87	
NPRM Comment Period End	03/00/87	
Final Action	09/00/87	
Final Action Effective	00/00/00	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: James Manning, Chief, Division of Actuarial Services, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7410, PHBldg., Washington, DC 20213, 202 376-7231

RIN: 1205-AA14

1388. FEDERAL-STATE EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 1970

Significance: Regulatory Program

Legal Authority: 26 USC 3304 Note; 42 USC 1302

CFR Citation: 20 CFR 615

Legal Deadline: None

Abstract: These regulations would be amended to implement various statutory amendments of 1980, 1981, 1982, and 1983 to the Federal-State Extended Unemployment Compensation Act of 1970. The regulations would (1) provide for the denial of extended benefits to certain interstate claimants and to individuals who fail to actively engage in seeking work or refuse to accept an offer of suitable work, (2) provide for the purging of certain disqualifications in order to establish eligibility for extended benefits, and (3) establish the method of determining the rate of insured unemployment for extended benefit claims, the State trigger rates and removal of the National trigger.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	02/00/87	

Small Entity: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7430, PHBldg., Washington, DC 20213, 202 376-7366

RIN: 1205-AA15

1389. UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEMBERS

Significance: Regulatory Program

Legal Authority: 5 USC 8508; 5 USC 8521 to 8525

CFR Citation: 20 CFR 614

Legal Deadline: None

Abstract: Section 201 of Public Law 97-362 (Miscellaneous Revenue Act of 1982) amends the eligibility requirements for unemployment compensation for ex-servicemembers. Proposed regulations are under development to implement these new requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
NPRM Comment Period End	08/00/86	
Final Action	12/00/86	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7430, PHBldg., Washington, DC 20213, 202 376-7366

RIN: 1205-AA26

1390. UNEMPLOYMENT INSURANCE QUALITY CONTROL PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 503; 42 USC 1302

CFR Citation: 20 CFR 602

Legal Deadline: None

Abstract: The establishment of a UI QC program is a major initiative to reduce administrative errors and claimant abuse in the UI system. Reported error rates are 10 times lower than those found under the QC sampling methodology. A one percent reduction in the error rate could potentially translate to a savings of millions of dollars in the benefit payment process. Additional savings may be realized when the program is extended to the revenue function.

Timetable:

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 38083
ANPRM Comment Period End	10/26/84	49 FR 38083
NPRM	06/00/86	
NPRM Comment Period End	07/00/86	
Final Action	09/00/86	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Carolyn Golding, Director, Unemployment Insurance Service, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7112, PHBldg., Washington, DC 20213, 202 376-6636

RIN: 1205-AA28

1391. PIECE RATE ADJUSTMENTS

Significance: Regulatory Program

Legal Authority: 8 USC 1101(a)(15)(H)(ii); 8 USC 1184

CFR Citation: 20 CFR 655, Subpart C

Legal Deadline: None

Abstract: The regulation, as proposed, modifies the previous piece rate adjustment regulation published as a final rule on June 21, 1985, which was declared invalid by the U.S. District Court of Appeals on July 8, 1985. The new regulation is designed to cure the defects noted by the Court in the previous regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
NPRM Comment Period End	06/00/86	
Final Action	07/00/86	
Final Action Effective	07/00/86	

Small Entity: No

Affected Sectors: 013 Field Crops, Except Cash Grains; 016 Vegetables and Melons; 017 Fruits and Tree Nuts; 019 General Farms, Primarily Crop; 071 Soil Preparation Services; 072 Crop Services

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Div. of Foreign Labor Certifications, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 8122, PHBldg., Washington, DC 20213, 202 376-6228

RIN: 1205-AA30

1392. LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES

Significance: Regulatory Program

Legal Authority: 8 USC 1182(a)(14)

CFR Citation: 20 CFR 656

Legal Deadline: None

Abstract: Physicians are currently on the Department's Schedule A precertification list if they are to be employed in a designated Health Manpower Shortage Area (HMSA) or an area which has an insufficient number of physicians as designated by the Public Health Service (PHS). The PHS has recommended removal of physicians from Schedule A, or in the alternative leave only those physicians on Schedule A that are to be employed in the HMSA's. According to the PHS: (1) neither Congress nor the Department of Health and Human Services recognizes the existence of a national shortage of physicians; (2) alien physicians after they are certified do not go to the HMSA's or the area with an insufficient number of physicians, or if they do go to these areas they leave shortly after starting work. Thus, the labor certification program has not had a significant effect in alleviating the shortage of physicians in the HMSA's or in the areas with an insufficient number of physicians. Consequently, ETA proposes to remove all physicians from Schedule A.

Timetable:

Action	Date	FR Cite
NPRM	01/24/86	51 FR 3192
NPRM Comment Period End	03/00/86	
Final Action	05/00/86	
Final Action Effective	06/00/86	

Small Entity: No

Affected Sectors: 80 HEALTH SERVICES; 82 EDUCATIONAL SERVICES

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certification, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 8122, PHBldg., Washington, DC 20213, 202 376-6228

RIN: 1205-AA33

1393. AGRICULTURAL ADVERSE EFFECT WAGE RATES - METHODOLOGY FOR COMPUTING RATES FOR 1986

Significance: Regulatory Program

Legal Authority: 8 USC 1101(a)(15)(H)(ii); 8 USC 1184

CFR Citation: 20 CFR 655, Subpart C

Legal Deadline: None

Abstract: Propose new methodology for computing agricultural Adverse Effect Wage Rates (AEWRs) for 1986. New methodology would return to use of USDA quarterly survey data for indexing AEWRs, as was the case prior to 1931, when that survey was temporarily discontinued.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
NPRM Comment Period End	05/00/86	
Final Action	06/00/86	

Small Entity: No

Affected Sectors: 013 Field Crops, Except Cash Grains; 016 Vegetables and Melons; 017 Fruits and Tree Nuts; 019 General Farms, Primarily Crop; 071 Soil Preparation Services; 072 Crop Services

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Div. of Foreign Labor Certifications, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 8122, PHBldg., Washington, DC 20213, 202 376-6228

RIN: 1205-AA39

1394. WORK INCENTIVE PROGRAMS FOR AID TO FAMILIES WITH DEPENDENT CHILDREN RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Significance: Agency Priority

Legal Authority: 42 USC 1302

CFR Citation: 29 CFR 56.17, (Revision); 29 CFR 56.18, (Revision); 29 CFR 56.19, (Revision); 29 CFR 56.86, (New)

Legal Deadline: None

Abstract: The regulation will provide Work Incentive Program grantees and contractors administrative appeal rights before the Office of Administrative Law Judges for the following: (1) an adjustment in payment; (2) termination of the contract or grant; (3) a final determination disapproving outstanding claims arising from terminations, disapproving unreimbursed costs, or rejecting the termination settlement proposal; (4) a final determination

disallowing costs as a result of an audit; and (5) a final determination disallowing costs resulting from the closing out of the grant/contract. Currently, no such rights exists and a grantee/contractor's only appeal forum is Federal Court. Provision of these hearing rights should reduce the workload of the Federal Court system and allow the Department of Labor to adjudicate the issues in a more informal setting with Administrative Law Judges, who are more accustomed to dealing with the particular issues involved. The regulations will also correct a perceived inequity since most Employment and Training Administration programs have administrative appeal rights.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
NPRM Comment Period End	09/00/86	
Final Action	11/00/86	

Small Entity: No

Additional Information: A Department of Labor Inter-Agency Task Force established to implement the Single Audit Act has decided that all Department of Labor programs shall have some type of appeal rights within the Department of Labor. The Office of the Assistant Secretary for Employment and Training Administration decided that appeal rights for all Employment and Training Administration programs shall be provided by the Office of Administrative Law Judges.

Government Levels Affected: Local, State, Federal

Agency Contact: Linda D. Kontnier, Chief, Division of Debt Management, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 8422, PHBldg., Washington, DC 20213, 202 376-6630

RIN: 1205-AA45

1395. ADMINISTRATIVE PROCEDURE

Significance: Agency Priority

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 601.9 (Revision)

Legal Deadline: None

Abstract: The regulation will provide States with administrative appeal rights before the Office of Administrative Law Judges for final determinations disallowing costs or imposing corrective actions as a result of all audits in the Federal-State unemployment compensation program and related Federal unemployment benefit and allowance programs. Currently, no such appeal rights exist and if a State seeks review of one of the above actions the only appeal forum is the Federal Court. Provision of these appeal rights before the Office of Administrative Law Judges should reduce the workload of the Federal Court system and allow the Department of Labor to adjudicate the issues in a more informal setting with the Administrative Law Judges, who are more accustomed to dealing with the particular issues involved. The regulation will also correct what is perceived as an inequity, since most Employment and Training Administration programs have administrative appeal rights.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
NPRM Comment Period End	08/00/86	
Final Action	01/00/87	

Small Entity: No

Additional Information: A Department of Labor Inter-Agency Task Force established to implement the Single Audit Act has decided that all Department of Labor programs shall have some type of appeal rights within the Department of Labor. The Office of the Assistant Secretary for Employment and Training Administration decided that appeal rights for all Employment and Training Administration programs shall be provided by the Office of Administrative Law Judges.

Government Levels Affected: State, Federal

Agency Contact: Linda D. Kontnier, Chief, Division of Debt Management, Department of Labor, Employment and Training Administration, 601 D Street, NW, RM 8422, PHBldg., Washington, DC 20213, 202 376-6630

RIN: 1205-AA46

1396. ● DISASTER UNEMPLOYMENT ASSISTANCE PROGRAM (DUA)

Significance: Regulatory Program

Legal Authority: 42 USC 5177

CFR Citation: 20 CFR 625, (Revision)

Legal Deadline: None

Abstract: A few technical amendments are necessary to update the DUA Final Regulations which were published September 26, 1977. A clarification is needed on the administration of DUA in the Virgin Islands. Also, the Canal Zone should be selected from the eligible "States." The formula for computing DUA weekly benefit amounts needs to be simplified. The first week of DUA payable needs to be clarified. None of the changes contemplated would result in additional costs.

Timetable:

Action	Date	FR Cite
NPRM	01/00/87	
NPRM Comment Period End	02/00/87	
Final Action	07/00/87	

Small Entity: No

Additional Information: In addition to updating the current regulations the anticipated changes will provide for more efficient operation of the program.

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7430, PHBldg., Washington, DC 20213, 202 376-7366

RIN: 1205-AA50

1397. ● LABOR CERTIFICATION PROCESS FOR TEMPORARY EMPLOYMENT OF ALIEN WORKERS IN AGRICULTURE: ADVERSE EFFECT WAGE RATES FOR IDAHO, OREGON AND LOUISIANA

Legal Authority: 8 USC 1101(a)(15)(H)(ii); 8 USC 1184

CFR Citation: 20 CFR 655, Subpart C

Legal Deadline: None

Abstract: Propose to add Idaho, Oregon and Louisiana to the list of States for which annual adverse effect wage rates are established.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
NPRM Comment Period End	04/00/86	
Final Action	05/00/86	

Small Entity: No

DOL—ETA

Proposed Rule Stage

Affected Sectors: 013 Field Crops, Except Cash Grains; 016 Vegetables and Melons; 017 Fruits and Tree Nuts; 019 General Farms, Primarily Crop; 071 Soil Preparation Services; 072 Crop Services

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certifications, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 8122, PHBldg., Washington, DC 20213, 202 376-6228

RIN: 1205-AA52

1398. ● JOB CORPS PROGRAM UNDER TITLE IV-B OF THE JOB TRAINING PARTNERSHIP ACT

Legal Authority: 29 USC 1579

CFR Citation: 20 CFR 684

Legal Deadline: None

Abstract: The regulations will revise and streamline the existing rules for the Job Corps program. These changes will not create new cost nor materially change the existing program. The new rules will be in compliance with Title IV-B of the Job Training Partnership Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	
NPRM Comment Period End	02/00/87	

Small Entity: Undetermined

Agency Contact: Peter E. Rell, Director, Office of Job Corps, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 6414, PHBldg., Washington, DC 20213, 202 376-1113

RIN: 1205-AA54

1399. ● PREFERENCE IN FEDERAL PROCUREMENT FOR LABOR SURPLUS AREAS UNDER EXECUTIVE ORDERS 12073 AND 10582

Significance: Regulatory Program

Legal Authority: EO 12073; EO 10582

CFR Citation: 20 CFR 654.5(b)

Legal Deadline: None

Abstract: Currently the Department of Labor only classifies civil jurisdictions (counties, cities over 50,000 population as well as townships and towns in certain selected States) as labor surplus areas. This policy has resulted in some employment centers in the nation's large metropolitan areas not being classified as labor surplus areas, even though the entire Metropolitan Statistical Areas or Primary Metropolitan Statistical Areas would meet the labor surplus area criteria if such geographic areas were classified. The proposed rule would grant the Assistant Secretary for Employment and Training the authority to classify Metropolitan Statistical Areas and Primary Metropolitan Statistical Areas as labor surplus areas to help alleviate unemployment in these areas. The change will add some additional labor surplus areas to the current list but it will not increase the funds going to such designated areas.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
NPRM Comment Period End	07/00/86	
Final Action	09/00/86	

Small Entity: No

Agency Contact: Richard C. Gilliland, Director, Untied States Employment Service, Department of Labor, Employment and Training Administration, Patrick Henry Building (Room 8100), 601 D Street, Washington, DC 20213, 202 376-6750

RIN: 1205-AA55

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Final Rule Stage

1400. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Significance: Regulatory Program

Legal Authority: 19 USC 2320

CFR Citation: 20 CFR 617

Legal Deadline: None

Abstract: These regulations would implement the 1981 and 1983 amendments to the Trade Act of 1974. The Trade Adjustment Assistance program provides adjustment assistance in the form of reemployment services, training, job search, relocation allowances, and cash benefits (adjustment assistance) to workers whose unemployment is linked to increased imports of foreign-made products. The amendments represent a fundamental shift in program emphasis from income maintenance to placement and employment services and benefits such as training, job search and relocation. The 1981 amendments are designed to assure that adjustment assistance and reemployment services are more appropriately targeted to trade impacted workers with emphasis placed on their return to work. The 1983 amendments extended the program to September 30, 1985. The 1984 amendments to the program are not included in these regulations but will be issued separately.

Timetable:

Action	Date	FR Cite
NPRM	03/04/83	48 FR 9444
NPRM Comment Period End	07/28/83	48 FR 32837
Final Action	08/00/86	

Small Entity: No

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, Rm 7430, PHBldg., 601 D St, NW, Washington, DC 20213, 202 376-7366

RIN: 1205-AA17

1401. SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 3056 et seq, Older Americans Community Svcs Employ Act

CFR Citation: 20 CFR 674

Legal Deadline: Statutory, May 8, 1985. P.L. 98-459, Section 205(c)

Abstract: The regulations will revise and update the existing rules for the Senior Community Service Employment Program. These changes will not create new cost nor materially change the

existing program. However, the new rules will place the program in compliance with the 1984 Amendments to the Older Americans Act.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29606
NPRM Comment Period End	08/27/85	50 FR 34725
Extension of Comment Period to 9/19/85	08/27/85	50 FR 34725
Final Action	07/00/86	

Small Entity: No

Agency Contact: Paul A. Mayrand, Director, Office of Special Targeted, Programs, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 6122, PHBldg., Washington, DC 20213, 202 376-6225

RIN: 1205-AA29

1402. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Significance: Regulatory Program

Legal Authority: 19 USC 2320.

CFR Citation: 20 CFR 617

Legal Deadline: None

Abstract: This regulation would implement provisions of the Deficit Reduction Act of 1984 amending the Trade Act of 1974. The legislation amends Section 233(a)(3), to enable workers to collect the extra 26 weeks of Trade Adjustment Assistance (TRA) beginning with the first week the worker enters training if the training has not been approved until after the last week of entitlement to basic TRA. It also amends Sections 237 and 238 of the Trade Act to increase the maximum job search allowance to $800 (from $600) and the maximum lump-sum relocation allowance to $800 (from $600).(Since the proposed rule is supplemental to proposed rule at 20 CFR Part 635, the actual date of issuance of this rule as a final rule is dependent upon publication as a final rule of the amendments to The Trade Act of 1974 in Title XXV of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35).

Timetable:

Action	Date	FR Cite
NPRM	04/15/85	50 FR 14720
NPRM Comment Period End	05/15/85	50 FR 14720
Final Action	09/00/86	

Small Entity: No

Additional Information: Legislation i.e., effective upon enactment (July 18, 1984)

Government Levels Affected: State, Federal

Agency Contact: Marvin M. Fooks, Director, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 6434, PHBldg., Washington, DC 20213, 202 376-2646

RIN: 1205-AA31

1403. LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN AGRICULTURE AND LOGGING IN THE UNITED STATES

Legal Authority: 8 USC 1101(a)(15)(H)(ii); 8 USC 1184

CFR Citation: 20 CFR 655, Subpart C

Legal Deadline: None

Abstract: Current regulations state that when employers provide meals they may charge the worker no more than $4.00 per day. There are exceptions in cases where employers document costs exceeding $4.00 in support of higher meal charges. In such instances, a ceiling of $5.00 per day may be charged if approved by the RA. These charges were established in 1980, and do not reflect the higher costs for food that currently exist. ETA proposes to increase the amount employers can charge workers for three meals per day.

Timetable:

Action	Date	FR Cite
NPRM	12/10/85	50 FR 50313
NPRM Comment Period End	01/09/86	50 FR 50313
Final Action	03/00/86	
Final Action Effective	03/00/86	

Small Entity: No

Affected Sectors: 016 Vegetables and Melons; 017 Fruits and Tree Nuts; 019 General Farms, Primarily Crop; 071 Soil Preparation Services; 072 Crop Services

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certification, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 8122, PHBldg., Washington, DC 20213, 202 376-6228

RIN: 1205-AA34

1404. LABOR CERTIFICATION PROCESS FOR TEMPORARY EMPLOYMENT OF ALIEN WORKERS IN AGRICULTURE: MONTANA ADVERSE EFFECT WAGE RATE

Legal Authority: 8 USC 1101(a)(15)(H)(ii); 8 USC 1184

CFR Citation: 20 CFR 655, Subpart C

Legal Deadline: None

Abstract: Propose to add Montana to the list of States in which annual adverse effect wage rates are established.

Timetable:

Action	Date	FR Cite
NPRM	12/10/85	50 FR 50311
NPRM Comment Period End	01/09/86	50 FR 50311
Final Action	05/00/86	

Small Entity: No

Affected Sectors: 013 Field Crops, Except Cash Grains; 016 Vegetables and Melons; 017 Fruits and Tree Nuts; 019 General Farms, Primarily Crop; 071 Soil Preparation Services; 072 Crop Services

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Div. of Foreign Labor Certifications, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 8122, PHBldg., Washington, DC 20213, 202 376-6228

RIN: 1205-AA48

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Completed Actions

1405. IMPLEMENTATION OF THE DEFICIT REDUCTION ACT (P.L. 98-369) PROVISIONS FOR EXCHANGE OF INCOME AND ELIGIBILITY INFORMATION AMONG FEDERALLY-ASSISTED INCOME MAINTENANCE PROGRAMS

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1320b-7

CFR Citation: 20 CFR 603

Legal Deadline: None

Abstract: P.L. 98-369 (The Deficit Reduction Act) contains provisions which establish an income and eligibility system for exchange of information among state agencies administering programs for AFDC, Medicaid, Food Stamps, SSI, UI and other Grants to states program under Titles I, X and XIV of the Social Security Act. The provisions relate to the use of social security numbers, utilization and exchange of information, reimbursement of costs, accounting systems and protection of data. The provisions for the income and eligibility system take effect for all agencies April 1, 1985, unless the state agency submits a plan of good faith effort requesting waiver of the requirement until September 30, 1986.

Timetable:

Action	Date	FR Cite
NPRM	03/14/85	50 FR 10450
NPRM Comment Period End	04/29/85	50 FR 10450
Final Action	02/28/86	51 FR 7178

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Irene Lynn, Chief, St. Legislative Review/Guidance Group, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7203, PHBldg., Washington, DC 20213, **202 736-7100**

RIN: 1205-AA32

[FR Doc. 86-5775 Filed 04-18-86; 8:45 am]

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL)

Pension and Welfare Benefits Administration (PWBA)

Proposed Rule Stage

1406. 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 plans referred to in Section 404(c) as participant directed individual account plans, 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	05/00/86	
NPRM Comment Period End	07/00/86	
Final Action	04/00/87	

Small Entity: Undetermined

Agency Contact: Shelby J. Hoover, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, **202 523-8658**

RIN: 1210-AA08

1407. LOANS TO PARTICIPANTS

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2550

Legal Deadline: None

Abstract: This rule describes the circumstances under which the exemption in Section 408(b)(1) from the prohibited transaction provisions for loans by a plan to plan participants will be available.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: William Flanagan, Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, **202 523-9592**

RIN: 1210-AA09

1408. ADEQUATE CONSIDERATION

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	03/00/87	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: William Flanagan, Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, **202 523-9592**

RIN: 1210-AA15

1409. AMENDMENT OF SEVERANCE PAY REGULATION

Legal Authority: 29 USC 1135; 29 USC 1002(2)(B)(i)

CFR Citation: 29 CFR 2510.3-2(b)

Legal Deadline: None

Abstract: This regulation would amend the regulation defining severance pay plans at 29 CFR 2510.3-2(b) to clarify when a severance pay arrangement constitutes a pension plan for purposes of Title I of ERISA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

DOL—PWBA

Proposed Rule Stage

Agency Contact: Doris F. Jacobs, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, **202 523-8610**

RIN: 1210-AA18

1410. QUALIFIED DOMESTIC RELATIONS ORDERS UNDER THE RETIREMENT EQUITY ACT

Legal Authority: 29 USC 1056(d)(3)(L); 29 USC 1135

CFR Citation: 29 CFR 2530

Legal Deadline: None

Abstract: This regulation would clarify the application of the qualified domestic relations order provisions of Section 206(d)(3) of ERISA added by the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: Undetermined

Agency Contact: Jean Leahy, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, **202 523-9593**

RIN: 1210-AA19

1411. PROCEDURES FOR ADMINISTRATIVE IMPOSITION OF CIVIL SANCTIONS

Significance: Regulatory Program

Legal Authority: 29 USC 1132 (i); 29 USC 1135

CFR Citation: 29 CFR 2560; 29 CFR 2570

Legal Deadline: None

Abstract: This procedural rule would implement Section 502(i) of ERISA which authorizes the Secretary of Labor to impose civil sanctions against parties in interest (as defined in ERISA Section 3(14)) who engage in prohibited transactions with welfare plans and nonqualified pension plans.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Doris F. Jacobs, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, **202 523-8610**

RIN: 1210-AA20

1412. TOP HAT PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2510

Legal Deadline: None

Abstract: This regulation would provide guidance as to what constitutes an unfunded employee benefit plan maintained primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees ("top hat" plans) for purposes of Title I of ERISA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Jean Leahy, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, **202 523-9593**

RIN: 1210-AA21

1413. THE PAYMENT OF TRUSTEES' LITIGATION EXPENSES

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2550

Legal Deadline: None

Abstract: This proposed regulation will provide guidance on circumstances in which it will be lawful under Title I of ERISA for employee benefit plans to pay the litigation expenses of plan fiduciaries as defined in ERISA Section 3(21). Such guidance will clarify a legal issue about which there has been considerable confusion.

Timetable:

Action	Date	FR Cite
NPRM	01/00/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Kevin E. Sullivan, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, **202 523-9593**

RIN: 1210-AA22

DEPARTMENT OF LABOR (DOL)

Pension and Welfare Benefits Administration (PWBA)

Final Rule Stage

1414. INDIVIDUAL BENEFIT REPORTING - RECORDKEEPING - MULTIPLE EMPLOYER PLANS

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Legal Deadline: None

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in multiple employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the single employer plan benefit reporting regulations.

Timetable:

Action	Date	FR Cite
NPRM Previous	02/09/79	44 FR 8294
NPRM	08/08/80	45 FR 52824
NPRM Comment Period End	10/08/80	
Notice of 11/25/80 Public Hearing	11/12/80	45 FR 74727
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Howard Hensley, Chief, Division of Reporting and Disclosure, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW, Rm N5669, FPBldg., Washington, DC 20210, **202 523-8377**

RIN: 1210-AA02

DOL—PWBA

Final Rule Stage

1415. INDIVIDUAL BENEFIT REPORTING AND RECORDKEEPING FOR SINGLE EMPLOYER PLANS

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Legal Deadline: None

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in single employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the multiple employer plan benefit reporting regulation.

Timetable:

Action	Date	FR Cite
NPRM Previous	02/09/79	44 FR 8294
NPRM	08/01/80	45 FR 51231
Notice of 11/25/80 Public Hearing	11/12/80	45 FR 74728
NPRM Comment Period End	10/01/81	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Howard Hensley, Chief, Division of Reporting and Disclosure, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW, Rm N5669, FPBldg., Washington, DC 20210, **202 523-8377**

RIN: 1210-AA03

1416. PLAN ASSETS REGULATION

Significance: Regulatory Program

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2510

Legal Deadline: None

Abstract: The remaining part of this regulation would clarify what investments constitute assets of an employee benefit plan under ERISA. The regulation had been targeted for review by the President's Task Force on Regulatory Relief. A final rule dealing with the housing portion of the regulation was published on 05/18/82 (47 FR 21241) and became effective on 06/17/82.

Timetable:

Action	Date	FR Cite
Previous NPRM	08/28/79	44 FR 50363
NPRM Previous	06/01/80	45 FR 38084
NPRM	01/08/85	50 FR 961
NPRM Comment Period End	03/11/85	50 FR 961
Public Hearings were held 05/06/85, 05/07/85 and	05/08/85	
Final Action	08/00/86	

Small Entity: No

Agency Contact: Shelby J. Hoover, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, **202 523-8658**

RIN: 1210-AA06

1417. EXEMPTION AND ALTERNATIVE METHOD OF COMPLIANCE FOR ANNUAL REPORTING OF CERTAIN ENTITIES

Significance: Regulatory Program

Legal Authority: 29 USC 1024; 29 USC 1030; 29 USC 1135

CFR Citation: 29 CFR 2520

Legal Deadline: None

Abstract: ERISA and the regulations issued thereunder, require the administrator of an employee benefit plan, unless otherwise exempt, to file annual reports relating to the financial status and activities of the plan. Among other things, the annual report is required to include statements and schedules concerning the assets of the plan and transactions involving those assets. This regulation will provide an alternative method of compliance with the annual reporting requirements for certain employee benefit plans which invest in entities, the underlying assets of which constitute plan assets under the Department's "Plan Assets" regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3362
NPRM Comment Period End	03/25/85	50 FR 3362
Final Action	08/00/86	

Small Entity: No

Agency Contact: George Holmes, Plan Benefit Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW, Rm N4472, FPBldg., Washington, DC 20210, **202 523-8515**

RIN: 1210-AA14

1418. DEFINITION OF PLAN ASSETS -- EMPLOYEE CONTRIBUTIONS

Significance: Regulatory Program

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2550

Legal Deadline: None

Abstract: This regulation would describe when monies paid to, or withheld by, an employer as contributions to an employee benefit plan are considered "Plan Assets" for purposes of Title I of ERISA and certain related provisions of the Internal Revenue Code. Proposed regulations dealing with this matter were published by the Department on August 28, 1979, and June 6, 1980.

Timetable:

Action	Date	FR Cite
NPRM	08/28/79	44 FR 50363
NPRM Comment Period End	01/07/80	
Public Hearings	02/27/80	
NPRM	06/06/80	45 FR 38084
Final Action	07/00/86	

Small Entity: No

Additional Information: Subpart of RIN 1210-AA06 (Definition of Plan Assets) which will be handled separately.

Agency Contact: Rudolph Nuissl, Plan Benefit Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, **202 523-8671**

RIN: 1210-AA16

DEPARTMENT OF LABOR (DOL)

Pension and Welfare Benefits Administration (PWBA)

Completed Actions

1419. PARTICIPATION OF SELF-REGULATORY ORGANIZATIONS IN THE PROHIBITED TRANSACTION EXEMPTION PROCESS

Legal Authority: 29 USC 1108 (a); Sec. 101 Reorganization Plan No. 4 of 1978

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Department has solicited public comment concerning methods of enhancing private sector participation in the processing of exemptions from the prohibited transaction provisions of ERISA. Following an analysis of the comments received in response to the Department's solicitation, a determination will be made as to what future action is appropriate.

Timetable:

Action	Date	FR Cite
Begin Review	11/15/84	
Solicitation of comments	12/10/84	49 FR 48111
Comment Period ends	02/08/85	
End Review Based on options developed, no further action anticipated.	11/29/85	

Small Entity: Undetermined

Agency Contact: Robert Doyle, Deputy Assistant Administrator, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW, Rm C4526, FPBldg., Washington, DC 20210, **202 523-6958**

RIN: 1210-AA17

[FR Doc. 86-5775 Filed 04-18-86; 8:45 am]

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL)

Mine Safety and Health Administration (MSHA)

Prerule Stage

1420. REVIEW OF SELF-CONTAINED SELF RESCUE DEVICES (SCSR) STANDARDS APPLICABLE TO COAL MINING

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1714

Legal Deadline: None

Abstract: The Self-Contained Self Rescue Devices (SCSR) Standards are part of the overall coal review of high priority standards. These standards would be revised to incorporate technological advances. MSHA has deferred further rulemaking on SCSR's at this time. The agency has not determined its next action. Further information concerning this rulemaking will be available in the next Agenda.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	07/01/83	48 FR 30589
ANPRM Comment Period End	08/30/83	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA08

1421. UNDERGROUND COAL MINE ELECTRICAL STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.500; 30 CFR 75.600; 30 CFR 75.700; 30 CFR 75.800; 30 CFR 75.900; 30 CFR 75.1000

Legal Deadline: None

Abstract: The Electrical Standards are part of the overall coal review of high priority standards. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
End Review	12/00/84	
ANPRM	04/00/86	
NPRM	03/00/87	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA10

1422. REVIEW OF HOISTING AND TRANSPORTATION OF PERSONS AND MATERIAL STANDARDS APPLICABLE TO COAL MINING

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1400

Legal Deadline: None

Abstract: The hoisting and transportation standards are part of the overall coal review of high priority standards. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry. MSHA has deferred rulemaking on this project at this time. Further information concerning the agency's next action will be available in the next Agenda.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	07/01/83	48 FR 30589
ANPRM Comment Period End	08/30/83	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA12

DOL—MSHA

Prerule Stage

1423. APPROVAL CRITERIA FOR DIESEL-POWERED EQUIPMENT FOR UNDERGROUND COAL MINES

Significance: Regulatory Program

Legal Authority: Section 508 of the Federal Mine Safety and Health Act of 1977; 30 USC 801 et seq

CFR Citation: 30 CFR 36

Legal Deadline: None

Abstract: The atmosphere of underground coal mines contains methane gas which can quickly accumulate in explosive concentrations. To protect against gas ignitions and mine explosions, the Federal Mine Safety and Health Act of 1977 requires that mining equipment be built in accordance with certain performance standards. To administer these requirements, MSHA has established a mining equipment approval system, including evaluation criteria. At present, approximately 88 underground coal mines are using about 1100 pieces of diesel equipment. Existing MSHA approval criteria do not, however, apply to this equipment. Existing MSHA regulations (30 CFR 36) apply only to diesel equipment for noncoal mines and tunnels. MSHA has encouraged coal mine operators to voluntarily use diesel-powered equipment approved for noncoal mines. This effort has not been completely successful. Cost estimates have not been calculated. However, costs could arise from the purchase and maintenance of approved diesel equipment and for environmental controls. The major benefit would be increased productivity resulting from elimination of electric trailing cables, and increased (cont)

Timetable:

Action	Date	FR Cite
ANPRM	09/00/86	

Small Entity: Yes

Additional Information: ABSTRACT CONT: safety possible in areas such as materials handling when diesels are used to replace electric equipment.

ADDITIONAL INFORMATION: Regulations acknowledging the use of diesel-powered equipment in underground coal mines highlight issues regarding exposure limits for diesel fumes, raising potential policy issues regarding appropriate health standards.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA27

1424. APPROVAL CRITERIA FOR RESPIRATORY PROTECTIVE DEVICES

Significance: Regulatory Program

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 11

Legal Deadline: None

Abstract: Under the 1977 Mine Act, MSHA and the National Institute for Occupational Safety and Health (NIOSH) jointly approve respirators for use in hazardous atmospheres. Recent problems in field use of respirators suggest that the present laboratory tests for respirators may not accurately predict their effectiveness during actual use. In addition, new technology has been developed which cannot be accommodated by the existing regulations. In determining alternatives, MSHA will first reexamine its role in the joint approval process. Under the existing procedures, most of the respirators approved are for non-mining applications. Therefore, MSHA will reassess the extent of its role in the approval process. Another alternative would be to replace federal testing with private sector testing according to federal specifications. Benefits could include improved respirators for field use and a faster approval process. However, the private sector testing alternative could be expected to raise costs for manufacturers because of market prices for testing products.

Timetable:

Action	Date	FR Cite
Under Review Pending Joint Agency Decision for Rulemaking	04/00/86	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va 22203, 703 235-1910

RIN: 1219-AA30

1425. ● SURFACE COAL MINE ELECTRICAL STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 77.500; 30 CFR 77.600; 30 CFR 77.700; 30 CFR 77.800; 30 CFR 77.900; 30 CFR 77.1000; 30 CFR 77.1800

Legal Deadline: None

Abstract: The Electrical Standards for surface coal mines is a new entry that is being included in the overall review of high priority coal standards. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry. Further, the agency will be reviewing the existing incorporations by reference with a goal of including more performance-oriented standards.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/86	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA32

1426. ● NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS INJURIES, ILLNESSES, EMPLOYMENT, AND COAL PRODUCTION IN MINES

Significance: Regulatory Program

Legal Authority: 30 USC 957; 30 USC 813(d)

CFR Citation: 30 CFR 50

Legal Deadline: None

Abstract: This is a new entry. It concerns MSHA's requirements for reporting of accidents, injuries and illnesses in coal and noncoal mines. Over the last several months, concerns have been raised about the nature of the reporting requirements, including possible instances of under-reporting. MSHA has established an intra-agency task force to review field reporting experience. Depending upon the task force findings, MSHA will decide whether or not to initiate rulemaking.

DOL—MSHA

Prerule Stage

Timetable:

Action	Date	FR Cite
Begin Review	12/00/85	
Task Force Report Completed	03/03/86	

Small Entity: Yes

Additional Information: MSHA will decide on the need for rulemaking after review of the task force report.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA33

DEPARTMENT OF LABOR (DOL)
Mine Safety and Health Administration (MSHA)

Proposed Rule Stage

1427. PATTERN OF VIOLATIONS

Significance: Regulatory Program

Legal Authority: 30 USC 814(e); 30 USC 957

CFR Citation: 30 CFR 104

Legal Deadline: None

Abstract: The 1977 Mine Act provides for issuance of withdrawal orders to mines having a pattern of serious violations until the mine is completely free of such violations. A 1980 proposed rule would have set criteria for determining if a "pattern of violations" exists. Commenters generally opposed the proposal stating that it was complex, too statistically-oriented and vague. In addition, since the proposal was published, the statutory concept of "significant and substantial violations" (S&S) has been redefined by the Federal Mine Safety and Health Review Commission. S&S violations are a critical element in the statutory provisions. For these reasons, MSHA withdrew the 1980 proposal and issued an ANPRM that outlines new procedures for implementing the statutory provision for pattern of violations.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/85	50 FR 5470
Withdrawal of 1980 NPRM	02/08/85	50 FR 5470
Extension of Comment Period to 5/10/85	04/05/85	50 FR 13617
ANPRM Comment Period End	04/09/85	50 FR 5470
NPRM	08/00/86	

Small Entity: Yes

Additional Information: Public hearings would most likely be held during December 1986.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA04

1428. PROCEDURES FOR APPROVAL OF MINING EQUIPMENT

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 7

Legal Deadline: None

Abstract: This would be a new Part. Under existing regulations, certain equipment must be approved by MSHA prior to use in underground mines. In lieu of MSHA testing, the proposal would permit manufacturers or independent laboratories to test certain equipment prior to issuance of the Agency's approval.

Timetable:

Action	Date	FR Cite
ANPRM	03/04/83	48 FR 09475
Notice of Public Meetings	03/18/83	48 FR 11665
ANPRM Comment Period End	05/03/83	
NPRM	02/06/86	51 FR 4686
NPRM Comment Period End	04/07/86	51 FR 4686
Public Hearing (announced 2/6/86, 51 FR 4686)	06/00/86	
Final Action	02/00/87	

Small Entity: Yes

Additional Information: Public hearings will most likely be held during June 1986.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA06

1429. UNDERGROUND COAL MINE VENTILATION

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.300

Legal Deadline: None

Abstract: The Ventilation Standards are part of the overall coal review of high priority standards. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
End Review	12/00/84	
ANPRM	11/19/85	50 FR 47702
Extension of ANPRM Comment Period to 4/4/86	02/14/86	51 FR 5546
ANPRM Comment Period End	02/18/86	
NPRM	12/00/86	
Public Hearing (announced 2/14/85)	04/00/87	

Small Entity: Yes

Additional Information: Public hearings would most likely be held during April 1987.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA11

1430. REVIEW OF METAL AND NONMETAL ELECTRICITY STANDARDS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.12000; 30 CFR 57.12000

Legal Deadline: None

Abstract: The electricity standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/83	45 FR 19267
ANPRM	05/20/83	48 FR 22895
ANPRM Comment Period End	07/19/83	
NPRM	07/00/86	

Small Entity: Yes

Additional Information: Public hearings will most likely be held in December 1986.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA14

1431. EXPLOSIVES AND BLASTING IN UNDERGROUND COAL MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1300

Legal Deadline: None

Abstract: The Explosives Standards are part of the overall coal review of high priority standards. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	05/08/84	49 FR 19601
ANPRM Comment Period End	07/20/84	49 FR 19601
NPRM	04/00/86	
Final Action	09/00/86	

Small Entity: Yes

Additional Information: Public hearings will most likely be held during August 1986. See also RIN 1219-AA23 for detailed requirements and timetables of Approval Schedule.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA16

1432. REVIEW OF METAL AND NONMETAL EXPLOSIVES STANDARDS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.6000; 30 CFR 57.6000

Legal Deadline: None

Abstract: The explosives standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	08/20/84	49 FR 33087
Extension of ANPRM Comment Period to 11/16/84	09/25/84	49 FR 37640
ANPRM Comment Period End	10/19/84	
NPRM	06/00/86	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA17

1433. METAL AND NONMETAL AIR QUALITY STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55.5; 30 CFR 56.5

Legal Deadline: None

Abstract: The Air Quality Standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	07/06/83	48 FR 31171
Extension of Comment Period to 10/06/83	08/12/83	48 FR 36789
Extension of Comment Period to 11/07/83	09/16/83	48 FR 41747
ANPRM Comment Period End	11/07/83	
NPRM	09/00/86	

Small Entity: Yes

Additional Information: Public hearing will most likely be held during February 1987.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA21

1434. APPROVAL REQUIREMENTS FOR EXPLOSIVES AND SHEATHED EXPLOSIVE UNITS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 15

Legal Deadline: None

Abstract: The explosives approval schedules are part of the overall coal review of high priority standards. The schedules in 30 CFR Part 15 list requirements for approval of explosives and sheathed explosive units.

Timetable:

Action	Date	FR Cite
ANPRM	06/05/84	49 FR 23281
ANPRM Comment Period End	08/10/84	
NPRM	06/00/86	

Small Entity: Yes

Additional Information: Public hearings would most likely be held during October 1986.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA23

1435. MINE PLAN APPROVALS

Significance: Regulatory Program

Legal Authority: 30 USC 957

CFR Citation: 30 CFR Chapter I

Legal Deadline: None

Abstract: Members of the mining community have recommended a proposal that they believe would encourage more cooperative efforts in developing mine plans and provide for an equal appeal procedure for disputed matters. Specifically, the proposal would (1) establish time frames for MSHA and mine operator actions on mine plans, (2) specify that the agreed upon provisions would take effect immediately, (3) provide that citations be issued regarding plan provisions upon which the operator and District Manager cannot agree, (4) establish guidelines for the abatement of such citations and (5) provide for the review of these citations before the Federal Mine Safety and Health Review Commission.

Timetable:

Action	Date	FR Cite
Request for comments	03/22/85	50 FR 11644
NPRM	08/00/86	

Small Entity: Yes

Additional Information: Public hearings would most likely be held in December 1986.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA26

1436. METAL AND NONMETAL RADIATION STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57.5037 to 57.5047

Legal Deadline: None. However, the Agency has submitted a projected schedule to the court.

Abstract: MSHA is reviewing its existing metal and nonmetal ionizing radiation standards. The agency has identified specific issues with respect to possible regulatory action. The purpose of this review is to evaluate the adequacy of the existing standards in providing appropriate protection for mines exposed to radiation hazards in surface and underground operations.

Timetable:

Action	Date	FR Cite
Request for Comments	01/29/85	50 FR 4144
Extension of Comment Period to 6/3/85	03/22/85	50 FR 11638
ANPRM	11/19/85	50 FR 47700
ANPRM Comment Period End	02/18/86	
NPRM	10/00/86	

Small Entity: Yes

Additional Information: Public hearings will most likely be held during February 1987.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA28

1437. UPDATING FEES ASSOCIATED WITH EQUIPMENT APPROVALS

Significance: Regulatory Program

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 11 to 36

Legal Deadline: None

Abstract: This rulemaking would revise MSHA's existing system of charging fees for the testing, evaluation, and approval of products manufactured for use in mines. Most of the existing fees have not changed since 1965, and no longer reflect the cost to the government for providing the services involved. The rulemaking would establish a procedure for updating fees periodically to reflect the current cost of providing these services and would establish fees for services for which applicants currently are not charged.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Yes

Additional Information: Public hearings will most likely be held during August 1986.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA29

DEPARTMENT OF LABOR (DOL)

Mine Safety and Health Administration (MSHA)

Final Rule Stage

1438. UNDERGROUND COAL MINE ROOF CONTROL

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.200

Legal Deadline: None

Abstract: The Roof Control Standards are part of the overall coal review of high priority standards. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	09/02/83	48 FR 40165
ANPRM Comment Period End	11/18/83	48 FR 40165
NPRM	10/15/85	50 FR 41784
Extension of Comment Period to 02/17/86	12/13/85	50 FR 50925
Final Action	01/00/87	

Small Entity: Yes

Additional Information: The comment period on all issues except the two-entry task force recommendations closed in December 1985. The task force report recommendations remained open until 02/17/86. Public hearings were held during February 1986.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA13

1439. METAL AND NONMETAL GASSY MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57.21000

Legal Deadline: None

Abstract: The Gassy Mine Standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/83	45 FR 19267
ANPRM	06/10/83	48 FR 27025
ANPRM Comment Period End	08/09/83	
Extension of Comment Period to 09/09/83	08/12/83	48 FR 36789
NPRM	06/04/85	50 FR 23612
Extension of Comment Period to 09/05/85	07/19/85	50 FR 29437
NPRM Comment Period End	08/05/85	50 FR 23612
Notice of Public Hearings	09/17/85	50 FR 37815
Final Action	09/00/86	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA15

1440. SAFETY STANDARDS FOR LOADING, HAULING AND DUMPING AT METAL AND NONMETAL MINES

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.9000; 30 CFR 57.9000

Legal Deadline: None

Abstract: The Loading, Hauling and Dumping Standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry. After consideration of the public rulemaking records relating to both the machinery and equipment and loading, hauling and dumping standards, the agency has decided to reorganize the standards to more accurately and clearly address the hazards.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	04/22/83	48 FR 17513
ANPRM Comment Period End	06/21/83	
NPRM	12/18/84	49 FR 49202
Extension of time to comment to 03/22/85	01/25/85	50 FR 3681
NPRM Comment Period End	02/19/85	49 FR 49202
Notice of Public Hearings	07/03/85	50 FR 27566
Final Action	11/00/86	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA18

1441. SAFETY STANDARDS FOR MACHINERY AND EQUIPMENT AT METAL AND NONMETAL MINES

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.14000; 30 CFR 57.14000

Legal Deadline: None

Abstract: The Machinery and Equipment Standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burden on the industry. After consideration of the public rulemaking records relating to both the machinery and equipment and loading, hauling and dumping standards, the agency has decided to reorganize the standards to more accurately and clearly address the hazards.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	02/11/83	48 FR 6489
ANPRM Comment Period End	04/15/83	
NPRM	03/06/84	49 FR 8375

DOL—MSHA

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	05/07/84	49 FR 8375
Notice of Public Hearings	05/21/84	49 FR 21494
Final Action	11/00/86	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA19

1442. METAL AND NONMETAL GROUND CONTROL STANDARDS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.3000; 30 CFR 57.3000

Legal Deadline: None

Abstract: The ground control standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	03/11/83	48 FR 10593
ANPRM Comment Period End	05/11/83	
NPRM	03/06/84	49 FR 8368
NPRM Comment Period End	05/07/84	49 FR 8368
Notice of Public Hearings	05/21/84	
Final Action	05/00/86	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA22

[FR Doc. 86-5775 Filed 04-18-86; 8:45 am]

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DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Office of the Assistant Secretary for Administration and Management (OASAM)

1443. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF LABOR

Significance: Regulatory Program

Legal Authority: 29 USC 794; 42 USC 6101 to 6107; 42 USC 2000d to 2000d-4; 20 USC 1681 to 1683; 15 USC 3151; 29 USC 1501 et seq; 20 USC 1685

CFR Citation: 29 CFR 31

Legal Deadline: Statutory, October 1, 1983. The statutory effective date for JTPA implementing regulations is 10/01/83; the ADA required implementing regulations within 90 days of the HHS guidance regulation which was published on June 12, 1979.

Abstract: DOL's existing regulations implementing Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, as amended have been revised as a single comprehensive civil rights regulation covering all DOL statutory authority relating to nondiscrimination in Federally assisted programs with uniform administrative and enforcement procedures.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	12/00/86	

Small Entity: No

Additional Information: Draft regulations have been submitted to DOJ and EEOC for approval under E.O. 12250 and E.O. 12067, respectively. The Department is currently awaiting DOJ's final approval of the regulations. Upon receipt of the approval letter from the Assistant Attorney General, DOL will forward the regulations to the Office of Management and Budget for review.

Public Compliance Cost: Initial Cost: $0

Affected Sectors: None

Government Levels Affected: Local, State

Agency Contact: William J. Harris, Director, Office of Civil Rights, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm N4123, FPBldg., Washington, DC 20210, 202 523-8927

RIN: 1291-AA02

1444. DEPARTMENT OF LABOR ACQUISITION REGULATION (DOLAR) IMPLEMENTATION OF COMPETITION IN CONTRACTING ACT OF 1984 (CICA) (PUB. L. 98-369) INTO DOLAR

Significance: Agency Priority

Legal Authority: 5 USC 301; 29 USC 551; 40 USC 486(c); 41 USC 401; PL 98-369, Sec 2701; EO 12352; EO 12291

CFR Citation: 48 CFR 29

Legal Deadline: None

Abstract: Develop Department of Labor Acquisition Regulations to implement new regulations incorporated into the Federal Acquisition Regulation (FAR) mandated by the Competition in Contracting Act of 1984 (Pub. L. 98-369).

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
NPRM Comment Period End	06/00/86	
Final Action	09/00/86	
Final Action Effective	09/00/86	

Small Entity: No

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Theodore Goldberg, Director, Office of Procurement & Grant Pol, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm S1522, FPBldg., Washington, DC 20210, 202 523-9174

RIN: 1291-AA06

1445. ● CLOSEOUT REQUIREMENTS FOR GRANTS, CONTRACTS, AND OTHER AGREEMENTS

Significance: Agency Priority

DOL—OASAM **Proposed Rule Stage**

Legal Authority: 5 USC 301; 29 USC 801 et seq; 29 USC 795; 30 USC 801 et seq; 29 USC 651 et seq; 42 USC 3011 et seq; 42 USC 501 et seq; 42 USC 1101 et seq; 42 USC 1321 et seq; 29 USC 49 et seq; OMB Circular No. A-102; OMB Circular No. A-110

CFR Citation: 29 CFR 97

Legal Deadline: None

Abstract: Proposed administrative requirements for grants and agreements to provide uniform closeout procedures.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
NPRM Comment Period End	05/00/86	
Final Action	08/00/86	
Final Action Effective	09/00/86	

Small Entity: No

Agency Contact: Thomas K. Delaney, Deputy Director, Directorate of Procurement, and Grant Management, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm S1522, FPBldg., Washington, DC 20210, 202 523-9174

RIN: 1291-AA09

1446. ● PUBLIC CONTRACTS AND PROPERTY MANAGEMENT; FEDERAL STANDARDS FOR AUDIT OF FEDERALLY FUNDED GRANTS, CONTRACTS AND AGREEMENTS

Significance: Agency Priority

Legal Authority: 5 USC 301; 31 USC 7505(a); OMB Circular No. A-128; OMB Circular No. A-110

CFR Citation: 29 CFR 96

Legal Deadline: None

Abstract: Amends administrative requirements for audit by adding sections on audit resolution and audit appeals.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
NPRM Comment Period End	05/00/86	
Final Action	08/00/86	
Final Action Effective	09/00/86	

Small Entity: No

Agency Contact: Thomas K. Delaney, Deputy Director, Directorate of Procurement, and Grant Management, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm S1522, FPBldg., Washington, DC 20210, 202 523-9174

RIN: 1291-AA10

DEPARTMENT OF LABOR (DOL) — Final Rule Stage

Office of the Assistant Secretary for Administration and Management (OASAM)

1447. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF LABOR PROGRAMS

Significance: Regulatory Program

Legal Authority: 29 USC 794

CFR Citation: 29 CFR 33

Legal Deadline: None

Abstract: Before the 1978 Amendments to Section 504 of the Rehabilitation Act of 1973, Congress had not held Federal Agencies to the same standard of accessibility to which recipients of Federal assistance were held. This proposed regulation would not require DOL to take any action when it can demonstrate that taking such action would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. This regulation would require, however, that persons with handicaps, who are eligible for and who can achieve the purpose of a federally-conducted program or activity, be allowed access to that program or activity. Effective communication would also be required with applicants, participants, personnel, and members of the public that have impaired vision or hearing.

Timetable:

Action	Date	FR Cite
NPRM	07/02/85	50 FR 27298
NPRM Comment Period End	10/25/85	50 FR 27298
Final Action	06/30/86	

Small Entity: No

Additional Information: Regulation was approved by EEOC 12/84 and has been submitted to DOJ for review under E.O. 12250.

Agency Contact: William J. Harris, Director, Office of Civil Rights, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm N4123, FPBldg., Washington, DC 20210, 202 523-8927

RIN: 1291-AA04

DEPARTMENT OF LABOR (DOL)

Completed Actions

Office of the Assistant Secretary for Administration and Management (OASAM)

1448. ADMINISTRATIVE REQUIREMENTS GOVERNING ALL GRANTS AND AGREEMENTS BY WHICH DEPARTMENT OF LABOR AGENCIES AWARD FUNDS TO STATE AND LOCAL GOVERNMENTS, INDIAN AND NATIVE AMERICAN ENTITIES, ETC

Significance: Agency Priority

Legal Authority: 5 USC 301; 29 USC 801 et seq; 29 USC 795; 30 USC 801 et seq; 29 USC 651 et seq; 42 USC 3011 et seq; 42 USC 501 et seq; 42 USC 1101 et seq; 42 USC 1321 et seq; 29 USC 49 et seq; OMB Circular No. A-102; OMB Circular No. A-110; PL 97-300; EO 12291

CFR Citation: 41 CFR 29 to 70

Legal Deadline: None

Abstract: Revise Department of Labor audit and closeout regulations governing grants and agreements awarded by the Department of Labor.

Timetable:

Action	Date	FR Cite
This regulation was split into two The two new rin numbers are 1291-AA09 and 1291-AA10.	02/10/85	

Small Entity: No

Additional Information: TITLE CONT: Public and Private Institutions of Higher Education and Hospitals, and other Quasi-Public and Private Nonprofit Organizations

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Thomas Delaney, Dep. Dir., Dir of Procurement & Grant Mgmt., Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm S1522, FPBldg., Washington, DC 20210, 202 523-8904

RIN: 1291-AA05

1449. IMPLEMENTATION OF THE SINGLE AUDIT ACT OF 1984

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 29 CFR 96

Legal Deadline: None

Abstract: This rule would provide for independent audits on an organization-wide basis of financial operations of Federal grantees that are State or local governments or Indian tribal governments that receive Federal assistance as well as Universities, hospitals and non-profit organizations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/08/85	50 FR 32050
Interim Final Effective	08/08/85	50 FR 32050
Interim Final Action Interim final became final 10/08/85--60 days after effective date	08/08/85	50 FR 32050

Small Entity: No

Additional Information: Previous Action RIN 1292-AA01, Federal and Non-Federal Audit Requirements

Agency Contact: Thomas Delaney, Dep. Dir., Dir of Procurement & Grant Mgmt., Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm S1522, FPBldg., Washington, D.C. 20210, 202 523-8904

RIN: 1291-AA07

[FR Doc. 86-5775 Filed 04-18-86; 8:45 am]
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DEPARTMENT OF LABOR (DOL)

Prerule Stage

Occupational Safety and Health Administration (OSHA)

1450. CARCINOGEN POLICY

Significance: Regulatory Program

Legal Authority: 29 USC 653; 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1990

Legal Deadline: None

Abstract: The Carcinogen Policy describes the criteria and procedures OSHA will use to identify, classify, and then regulate carcinogens. The Policy also establishes a process for screening chemicals and for setting priorities for potential rulemaking activities. The validity of the scientific criteria set forth in the policy and the cost-effectiveness of the rule are being reexamined. The original standard was issued in 1980 before the Supreme Court "benzene" decision on significant risk. Thereafter, a final rule deleting provisions of the Carcinogen Policy that were inconsistent with the benzene decision was published on 01/19/81 (46 FR 4889). A proposal was published on 01/23/81 (46 FR 7402) to permit alternatives to the risk analysis section of the carcinogen policy to be addressed. The proposal was withdrawn on 03/27/81 (46 FR 19000). An advance notice of proposed rulemaking was published on 01/05/82 (47 FR 187) with comments due by 04/05/82. That document also proposed to stay the publication of the candidate and priority lists. The final stay was published on 01/04/83 (48 FR 241). As part of its evaluation of the policy, OSHA is reviewing the public comments received in response (cont)

Timetable:

Action	Date	FR Cite
ANPRM	01/05/82	47 FR 187
End of Comment Period on stay	02/19/82	
ANPRM Comment Period End	04/05/82	
Stay published	01/04/83	48 FR 241
Decision whether to proceed with a proposed revision to the regulation	05/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT:to the document published by the Office of Science and Technology Policy entitled, "Chemical Carcinogens, Review of the Science and its

Associated Principles, May 1984" and is reviewing the later version of that document which was published March 14, 1985. OSHA is participating in the review of principles of risk assessment initiated by the Executive Office of the President in May 1985 under the chairmanship of NSF and OSTP. The results of this review will also be considered.

Government Levels Affected: Federal

Agency Contact: Barry J. White, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA01

1451. 4,4'-METHYLENEDIANILINE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: Not yet determined

Legal Deadline: Statutory, February 15, 1986. Under provisions of Section 9 of the Toxic Substances Control Act. OSHA must respond to EPA concerning its referral of a substance for regulatory action within the time period specified by the EPA Administrator.

Abstract: 4,4'-Methylenedianiline (MDA) is a chemical used primarily to manufacture methylenediphenyl diisocyanate, which is used to make polyurethane foams and elastomers. Recent scientific data indicate that MDA is a carcinogen in animals and a potential carcinogen in humans. In 1983, OSHA and the Environmental Protection Agency participated in a joint effort to publish an advance notice of proposed rulemaking to solicit information on MDA production and use, estimates of environmental and occupational exposure, and studies of its toxic and carcinogenic effects. EPA has evaluated the data received in response to the advance notice and has concluded that the chemical presents an unreasonable risk of injury to the health of exposed workers. Under the provisions of section 9(a) of the Toxic Substances Control Act, EPA referred MDA to OSHA for action, giving OSHA 180 days to respond (due 1/5/86). OSHA responded to the EPA referral on 2/26/86. OSHA is in the process of establishing a mediated rulemaking advisory committee to participate in the development of a proposed regulation for MDA.

Timetable:

Action	Date	FR Cite
ANPRM	09/20/83	48 FR 42836
ANPRM Comment Period End	11/23/83	48 FR 42836
TSCA section 9(a) referral from EPA	07/05/85	50 FR 27674
Published notice soliciting participation on mediated rulemaking advisory committee	10/22/85	50 FR 42789
Extension of time for submission of advisory committee nominations	11/26/85	50 FR 48655
Deadline for submission of advisory committee nominations	12/23/85	50 FR 48655
Selection of advisory committee members and notice of first meeting	04/00/86	
NPRM	10/00/86	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Barry J. White, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA58

1452. ● MANUAL LIFTING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Nation's number one injury problem is back injuries. These injuries account for one of five compensation claims and one of four dollars expended for compensation. The purpose of the proposed request for comments and information is to enable OSHA to determine a course of action--possibly either formal rulemaking or informal guidance-aimed at reducing the number of back-related injuries which result from improper manual lifting. The request will identify a number of approaches to improving manual lifting, and invite public comments and suggestions. Specific engineering and administrative controls should reduce the pain, suffering, and lost time of the workforce as well as reduce the associated economic costs.

Timetable:

Action	Date	FR Cite
Request for Information-Manual Lifting-Related Injuries	06/00/86	

Small Entity: Undetermined

Affected Sectors: All

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA95

1453. ● METHYLENE CHLORIDE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None. There is no deadline unless EPA refers this substance to OSHA for action under Section 9 of TSCA.

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 response to the UAW petition OSHA has announced that it will issue a set of DCM guidelines and is in the process of preparing an advance notice of proposed rulemaking. The Agency has not yet issued a decision concerning an emergency temporary standard.

DOL—OSHA

Prerule Stage

Timetable:

Action	Date	FR Cite
ANPRM	07/00/86	
Response to UAW Petition	07/00/86	
ANPRM Comment Period End	09/00/86	

Small Entity: Undetermined

Agency Contact: Barry J. White, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA98

DEPARTMENT OF LABOR (DOL)
Occupational Safety and Health Administration (OSHA)

Proposed Rule Stage

1454. OCCUPATIONAL EXPOSURES TO TOXIC SUBSTANCES IN LABORATORIES

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1450

Legal Deadline: None

Abstract: Existing OSHA standards are designed to protect employees who are engaged in work involving exposure to only a few toxic chemicals during relatively standardized, continuous or repetitive processes. In contrast, laboratory workers are exposed to a multitude of toxic substances under frequently changing or unpredictable conditions. OSHA will examine whether prudent work practices and protective equipment, chosen for the specific facility and task, are more effective, feasible and economical for laboratory work than adhering to OSHA's current substance-specific exposure standards.

Timetable:

Action	Date	FR Cite
ANPRM	04/14/81	46 FR 21785
ANPRM Comment Period End	07/15/81	
NPRM *	04/00/86	
Public Hearings	06/00/86	
Final Action	03/00/87	

Small Entity: Undetermined

Agency Contact: Barry J. White, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA00

1455. RESPIRATORY PROTECTION

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.134; 29 CFR 1915.152; 29 CFR 1918.102; 29 CFR 1926.103

Legal Deadline: None

Abstract: The present respiratory protection standards have been in place for more than 10 years and do not take into consideration the current state-of-the-art for respiratory protection. In addition, the general industry standard for respirators contains redundancies and includes several advisory provisions which should be eliminated or changed. OSHA is reviewing the current standards and intends to propose revisions following its analysis of the standard and other comments and information received in response to the ANPRM published 05/14/82 and the preproposal draft that was circulated for comment in September 1985.

Timetable:

Action	Date	FR Cite
ANPRM	05/14/82	47 FR 20803
ANPRM Comment Period End	09/13/82	
Public comment period onpreproposal draft ends	11/29/85	
NPRM	08/00/86	
Public hearings on proposal	12/00/86	
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: Barry J. White, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA05

1456. HAZARD COMMUNICATION

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1200

Legal Deadline: None

Abstract: On May 24, 1985, the U.S. Court of Appeals for the Third Circuit directed the Secretary of Labor to reconsider application of the Hazard Communication standard and to consider extending the application of the standard to employers in industries other than manufacturing unless he can state reasons why such application would not be feasible. Because the public rulemaking record for the Hazard Communication standard developed prior to OSHA's promulgation of the rule on November 23, 1983 does not contain sufficient information on industries other than those in the manufacturing sector, OSHA will begin rulemaking action to determine whether extension of the standard to cover other industry sectors is feasible.

Timetable:

Action	Date	FR Cite
ANPRM	11/27/85	50 FR 48794
ANPRM Comment Period End	02/25/86	50 FR 48794
NPRM	11/00/86	
NPRM Comment Period End	02/00/87	

Small Entity: Yes

Agency Contact: Barry J. White, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA08

1457. 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 based on changes that are made to the respiratory protection regulations (29 CFR 1910.134). Proposals regarding revision of the methods of compliance policy will be made after OSHA has made decisions regarding revision of the respiratory protection regulations. Thus, no further regulatory action on this item is expected during the next six months.

Timetable:

Action	Date	FR Cite
ANPRM	02/22/83	48 FR 7473
ANPRM Comment Period End	06/22/83	
NPRM	12/00/86	
Final Action	12/00/87	

Small Entity: Yes

Agency Contact: Barry J. White, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7075**

RIN: 1218-AA28

1458. HAZARDOUS MATERIALS--FLAMMABLE AND COMPRESSED GASES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910, Subpart H

Legal Deadline: None

Abstract: The present Subpart H, Hazardous Materials, standard is out of date and in some respects is oriented towards public safety and property protection. OSHA has been petitioned to cover many other hazardous materials operations where presently it has no standards. It is the purpose of this revision to consolidate the existing standards for flammable and compressed gases by providing general requirements and specific requirements for selected gases which warrant special attention due to their hazards and uses within the industrial environment. The overall intended effect of the revision is to update and simplify the existing requirements while enhancing employee safety and health.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/81	46 FR 7692
ANPRM Comment Period End	02/01/82	46 FR 7692
NPRM	02/00/87	
Final Action	12/00/88	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA31

1459. ELECTRICAL SAFETY-RELATED WORK PRACTICES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.331

Legal Deadline: None

Abstract: Standards are currently under review for the second part (Subpart S of Part 1910) of OSHA's electrical standard which would establish a performance-oriented standard for electrical safety- related work practices to complement the existing electrical installation standards. The proposed standard includes requirements for work performed on or near exposed energized and deenergized parts of electric equipment and includes requirements for both the safe use of the electric as well as the use of personal protection devices.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	06/00/87	

Small Entity: Undetermined

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA32

1460. OIL AND GAS WELL DRILLING AND SERVICING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.270

Legal Deadline: None

Abstract: Employees in oil and gas well drilling and servicing are exposed to a variety of safety hazards which are not specifically covered by present OSHA safety standards. It has proved difficult to apply the existing general industry standards to control the unique nature of this industry. OSHA is considering a standard which will address the unique problems of oil and gas well drilling and servicing.

Timetable:

Action	Date	FR Cite
NPRM	12/28/83	48 FR 57202
NPRM Comment Period End	06/04/84	49 FR 9913
Public Hearing Held 07/24/84 thru	08/10/84	49 FR 9913
NPRM - Second	03/00/87	
End of Comment Period for Second NPRM	06/00/87	

Small Entity: Yes

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA34

DOL—OSHA

Proposed Rule Stage

1461. EXCAVATIONS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.650; 29 CFR 1926.651; 29 CFR 1926.652; 29 CFR 1926.653

Legal Deadline: None

Abstract: This rule prescribes and recommends the minimum measures to be taken to protect employees from injury during excavation work. A revision of the existing rule is being considered because trench and excavation sidewall failures that have resulted in death and injury to workers continue in significant numbers. Claims that the standards are ambiguous and too restrictive, especially with respect to the type of soil involved, have also been made.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
Final Action	08/00/87	

Small Entity: Undetermined

Additional Information: 1. 29 CFR 1926.650 through .653 currently entitled: "Excavations, Trenching, and Shoring.

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA36

1462. 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

Legal Deadline: None

Abstract: The existing standard is being proposed for revision because it is poorly formatted, ambiguous, omits coverage of several areas needing fall protection and is misnamed. The standard has resulted in industry and trade confusion as well as compliance officer misapplication because of its present format and language. (Subpart M)

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	04/00/87	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA37

1463. 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

Legal Deadline: None

Abstract: This standard is being proposed for revision to address several significant problem areas including (1) the maximum distance between the scaffold and the wall; (2) whether cross-bracing may be used in lieu of guardrails; and (3) whether cross-bracing may be used as guardrails. (Subpart L)

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	04/00/87	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA40

1464. SAFETY TESTING/CERTIFICATION (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1907, (Revision); 29 CFR 1910, (Revision); 29 CFR 1935, (New); 29 CFR 1936, (New)

Legal Deadline: Judicial, March 30, 1985. Deadline established pursuant to settlement agreement with laboratory in Maryland; plaintiff has not objected to continued Agency action in the spirit of the agreement.

Abstract: This proposal addresses various requirements in the General Industry standards (Part 1910) for either "safety testing" of certain workplace equipment and materials or the use of equipment/materials "certified for safety." It would include many self-regulatory and standards-developing efforts in the private sector and use already existing systems (in private sector or Government) for (1) the accreditation of testing laboratories and third-party certification programs, and (2) the certification for safety of workplace equipment. New Part 1936 would affect only applicants seeking system recognition by OSHA. New Part 1935 would contain those test methods/procedures already specified in OSHA standards or adopted through 6(b) rulemaking. Amended Part 1910 would (1) clarify employer responsibilities, (2) require valid test results or certifications, and (3) provide uniformity in OSHA terminology for several already-existing requirements and definitions. The remainder of Part 1907 would be revoked.

Timetable:

Action	Date	FR Cite
ANPRM	01/04/83	48 FR 270
ANPRM Comment Period End	03/15/83	48 FR 7204
NPRM	03/06/84	49 FR 8326
NPRM Comment Period End	06/21/84	49 FR 19336
Informal Public Hearing	09/25/84	49 FR 28739
Limited reopening of Proposed Rule until 12/31/84	11/30/84	49 FR 47049
First final Action on Certain Aspects of Proposal	06/00/86	
Reopen Record on other Aspects for new Information	11/00/86	
Final Action	06/00/87	

Small Entity: No

Additional Information: 1. Settlement agreement: MET Electrical Testing Company, Inc. v. Raymond J. Donovan, Secretary of Labor: Civil No. Y-82-1133, in the U.S. District Court for the District of Maryland. 2. ANPR Title: "Accreditation of Testing Laboratories" 3. NPRM Title: "Safety Testing or Certification of Certain Workplace

Equipment and Materials (formerly entitled Accreditation of Testing Laboratories)."

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, Washington, D.C. 20210, **202 523-8061**

RIN: 1218-AA42

1465. SCAFFOLDS AND SIMILAR WORK SURFACES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.28

Legal Deadline: None

Abstract: Existing standards for scaffolds and similar working surfaces need to be revised because they are out of date and restrict technological innovation. The proposed revision is performance oriented and permits flexibility for compliance.

Timetable:

Action	Date	FR Cite
NPRM	11/00/86	
Final Action	11/00/87	
NPRM Comment Period End	00/00/00	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, D.C. 20210, **202 523-8061**

RIN: 1218-AA46

1466. BENZENE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000, Table Z-2; 29 CFR 1910.1028

Legal Deadline: None. Although there is no legal deadline pending for this standard at this time, OSHA's schedule for rulemaking on this issue is currently under review in the U.S. Court of Appeals for the District of Columbia Circuit and such a deadline may be imposed.

Abstract: OSHA has proposed to amend the existing standard for occupational exposure to benzene by reducing the permissible exposure limit from 10 parts benzene per million parts of air (10 ppm) to an eight-hour time-weighted average of 1 ppm and by adding appropriate industrial hygiene and medical surveillance provisions necessary for the protection of employee health. This action is based on OSHA's preliminary determination that the proposed standard is needed to reduce the risk of leukemia and other adverse health consequences of exposure to benzene.

Timetable:

Action	Date	FR Cite
NPRM	12/10/85	50 FR 50512
Notice changing public hearing	01/28/86	51 FR 3474
NPRM Comment Period End	02/14/86	50 FR 50512
Public hearings	03/11/86	50 FR 50512
Final Action	02/00/87	

Small Entity: Yes

Agency Contact: Barry J. White, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, **202 523-7075**

RIN: 1218-AA47

1467. 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	11/00/86	
Final Action	11/00/87	

Small Entity: No

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA48

1468. LADDERS AND SIMILAR CLIMBING DEVICES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.21; 29 CFR 1910.22; 29 CFR 1910.23; 29 CFR 1910.24; 29 CFR 1910.25; 29 CFR 1910.26; 29 CFR 1910.27; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1910.30

Legal Deadline: None

Abstract: Existing standards for ladders and similar climbing devices need to be revised because they are out of date and restrict technological innovation. The proposed revision is performance oriented and permits flexibility for compliance.

Timetable:

Action	Date	FR Cite
NPRM	11/00/86	
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA50

1469. 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.

DOL—OSHA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
Final Action	09/00/87	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA51

1470. LOGGING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.266, (Revision)

Legal Deadline: None

Abstract: Logging is a very hazardous industry. It has an incidence rate nearly twice that of manufacturing, and reflecting the seriousness of the injuries incurred, a lost workday rate nearly four times as high. The purpose of the standard will be to protect workers from the ever-present hazards of chain saw operation, falling objects (trees, branches), rolling or sliding logs, falls from trees, and materials handling accidents. At present there is no OSHA standard specifically applicable to logging in general. There is a standard, 29 CFR 1910.266, applicable only to pulpwood logging; however, pulpwood logging is estimated to account for less than half of the logging activity in the United States. Development of a national OSHA standard addressing all types of logging will provide coverage for those loggers not now protected. The new regulation will provide coverage where there is no approved state regulation and will set a minimum safety level for those states that chose to develop a state regulation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	
Final Action	10/00/87	

Small Entity: Undetermined

Additional Information: A preproposal draft standard was circulated for public comment. The proposed standard will be developed to incorporate public comment as appropriate.

Affected Sectors: 24 LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Government Levels Affected: State, Federal

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA52

1471. CONTROL OF HAZARDOUS ENERGY SOURCES (LOCKOUT/TAGOUT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.147, (New)

Legal Deadline: None

Abstract: The proposed standard will fill a major gap in our current regulations which now depend for enforcement on the general duty clause, 5(a)(1). It will apply to those situations where the unexpected energization, start up or the release of stored energy would cause injury to employees. Providing comprehensive and uniform control procedures is also expected to reduce significantly the potential for injury and death of employees because the hazards targeted for control exist in virtually every workplace. Further, the proposed standard will respond to the concerns of organized labor who petitioned OSHA in 1979 and again in 1982 for regulatory action to protect employees and to the American National Standards Institute's petition for OSHA to adopt its consensus standard ANSI Z244.1-1982. Regulatory options involve developing a comprehensive standard covering all potentially hazardous energy sources or limiting the scope and application to those certain machines or industries that are causing most of the injuries.

Timetable:

Action	Date	FR Cite
ANPRM	06/17/80	45 FR 41012
ANPRM Comment Period End	09/15/80	
Preproposal Draft Submitted	07/00/83	
NPRM	07/00/86	
Final Action	07/00/87	

Small Entity: Yes

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm. N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA53

1472. SAFETY AND HEALTH REGULATIONS FOR LONGSHORING(PART 1918)

Significance: Regulatory Program

Legal Authority: 29 USC 655 Occupational Safety and Health Act of 1970; 33 USC 941 Longshoremen's and Harborworkers Compensation Act

CFR Citation: 29 CFR 1910.16; 29 CFR 1918, (Revision)

Legal Deadline: None

Abstract: The purpose of this regulatory action would be to update and revise a standard first issued in 1960. The current language in many instances addresses the hazards to cargo handling involving methods long since abandoned, and fails to address the serious hazards of newer methods. Because so much of the current standard is out of date, compliance is minimal. These revised guidelines will provide both employers and employees with a blueprint for effective and safe workpractices in the cargo handling industry.

No other alternative other than revision is contemplated. The current standard is too outdated to serve as a basis for increased consultation, training or education. The annual cost of the revision is expected to be minimal -- less than five million dollars.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	
Final Action	01/00/88	

Small Entity: Yes

Affected Sectors: 44 WATER TRANSPORTATION

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605 FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA56

1473. STAIRWAYS AND LADDERS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.450; 29 CFR 1926.452; 29 CFR 1926.501; 29 CFR 1926.502; 29 CFR 1926.1050; 29 CFR 1926.1051

Legal Deadline: None

Abstract: The use of stairways and ladders during construction can be extremely hazardous for employees. OSHA presently has regulations covering the construction, use, and maintenance of stairways and ladders, used on construction worksites. However, this NPRM has been developed to streamline those requirements and to reduce the number of accidents that result from insufficient fall protection provisions. Data to determine the potential costs and benefits from this rulemaking are currently being collected and analyzed by OSHA's Office of Regulatory Analysis. (Subpart X)

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	04/00/87	

Small Entity: Undetermined

Additional Information: This new Subpart X is a revision of the ladder and stairway portions of existing Subparts L (ladders and scaffolds) and M (Floor and Wall Openings and Stairways). The remaining portions of Subparts L and M are being revised as Subparts L (scaffolds) and M (Fall Protection). (RIN 1218-AA37 - Fall Protection; RIN 1218-AA40 - Scaffolds.)

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Barry White, Director, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg. ., Washington, DC 20210, 202 523-8061

RIN: 1218-AA57

1474. ELECTRIC POWER GENERATION, TRANSMISSION AND DISTRIBUTION (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.269

Legal Deadline: None

Abstract: A major area of coverage not addressed in the current OSHA electrical standards for general industry (29 CFR 1910) involves the maintenance and operation practices associated with electrical transmission and distribution lines, substations and generating stations. It is intended that the proposed standard fill this void by establishing minimum requirements for electrical safety work practices for employees working on or near facilities whose purpose is the generation and distribution of electricity.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
Final Action	09/00/87	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA59

1475. REVISION OF RECORDKEEPING REQUIREMENTS FOR TESTS, INSPECTIONS, AND MAINTENANCE CHECKS

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333; 33 USC 941

CFR Citation: 29 CFR 1910; 29 CFR 1915; 29 CFR 1926

Legal Deadline: None

Abstract: The purpose of this regulatory action is to revise 19 provisions in Parts 1910 and 1915 to allow employers to certify that regulatory requirements have been met instead of requiring employers to maintain extensive and burdensome records of the results and findings of various tests, inspections and maintenance checks required in the standards. OSHA is undertaking this action in compliance with the Paperwork Reduction Act of 1980.

Timetable:

Action	Date	FR Cite
NPRM	01/03/86	51 FR 312
NPRM Comment Period End	03/04/86	51 FR 312
Final Action	09/00/86	

Small Entity: No

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA60

1476. PULP, PAPER AND PAPERBOARD MILLS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.261, (Revision)

Legal Deadline: None

Abstract: This regulatory action will revise the existing standards covering mills where pulp, paper, and paperboard are manufactured and converted. The revision will develop performance oriented standards that address current gaps in coverage, the use of new technology, the elimination of outmoded or redundant provisions, and the use of appropriate OSHA general industry standards.

Timetable:

Action	Date	FR Cite
NPRM	11/00/86	
Final Action	11/00/87	

Small Entity: Undetermined

Affected Sectors: 26 PAPER AND ALLIED PRODUCTS

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA61

1477. ● MOTOR VEHICLES, MECHANIZED EQUIPMENT, AND MARINE OPERATIONS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.600; 29 CFR 1926.601; 29 CFR 1926.602; 29 CFR 1926.603; 29 CFR 1926.604; 29 CFR 1926.605; 29 CFR 1926.606

Legal Deadline: None

Abstract: This regulatory action is being made to update the rollover protective structures to reflect the latest technology. In addition, the action is to eliminate redundant provisions, remove outdated referenced consensus standards, and delete ambiguous language from Subpart O of Part 1926.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
Final Action	05/00/88	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA63

1478. ● STEEL ERECTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 333

CFR Citation: 29 CFR 1926.750, (Revision); 29 CFR 1926.751, (Revision); 29 CFR 1926.752, (Revision)

Legal Deadline: None

Abstract: The purpose of this regulatory action is to revise the Steel Erection Standard to state clearly which employees (connectors, bolt-up crew, etc.) are required to use fall protection; which type of fall protection can be used (belts, nets, decking, catch platforms, etc.); and at what height fall protection is needed to meet the fall protection requirements for steel erection operations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
Final Action	03/00/88	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA65

1479. FALL PROTECTION (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.201; 29 CFR 1915.202; 29 CFR 1915.203

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering fall protection and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
Final Action	07/00/87	

Small Entity: Undetermined

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.22; 29 CFR 1910.23

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA66

1480. SCAFFOLDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.71; 29 CFR 1915.28; 29 CFR 1915.29

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standards covering scaffolds and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
Final Action	07/00/87	

Small Entity: Undetermined

Additional Information: 1218-AA62 Shipyard Standard

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA68

1481. ACCESS AND EGRESS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.72; 29 CFR 1915.74; 29 CFR 1915.75; 29 CFR 1915.76

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standards covering access and egress and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
Final Action	07/00/87	

Small Entity: Undetermined

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.24 - .27; 29 CFR 1910.35 - .37.

DOL—OSHA

Proposed Rule Stage

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA70

1482. FACE, HEAD, EYE AND FOOT PROTECTION (PERSONAL PROTECTIVE EQUIPMENT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Legal Deadline: None

Abstract: Existing standards for eye, face, head, and foot protection reference outdated national consensus standards which have been updated and improved. Consequently, criteria for personal protective equipment for eye, face, head, and foot would be revised to reflect improved developments in these equipment. This would allow the use of better personal protective equipment and would result in improved employee protection from eye, face, head, and foot hazards.

Timetable:

Action	Date	FR Cite
NPRM	11/00/86	
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605 FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA71

1483. WELDING, CUTTING AND BRAZING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.251; 29 CFR 1910.252; 29 CFR 1910.253; 29 CFR 1910.254

Legal Deadline: None

Abstract: OSHA proposes to revise and update its existing Subpart Q covering welding, cutting and brazing operations, and to develop performance-oriented standards designed to reduce the number of deaths and injuries due to unsafe equipment and unsafe operations. There has been no substantial revision to Subpart Q since its adoption in 1971. A complete and comprehensive revision is needed at this time to bring the standard into line with the current state-of-the art and updated consensus standards.

Timetable:

Action	Date	FR Cite
NPRM	02/00/87	
Final Action	02/00/88	

Small Entity: Undetermined

Affected Sectors: Multiple

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA72

1484. WELDING, CUTTING AND HEATING (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.51; 29 CFR 1915.52; 29 CFR 1915.53; 29 CFR 1915.54; 29 CFR 1915.55; 29 CFR 1915.56; 29 CFR 1915.57

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering welding, cutting, and heating. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. In addition, it will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
Final Action	07/00/87	

Small Entity: Undetermined

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.251 through .253

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA73

1485. PERSONAL PROTECTIVE EQUIPMENT (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.151; 29 CFR 1915.152; 29 CFR 1915.153; 29 CFR 1915.154

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering personal protective equipment. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. It will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
Final Action	07/00/87	

Small Entity: Undetermined

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.132 through .137.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA74

1486. SERVICING SINGLE PIECE RIM WHEELS (PART 1917)

Significance: Regulatory Program

Legal Authority: 33 USC 941

CFR Citation: 29 CFR 1917.44(o) (Revision)

Legal Deadline: None

Abstract: OSHA intends to revise 1917.44(o) to include the servicing of

single piece rim wheels. When the general industry rule for single piece rim wheels was issued (02/03/84), the Agency spoke of its desire to extend the same type of coverage to the maritime industry. The Agency has recently been petitioned by maritime labor and management groups to initiate this action.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	11/00/86	

Small Entity: Undetermined

Affected Sectors: 44 WATER TRANSPORTATION

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA75

1487. COMPRESSED AIR (PART 1926)

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.803

Legal Deadline: None

Abstract: OSHA published a "Request for Comments and Information" on April 22, 1985, on the subject of working in compressed air and decompression (50 FR 15756). Based on the information obtained, OSHA has determined that immediate action will not be taken. The Agency intends to continue data collection, and to reevaluate the decision in light of additional input, staff resources, and Agency priorities within 12 to 18 months.

Timetable:

Action	Date	FR Cite
Request for Comments and Information	04/22/85	50 FR 15756
Comment Period Closed	07/22/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Room N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA76

1488. HAZARDOUS MATERIALS--FLAMMABLE AND COMBUSTIBLE LIQUIDS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.106 (Revision)

Legal Deadline: None

Abstract: Standards for flammable and combustible liquids, contained in 29 CFR 1910, Subpart H, would be revised to update existing criteria and to provide more flexibility by correcting problems associated with the specificity of some of the existing requirements. The proposed revision would address current problem areas as liquid transfer, system leakage, and vapor recovery.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/81	46 FR 7692
ANPRM Comment Period End	02/01/82	46 FR 7692
NPRM	01/00/87	
Final Action	01/00/88	

Small Entity: Undetermined

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, FP Building, 200 Constitution Avenue, NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA77

1489. FORMALDEHYDE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1000; 29 CFR 1910.1048; 29 CFR 1910.19

Legal Deadline: None. There is currently no applicable legal deadline, however, OSHA's action is under review by the U.S. Court of Appeals for the District of Columbia Circuit and a decision specifying a final rule completion date is a possible outcome.

Abstract: Studies indicate adverse health effects in humans and animals exposed to airborne formaldehyde at concentrations permitted by OSHA's present standard. In humans, formaldehyde causes reversible sensory irritation of the eyes, nose, and throat of some persons at concentrations of about 1 ppm. As concentration increases, the prevalence and severity of effects increase. A chronic study in animals suggests that formaldehyde may also pose a carcinogenic risk since a statistically significant excess risk of cancer occurred at 5.6 and 14.3 ppm, and benign tumors and cytotoxic changes occurred at 2 ppm. This information indicates that the present OSHA standard for formaldehyde may need revision. In an April 17, 1985, Federal Register notice, OSHA announced its intention to initiate rulemaking on formaldehyde. On December 10, 1985, OSHA published a proposed standard.

Timetable:

Action	Date	FR Cite
ANPRM	04/17/85	50 FR 15179
ANPRM Comment Period End	08/15/85	50 FR 15179
NPRM	12/10/85	50 FR 50412
NPRM Comment Period End	03/10/86	50 FR 50412
Public hearings	04/22/86	50 FR 50412
Final Action	09/00/87	

Small Entity: Yes

Agency Contact: Barry J. White, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, **202 523-7075**

RIN: 1218-AA82

1490. HAZARD COMMUNICATION IN SHIPYARD EMPLOYMENT (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655 Occupational Safety and Health Act of 1970; 33 USC 941 Longshoremen's and Harborworkers Compensation Act

CFR Citation: 29 CFR 1915.97, (Revision)

Legal Deadline: None

DOL—OSHA **Proposed Rule Stage**

Abstract: As the shipbuilding and ship repairing industries (SIC 37) are covered under the scope of the Hazard Communication Standard (29 CFR 1910.1200), duplication of regulations exist due to similar requirements in Section 1915.97 dealing with hazardous materials. This action would eliminate this duplication by deleting from 29 CFR 1915.97 those regulations dealing with hazardous materials and adopting the Hazard Communication Standard. This would also eliminate the mandatory use of the OSHA Form 20 (MSDS). To provide equal protection to all shipyard employees, shipbreaking (SIC 44) is also included in this action.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	09/00/86	

Small Entity: Yes

Affected Sectors: 37 TRANSPORTATION EQUIPMENT; 44 WATER TRANSPORTATION

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8063

RIN: 1218-AA88

1491. EXPLOSIVE AND OTHER DANGEROUS ATMOSPHERES (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering explosive and other dangerous atmospheres. This revision will develop, in part, a performance-oriented standard, address any gaps in coverage, recognize new technology, and eliminate outmoded or redundant standards. It will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	
Final Action	08/00/87	

Small Entity: Undetermined

Affected Sectors: 373 Ship and Boat Building and Repairing

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8063

RIN: 1218-AA91

1492. ● SURFACE PREPARATION AND PRESERVATION (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.32; 29 CFR 1915.33; 29 CFR 1915.34; 29 CFR 1915.35; 29 CFR 1915.36

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering surface preparation and preservation in enclosed confined and other spaces. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. It will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
Final Action	03/00/88	

Small Entity: Yes

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA96

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Final Rule Stage

1493. ETHYLENE DIBROMIDE (EDB)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1048

Legal Deadline: None

Abstract: Recent scientific studies have reported that ethylene dibromide causes cancer when administered orally, by inhalation and by skin application in laboratory animals. In addition, other studies have shown the chemical to be a mutagen, teratogen and testicular toxin in experimental animals. On the basis of these reports, OSHA has determined that its current permissible exposure limit of 20 ppm does not provide exposed workers adequate protection against cancer and other adverse health effects. A proposed standard for ethylene dibromide was published 10/07/83 (43 FR 45956). Public hearings were held in February 1984. OSHA is currently in the process of decisionmaking on the provisions to be included in the final standard.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/81	46 FR 61671
ANPRM Comment Period End	05/31/82	
NPRM	10/07/83	48 FR 45956
NPRM Comment Period End	11/21/83	48 FR 45956
Public HearingHeld	02/08/84	
Final Action	12/00/86	

Small Entity: Yes

Agency Contact: Barry J. White, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, **202 523-7075**

RIN: 1218-AA06

1494. ACCESS TO EMPLOYEE EXPOSURE AND MEDICAL RECORDS

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.20

Legal Deadline: None

Abstract: The regulation, promulgated in May, 1980 (45 FR 35212), requires employers to preserve and maintain exposure and medical records pertinent to an employee's occupational exposure to toxic substances, and to assure access to these records by employees, designated employee representatives, and OSHA. OSHA has reviewed the regulation and has proposed certain modifications including revision of the definitions of "toxic substance" and "exposure records", changes in the scope and application of the regulation and additional trade secret protection provisions. OSHA is currently reviewing the information received and developing a final standard.

Timetable:

Action	Date	FR Cite
NPRM	07/13/82	47 FR 30420
NPRM Comment Period End	09/21/82	
Public Hearing Held	10/05/82	
Final Action	05/00/86	

Small Entity: Undetermined

Agency Contact: Barry J. White, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, **202 523-7075**

RIN: 1218-AA15

1495. CONCRETE AND MASONRY CONSTRUCTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.700; 29 CFR 1926.701; 29 CFR 1926.702

Legal Deadline: None

Abstract: One of the greatest hazards associated with concrete and masonry structures in the construction industry is the collapse or failure of the entire structure or its forms and shoring. The catastrophic failures of recent years indicate that revision of the existing standard applicable to such construction operations may be necessary.

Timetable:

Action	Date	FR Cite
ANPRM	02/09/82	47 FR 5910
ANPRM Comment Period End	04/10/82	
NPRM	09/16/85	50 FR 37543
Comment Period Extended 30 Daysto 12/16/85	10/21/85	50 FR 42571
NPRM Comment Period End	11/15/85	50 FR 37543
Final Action	03/00/87	

Small Entity: Undetermined

Additional Information: 1. 29 CFR 1926, Subpart Q currently entitled: "Concrete, Concrete Forms, and Shoring.

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA20

1496. GRAIN HANDLING FACILITIES (PARTS 1910 AND 1917)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1910; 29 CFR 1917

Legal Deadline: None

Abstract: Employees in grain handling facilities (grain elevators, processing plants, and mills) are exposed to safety hazards associated with fires and explosions. Enforcement personnel have met with difficulties in the application of existing OSHA general industry standards to control these major hazards. OSHA is now developing a proposed standard for grain handling facilities.

Timetable:

Action	Date	FR Cite
ANPRM	02/15/80	45 FR 10732
ANPRM Comment Period End	03/24/80	
NPRM	01/06/84	49 FR 996
NPRM Comment Period End	06/08/84	49 FR 6923
Public Hearings held through 07/12/84	06/12/84	49 FR 6923
Final Action	08/00/86	

Small Entity: Yes

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA22

1497. ASBESTOS

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1910.1001

Legal Deadline: None

Abstract: OSHA has announced its intention to revise this standard because data indicate that the present OSHA permissible exposure limit (PEL) may not adequately protect workers from asbestos-related diseases. The revision will include a change in the PEL and other appropriate modifications. On November 4, 1983, OSHA published an Emergency Temporary Standard (48 FR 51086) which immediately reduced the PEL to 0.5 fibers/cc. The ETS was challenged in the U.S. Court of Appeals for the 5th Circuit, and was stayed pending judicial review on 11/23/83. The review was completed on 3/7/84. At that time the Appeals Court held the ETS to be invalid and ordered enforcement of the ETS permanently stayed. OSHA has published a proposal to revise the current standard on 04/10/84 (49 FR 4116). Public hearings were held in June 1984. OSHA is in the process of analyzing all of the information contained in the rulemaking record prior to making a decision regarding the provisions to be included in the final standard.

DOL—OSHA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Emergency Temporary Standard (ETS)	11/04/83	48 FR 51086
ETS stayed by Court Order	11/23/83	
NPRM	04/10/84	49 FR 4116
NPRM Comment Period End	05/25/84	49 FR 4116
Public Hearings Held	06/19/84	
Final Action	05/00/86	

Small Entity: Yes

Agency Contact: Barry J. White, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, **202 523-7075**

RIN: 1218–AA26

1498. POWERED PLATFORMS FOR EXTERIOR BUILDING MAINTENANCE (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.66

Legal Deadline: None

Abstract: The present standard, which requires positive engagement of a powered platform with a building face to provide stabilization, may need to be revised because many variance designs have been submitted which do not provide positive engagement of the platform, yet claim equal stability. The agency believes there may be merit to this claim.

Timetable:

Action	Date	FR Cite
ANPRM	02/11/83	48 FR 6368
ANPRM Comment Period End	03/14/83	48 FR 6368
NPRM	01/22/85	50 FR 2890
NPRM Comment Period End	03/25/85	50 FR 2890
Reopening of NPRM Comment Period to 8/1/85	07/02/85	50 FR 27307
Informal Public Hearing	02/20/86	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA33

1499. UNDERGROUND CONSTRUCTION (TUNNELS AND SHAFTS)(PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.800

Legal Deadline: None

Abstract: The existing standards may be revised to update the treatment of hazards of construction in underground locations such as tunnels, shafts, chambers, passageways and covered excavations. In some cases, the existing standard may be too restrictive. Additionally, some of the language is ambiguous.

Timetable:

Action	Date	FR Cite
NPRM	08/05/83	48 FR 35774
NPRM Comment Period extended to	02/17/84	48 FR 56087
Public Hearing Held	03/13/84	
Limited Reopening of Comment Period Until 10/18/85	08/19/85	50 FR 33357
Final Action	11/00/86	

Small Entity: No

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA38

1500. ELECTRICAL STANDARDS FOR CONSTRUCTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333 Sec 107

CFR Citation: 29 CFR 1926.400

Legal Deadline: None

Abstract: The current OSHA standard incorporates the old (1971) National Electrical Code by reference and is in need of updating. The agency is examining the rule in light of repeated criticisms that many details in the present standard either conflict with or limit the implementation of current construction practices.

Timetable:

Action	Date	FR Cite
NPRM	10/07/83	48 FR 45872
NPRM Comment Period extended to	12/31/83	48 FR 54652
Final Action	03/00/86	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605 FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA39

1501. CRANE OR DERRICK SUSPENDED PLATFORMS (1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655

CFR Citation: 29 CFR 1926.550

Legal Deadline: None

Abstract: The use of cranes and derricks to suspend personnel in platforms is a hazardous operation that is not currently covered by OSHA Construction Standards. OSHA has issued administrative instructions on this practice, but this alternative to rulemaking has not been successful. This NPRM has been developed to reduce the number of accidents, many of which involve multiple fatalities, that result from equipment inadequacies and failures or improper work practices. Data to determine the potential costs and benefits from this rulemaking are currently being collected by OSHA's Office of Regulatory Analysis.

Timetable:

Action	Date	FR Cite
NPRM	02/17/84	49 FR 6280
NPRM Comment Period End	08/10/84	49 FR 25248
Public Hearing Held	09/18/84	
Final Action	12/00/86	

Small Entity: No

Affected Sectors: 15 BUILDING CONSTRUCTION - GENERAL CONTRACTORS AND OPERATIVE BUILDERS; 16 CONSTRUCTION OTHER THAN BUILDING CONSTRUCTION - GENERAL CONTRACTORS; 17 CONSTRUCTION - SPECIAL TRADE CONTRACTORS

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Barry White, Director, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Ave. NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA45

1502. ACCIDENT PREVENTION TAGS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.145

Legal Deadline: None

Abstract: Standards for accident prevention tags contained in 29 CFR Part 1910 Subpart J would be revised to update existing criteria, and to provide more flexibility by correcting problems associated with the specificity of some of the existing requirements. The proposed revision would also recognize the use of symbols or pictographs rather than only written legends, and would ensure that tags are designed and used properly to enhance their function in identifying hazards to employees.

Timetable:

Action	Date	FR Cite
NPRM	04/24/84	49 FR 17541
NPRM Comment Period End	06/08/84	49 FR 17542
Final Action	04/00/86	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA49

1503. PRESENCE SENSING DEVICE INITIATION OF MECHANICAL POWER PRESSES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.211, (Revision); 29 CFR 1910.217, (Revision)

Legal Deadline: None

Abstract: This regulatory action will remove an existing provision which prohibits presence sensing device initiation of mechanical power presses, and will add provisions which will enable the presence sensing device initiation to be done safely. Presence sensing device initiation has been identified as presenting potential increases in safety and productivity with an ergonomic advantage of less worker fatigue. A preliminary regulatory impact analysis has been completed. It is estimated that the discounted savings over the first 10 years the standard will be in effect will be approximately $535 million.

Timetable:

Action	Date	FR Cite
NPRM	03/29/85	50 FR 12700
NPRM Comment Period End	06/27/85	50 FR 12700
Final Action	07/00/86	

Small Entity: Undetermined

Additional Information: A preproposal draft standard was circulated for public comment.

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA54

1504. HAZARD COMMUNICATION (TRADE SECRETS)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1200

Legal Deadline: None

Abstract: On May 24, 1985, the U.S. Court of Appeals for the Third Circuit directed the Secretary of Labor to reconsider the definition of "trade secret" in the Hazard Communication Standard, and to extend access to trade secrets to employees and collective bargaining agents. The purpose of this action is to respond to the Court's direction, and make appropriate modifications to the final rule. Potential costs of these modifications are not known yet, but will be assessed as the rule is developed. OSHA has published two documents addressing the required modifications to the trade secrets provisions of the Hazard Communication Standard as well as extending access to trade secret information to occupational health nurses in non-emergency situations. Nurses were not originally included among the health professionals entitled to access and the Agency has determined that since the rule is being modified to permit employees and designated representatives access, it would also be appropriate to modify the rule to ensure nurses can obtain such information. A final determination on this issue will be published together with that prepared on the issues raised by the Court.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/27/85	50 FR 48750
Interim Final Rule Effective Date	11/29/85	50 FR 48750
NPRM	12/02/85	50 FR 49410
Interim Final Rule Comment Period Ends	01/27/86	50 FR 48750
NPRM Comment Period End	01/31/86	50 FR 49410
Final Action	05/00/86	

Small Entity: Undetermined

Agency Contact: Barry J. White, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA93

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Completed Actions

1505. COTTON DUST

Significance: Agency Priority

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1043

Legal Deadline: None

Abstract: This standard, issued in 1978, was challenged in the courts and had been stayed as it applied to certain industrial sectors. In addition, where the standard was in effect, there were problems with the device used to measure cotton dust, some control methods specified by the standard were not cost-effective, and there were questions concerning the significance of the risk in some industry sectors. Data were collected to determine how and to what extent the standard should be revised. Two ANPRMs were published (03/31/81 and 02/09/82). A proposal to revise the standard was published on 06/10/83. Public hearings were held during September/October 1983. Following an analysis of the public record in this proceeding, OSHA published a final rule on December 13, 1985.

Timetable:

Action	Date	FR Cite
ANPRM	03/31/81	46 FR 19501
ANPRM Comment Period End	05/15/81	
ANRPM -Second	02/09/82	47 FR 5906
Second ANPRM Comment Period ended	03/26/82	
NPRM	06/10/83	48 FR 26962
NPRM Comment Period End	08/26/83	48 FR 26962
Final Action	12/13/85	50 FR 51120
Final Action Effective	02/11/86	50 FR 51120

Small Entity: Yes

Agency Contact: Barry J. White, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, **202 523-7075**

RIN: 1218-AA02

1506. LEAD - RECONSIDERATION OF WHOLE STANDARD

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1025

Legal Deadline: None

Abstract: The current standard for occupational exposure to lead was promulgated in 1978. It sets a PEL of 50 micrograms of lead per cubic meter of air (50 ug/m3), and requires the use of feasible engineering or workpractice controls. There are serious questions concerning significant risk, feasibility and cost-effectiveness of the standard in certain industries; therefore, OSHA has announced its intention to review and reconsider the regulation.

Timetable:

Action	Date	FR Cite
ANPRM	04/21/81	46 FR 22764
ANPRM Comment Period End	06/01/81	
End Review No further regulatory action will be taken. Compliance (cont)	12/00/85	

Small Entity: Yes

Additional Information: (Item 12 cont) problems of individual firms will be handled through the Agency's variance request procedures.

Agency Contact: Barry J. White, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, **202 523-7075**

RIN: 1218-AA11

1507. LEAD - COVERAGE OF THE STEVEDORING INDUSTRY

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1025

Legal Deadline: None

Abstract: Circumstances unique to the stevedoring industry may make the application of the OSHA Lead Standard, in its present form, inappropriate. Therefore, OSHA has proposed to exempt this industry or to administratively stay application of the entire standard to this industry while the Agency examines (1) whether the stevedoring industry should be subject to this, or any lead standard and (2) if the industry should be subject to a different lead standard, what form that standard should take. This action has been combined with RIN 1218-AA11 and publication of action on this item will occur at the time action is taken on item AA11.

Timetable:

Action	Date	FR Cite
NPRM	02/26/82	47 FR 8381
NPRM Comment Period End	03/29/82	
End Review No further regulatory action will be taken. Compliance (cont)	12/00/85	

Small Entity: No

Additional Information: (Item 12 cont) problems of individual firms will be handled through the Agency's variance request procedures.

Agency Contact: Barry J. White, Acting Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, **202 523-7075**

RIN: 1218-AA13

1508. SAFETY AND HEALTH REGULATIONS FOR SHIPYARD

Legal Authority: 29 USC 655 (Occupational Safety and Health Act of 1970); 33 USC 941 (Longshoremen's and Harborworkers Compensation Act)

CFR Citation: 29 CFR 1915

Legal Deadline: None

Abstract: The purpose of this action would be to place unrevised in Part 1915, all OSHA Part 1910 General Industry Standards that are not now located in Part 1915, but that relate to the work undertaken in shipyard employment, thereby creating a vertical standard.

The Action is essentially only bookkeeping, i.e., moving standards, unchanged from one location in the CFR to another -- from Part 1910 to Part 1915. It can therefore be done without a proposed rule, and will be published as a final rule. It will end the long standing confusion over the application of OSHA standards to this industry among employers, employees, and OSHA compliance staff.

These are existing standards, there are no potential costs. This inclusion project will be coordinated with the project designed to revise Part 1915.

DOL—OSHA

Completed Actions

As an alternative, OSHA has considered the feasibility of accomplishing this unrevised consolidation through a simple "Notice of Enforcement Policy," rather than through regulatory action.

Timetable:

Action	Date	FR Cite
Non-Regulatory Alternative Implemented	12/31/85	

Small Entity: Yes

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA55

1509. MOTOR VEHICLES, MECHANIZED EQUIPMENT, AND MARINE OPERATIONS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.600; 29 CFR 1926.601; 29 CFR 1926.602; 29 CFR 1926.603; 29 CFR 1926.604; 29 CFR 1926.605; 29 CFR 1926.606

Legal Deadline: None

Abstract: This rule is being reviewed to determine if the rule should be continued without change, or should be amended or rescinded.

Timetable:

Action	Date	FR Cite
Begin Review	01/04/85	
End Review New rulemaking (to revise) will occur.	12/31/85	

Small Entity: Undetermined

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, FP Building, 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA63

1510. STEEL ERECTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 333

CFR Citation: 29 CFR 1926.750 to .752

Legal Deadline: None

Abstract: This rule is being reviewed to determine if the rule should be continued without change, or should be amended or rescinded.

Timetable:

Action	Date	FR Cite
Begin Review	01/02/85	
End Review New rulemaking will occur.	12/31/85	

Small Entity: Yes

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA65

[FR Doc. 86-5775 Filed 04-18-86; 8:45 am]

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Office of the Assistant Secretary for Veteran's Employment & Training (ASVE- T)

1511. ANNUAL REPORT FROM FEDERAL CONTRACTORS

Significance: Regulatory Program

Legal Authority: 38 USC 2012(d)

CFR Citation: 41 CFR 61-250

Legal Deadline: Statutory, February 12, 1983. Within 90 days of enactment which was October 14, 1982.

Abstract: Implements requirements of 38 USC 2012(d) for an annual report from entities having contracts of $10,000 or more with Federal agencies or departments. Specifies that the report shall include the number of special disabled and Vietnam-era veterans in the contractor's work force by job category and hiring location, number of employees hired and of those hired, the number of special disabled and Vietnam-era veterans.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/85	50 FR 33360
ANPRM Comment Period End	09/18/85	50 FR 33360
NPRM	04/00/86	
Final Action	06/00/86	

Small Entity: Undetermined

Agency Contact: Joseph C. Juarez, Dir., Ofc. of Veterans' Emp. & Trng Programs, Department of Labor, Office of the Assistant Secretary for Veteran's Employment & Training, Rm S1316, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-9110

RIN: 1293-AA01

[FR Doc. 86-5775 Filed 04-18-86; 8:45 am]

BILLING CODE 4510-23-T

federal register

Monday
April 21, 1986

Part XIII

Department of State

Semiannual Regulatory Agenda

STATE

DEPARTMENT OF STATE

22 CFR Ch. I

[Docket No. SD - 198]

Semiannual Agenda of Regulations and Regulatory Flexibility Agenda

AGENCY: Department of State.

ACTION: Publication of regulatory agenda.

SUMMARY: As required by Executive Order 12291 and OMB Bulletin 86-4, the April 1986 agenda of regulations of the Department of State is set forth below. The agenda also contains regulatory flexibility information required by the Regulatory Flexibility Act of 1980 (Pub. L. No. 96-354).

FOR FURTHER INFORMATION CONTACT: James H. Thessin, Assistant Legal Adviser for Management, Department of State, Room 4427A, 2201 C Street, N.W., Washington, D.C. 20520, telephone (202) 647-2350.

DATED: March 13, 1986.

Ronald I. Spiers,

Under Secretary for Management.

DEPARTMENT OF STATE (STATE)

Proposed Rule Stage

1512. FOREIGN MISSIONS ACT REGULATIONS

Significance: Regulatory Program

Legal Authority: 22 USC 4301 et seq; 22 USC 254(e)

CFR Citation: 22 CFR 151

Legal Deadline: None

Abstract: The Foreign Missions Act creates certain authorities for the Secretary of State relating to the regulation of foreign missions, diplomatic, consular, and international organizations. Exercise of those authorities could involve restricting or controlling the access of such missions to American vendors of goods and services. Exercise of other authorities in the Foreign Missions Act could affect the location of premises of foreign missions. Exercise of authority in the Diplomatic Relations Act, 22 USC 254(a) et seq., as amended by Title VI of P.L. 98-164, will have an impact on the acquisition of liability insurance coverage for the operation of motor vehicles, vessels, and aircraft by personnel of foreign missions, and could in certain situations, subject foreign missions to surcharges or fees. The regulations under consideration would provide procedures for exercise of these authorities. These regulations are at the stage of preliminary consideration. No timetable has been established other than that established in Title VI of P.L. 98-164.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: James E. Nolan, Director, Office of Foreign Missions, Department of State, Room 2105, 2201 C Street, NW, Washington, D.C. 20520, 202 647-3416

RIN: 1400-AA04

1513. IMPLEMENTATION OF 1980 HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

Significance: Regulatory Program

Legal Authority: None, until passage of treaty

CFR Citation: 22 CFR Not yet determined

Legal Deadline: None

Abstract: The 1980 Hague Convention provides for the prompt return of children habitually resident in one contracting State who have been wrongfully abducted to another, including wrongful retention by a non-custodial parent.

If the United States ratifies the Convention and Congress enacts the federal legislation, the Bureau of Consular Affairs will be tasked by executive order to serve as U.S. central authority (CA) under the Convention. Thus it will receive applications for the return of children wrongfully abducted to or retained in the United States. In conjunction with cooperating authorities in the U.S. State where the child is believed to be located, the CA's task will include seeking to locate the child, facilitating the initiation of a court action to require the child's return, arranging for the provision of information about the child's circumstances in the country of its habitual residence, and arranging for the child's return transportation if return is ordered. The President transmitted the Convention to the Senate for its advice and consent to ratification on October 30, 1985 (Senate Treaty Document 99-11).

Timetable:

Action	Date	FR Cite
Transmission of the Convention from the President to the Senate	10/30/85	
Next Action Undetermined		

Small Entity: Not Applicable

Additional Information: Detailed legal analysis of Convention submitted to Senate Foreign Relations Committee Chairman Lugar (January 1986) is to be published in the Federal Register.

Agency Contact: Carmen A. DiPlacido, Dir., Office of Citizens Consular Services, Department of State, Bureau of Consular Affairs, Washington, DC 20520, 202 647-3666

RIN: 1400-AA05

1514. ● BANKING SERVICES; PROCEDURES FOR RESTRICTING

Legal Authority: 22 USC 4301 et seq

CFR Citation: 22 CFR 152

Legal Deadline: None

Abstract: The rule will set out the procedures that the Department of State will follow whenever the banking services of particular foreign missions

STATE

Proposed Rule Stage

are restricted pursuant to the Foreign Missions Act, 22 USC 4301 et seq.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Not Applicable

Government Levels Affected: State, Federal

Agency Contact: James Nolan, Director, Office of Foreign Missions, Department of State, Washington, DC 20520, **202 647-4217**

RIN: 1400-AA07

DEPARTMENT OF STATE (STATE)

Final Rule Stage

1515. GUIDELINES FOR EXTRAORDINARY PROTECTION OF FOREIGN MISSIONS

Significance: Regulatory Program

Legal Authority: 22 USC 4314; PL 99-93, Sec 126

CFR Citation: 22 CFR Not yet determined

Legal Deadline: None

Abstract: In some cases where the Secretary of State has requested extraordinary protective services, such as fixed guardposts at a building or residence, or dedicated bodyguard protection for a foreign official who has been specifically threatened, some local authorities have either declined or been unable to provide such protection.

Through the Foreign Missions Act and the Foreign Missions Act Amendments of 1985, Congress has authorized the Secretary of State to provide, among other benefits, protective services to foreign missions. Thus, the Secretary may arrange with State and local authorities for extraordinary protection for foreign officials where necessary, either by request of local authorities or on the Secretary's initiative.

For fiscal year 1986, $2.5 million has been provided in addition to amounts for reimbursement to New York, a program previously administered by the Treasury Department.

Timetable:

Action	Date	FR Cite
Consultations with local law enforcement officials began 01/01/86	00/00/00	
Consultations with relevant committees of congress began 01/01/86	00/00/00	

Small Entity: Not Applicable

Additional Information: Draft guidelines have been discussed with representative groups of local law enforcement authorities.

The law requires prior consultation with the Congress on the guidelines.

Agency Contact: Sidney Teleford, Director for Protective Security, Department of State, Bureau of Diplomatic Security, Washington, DC 20520, **202 647-8740**

RIN: 1400-AA03

[FR Doc. 86-6296 Filed 04-18-86; 8:45 am]
BILLING CODE 4710-08-T

federal register

Monday
April 21, 1986

Part XIV

Department of Transportation

Semiannual Regulatory Agenda

DOT

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I and II

23 CFR Chs. I and II

33 CFR Chs. I and IV

41 CFR Ch. 12

46 CFR Chs. I and III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I-VI

[OST Docket No. 59; Notice 85-2]

Department Regulations Agenda; Semiannual Summary

AGENCY: Department of Transportation.

ACTION: Department regulations agenda.

SUMMARY: The Regulations Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding twelve months or such longer period as may be anticipated, or for which action has been completed since the last Agenda. The Agenda provides the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of, and allow it to more effectively participate in, the Department's regulatory activity.

ADDRESSES: The mailing address for the initiating offices of the Department which appear in the Agenda are 400 Seventh Street, S.W., Washington, D.C. 20590, except for the Federal Aviation Administration which is located at 800 Independence Avenue, S.W., Washington, D.C. 20591; the U.S. Coast Guard, which is located at 2100 Second Street, S.W., Washington, D.C. 20593; and the Saint Lawrence Seaway Development Corporation, which is located at 400 Seventh Street, S.W., Box 44090, Washington, D.C. 20026-4090.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Agenda, in general, contact: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-4723.

Specific

For further information about any particular item on the Agenda, contact the individual listed in the column headed "Agency Contact" for that item.

SUPPLEMENTARY INFORMATION:

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Supplementary Information:
- Background
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- Definitions
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- Purpose
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- Appendix D - Index of CAB Regulations with Their Corresponding New RIN Numbers

Background

Improvement of government regulations is a prime goal of the Reagan Administration. There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department of Transportation ("Department") achieve these goals, and in accordance with Executive Order 12291 ("Federal Regulation"; 46 FR 13193; February 19, 1981) and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the Department prepares a semiannual Regulations Agenda for publication in the **Federal Register.** The Agenda summarizes all current and projected rulemaking, reviews of existing regulations and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding twelve months or such longer period as may be anticipated or for which action has been completed since the last Agenda.

The Agendas are based on reports submitted by the initiating offices in January and July each year. After these reports are consolidated for, and reviewed by, the Department Regulations Council, the Department's Regulations Agenda is prepared and published in the **Federal Register.** The Department's last Agenda was published in the **Federal Register** on October 29, 1985 (50 FR 44348). The next one is scheduled for publication in the **Federal Register** in October 1986.

Regulatory Flexibility Act

In 1980, Congress passed the Regulatory Flexibility Act (RFA), Pub. L. 96-354, which requires the designation of those regulations for which a Regulatory Flexibility Analysis will be prepared, i.e., those regulations that would have a significant economic impact on a substantial number of small entities. The heading "Small Entity" will indicate whether a Regulatory Flexibility Analysis is required by a "yes" or a "no." If a Regulatory Flexibility Analysis will be prepared for a particular rulemaking, that fact also will be noted under the heading "Analysis."

The RFA also requires that each year the Department publish a list of those regulations that have a significant economic impact on a substantial number of small entities and are to be reviewed under the Act during the succeeding twelve months. The Agenda includes those regulations to be reviewed under the RFA or those for which review has been concluded since the last Agenda. A "yes" or "no" will be found under the heading "small entity," for each such regulation. It should be noted, however, that after a preliminary assessment of the regulations listed for RFA review, it may be found that the regulations, in fact, do not have a significant economic impact on a substantial number of small entities and a full RFA review will be unnecessary.

Definitions

DOT

The Agenda covers all rules and regulations of the Department, including those that establish conditions for financial assistance. The following definitions are provided for ease in understanding the information in this document.

(1) *Initiating office* means an operating administration or other organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary.

(2) *Significant regulation* means a regulation that is not an emergency regulation and that in the judgment of the head of the initiating office, or the Secretary, or the Deputy Secretary

(a) Is a major regulation;

(b) Concerns a matter on which there is substantial public interest or controversy;

(c) Has a major impact on another operating administration or other parts of the Department or other Federal Agency;

(d) Has a substantial effect on State and local governments;

(e) Has a substantial impact on a major transportation safety problem;

(f) Initiates a substantial regulatory program or change in policy;

(g) Is substantially different from international requirements or standards; or

(h) Otherwise involves important Department policy.

(3) *Major regulation* means a significant regulation for which a Regulatory Impact Analysis is required to be prepared.

(4) *Emergency regulation* means (a) a regulation that, in the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the **Federal Register**; or (b) is governed by short-term statutory or judicial deadlines.

(5) *Nonsignificant regulation* means a regulation that, in the judgment of the head of the initiating office, is neither a significant nor an emergency regulation.

A preliminary and final Regulatory Impact Analysis is required for each proposed and final regulation, respectively that

(1) Is likely to result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major effect on the general economy in terms of costs, consumer prices, or production;

(c) A major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions;

(d) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets; or

(2) The Secretary or head of the initiating office determines such an analysis.

Explanation of Information on the Agenda

The format for this Agenda is required by Office of Management and Budget Bulletin No. 86-4 (December 23, 1985).

First, the Agenda is divided by initiating offices. Then, in accordance with the OMB Bulletin, for each initiating office the Agenda is divided into four categories: (1) prerule stage, (2) proposed rule stage, (3) final rule stage, and (4) completed actions. For each entry, the Agenda provides the following information: (1) the "significance" of the action (i.e., whether it is significant because it is on the Regulatory Program or because of agency priority; or whether it is nonsignificant or routine and frequent; (2) a short descriptive title; (3) the legal basis for the action being taken or the regulation being reviewed; (4) the related regulatory citation in the "Code of Federal Regulations"; (5) an indication of any legal deadline; (6) an abstract of the review or the proposed or final regulation; (7) a timetable, including the earliest expected date for a decision on whether to issue the proposed or final regulation, or complete the review and determine the corrective action to be taken. (The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12291 and the Department's Regulatory Policies and Procedures.); (8) a statement as to whether the Regulatory Flexibility Act applies because of the rulemaking's effect on small entities; (9) if there is information that does not fit in the other categories, it will be included under a separate heading, entitled "Additional Information"; (10) a listing, where determined, of any analyses an initiating office will prepare or has prepared for the rulemaking document; e.g., a Regulatory Impact Analysis or Evaluation, an Environmental Impact Statement (EIS), a Regulatory Flexibility Analysis, or an Urban Impact Analysis. (It should be noted that, even though a Regulatory Impact Analysis is not required for some items on the Agenda, the Department requires an economic analysis for all of its regulations. This economic analysis is contained in the Regulatory Evaluation if a Regulatory Impact Analysis is not prepared); (11) an agency contact office or official who can provide further information, including advice on how to obtain documents referenced in the Agenda; and (12) a "RIN" number assigned solely to identify an individual action in the Agenda.

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules) to keep those requirements operationally current, only the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations are included; individual regulations are not listed.

If a regulatory docket number has already been established, it may be provided under the "Additional Information" heading. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number.

In the "Timetable" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a future date in this column is not an indication that a proposed or a final rule will be issued on that date; it is the earliest date on which a decision is expected to be made on whether to issue the document listed.

Submittal of any proposed or final rule to the Office of Management and Budget for review, under Executive Order 12291, must follow such a decision. For major rules, this review could take 60 days or more. If any document is issued, publication in the Federal Register would follow within a few days. In addition, these dates are based on current schedules. Information received subsequent to the issuance of this Agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (●) preceding an entry indicates that the entry appears in the Agenda for the first time.

Mailing Lists for Regulatory Documents

To assist the public in obtaining regulatory documents issued within the Department of Transportation, an Appendix A has been included in this document. The appendix contains instructions on how to be placed on mailing lists for copies of regulatory documents, including the Department's Semiannual Regulations Agenda, issued by the operating administrations of the Department and the Office of the Secretary. There is no charge for this service; however, because of the costs involved, the number of copies of a document forwarded to an individual requestor may be limited. Persons already on mailing lists for particular documents within the Department will remain on those lists and should not reapply.

By following the instructions specified in the appendix, a person can be placed on a mailing list for future copies of the Department's Regulations Agenda, which will be updated and published in the Federal Register every year during April and October. By using the Agenda, individuals can determine which Notice or Advance Notice of Proposed Rulemaking, to be issued by elements of the Department, is of interest to them. Then, using the instructions in the appendix, such persons also can be placed on a mailing list to ensure that, after the document of interest is issued, a copy will be mailed to them for their review and comment. In this way, individuals will be relieved of the burden of having to review the Federal Register, perhaps on a daily basis. The Department expects that this process will ensure that those people placed on mailing lists will receive early notice so that their views on the document can be adequately prepared and presented within the established comment period.

General Rulemaking Contact Persons

To assist persons desiring to obtain general information concerning the rulemaking process within the Department's operating administrations, an Appendix B has been added to the Agenda. This appendix sets forth the addresses and the telephone numbers of the persons who can respond quickly to requests for general rulemaking information. Please note, however, that questions related to particular rulemaking actions should still be referred to the contact person listed with the particular rulemaking on the Agenda.

Public Rulemaking Dockets

To facilitate the inspection of docket files and the submission of comments by the public, an Appendix C sets forth the addresses and working hours for the Rules Docket for each operating administration.

Request for Comments

Agenda

Our Agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information as well as make the Agenda easier to use. We would also like you, the public, to make suggestions or comments on how the Agenda could be further improved. For example, do you find the information presented in an easily understandable manner? Do you find it easy to follow a regulation's development from Agenda to Agenda? Do you find that the format for setting out the information enables you to use the Agenda easily? Do you find that the explanation of the information in the Agenda is clearly explained in the preamble to the Agenda? Your responses to these questions or any other comments or suggestions you may have should be sent to Neil R. Eisner, whose address appears above.

Reviews

In an effort to comply further with the spirit of Executive Order 12291 and the Regulatory Flexibility Act, we are also seeking suggestions on existing regulations that should be included in our review of existing regulations list; that is, which existing regulations issued by an operating administration of the Department or the Office of the Secretary do you believe need to be reviewed to determine whether they should be revised or revoked? The Department is particularly interested in obtaining information on requirements that have a "significant economic impact on small entities" and therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please send them, along with your explanation of why they should be reviewed, to the concerned operating administration or the Office of the Secretary, at the appropriate address noted in the "Addresses" paragraph above.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that are targeted for review under the RFA. Those comments should be addressed to the "contact" person of the operating administration involved, at the appropriate address noted in the "Addresses" paragraph above.

Purpose

The Department is publishing this Regulations Agenda in the Federal Register to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals and reviews being considered, should result in more effective public participation in the Department's regulatory activity. For example, awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected date for a decision on whether to issue a final rule, the Department expects that more appropriate planning by those concerned with the regulation will also be possible. This publication in the Federal Register does not impose any binding obligation on the Department, or any of the offices within the Department, with regard to any specific item on the Agenda or the Review List. Regulatory action in addition to the items listed is not precluded. If further information is desired on any of the items listed in the Agenda or the Review

List, the public is encouraged to contact the individual listed for the particular item. Additional information concerning the Agenda, in general, or the Department's Regulatory Policies and Procedures may be obtained from Neil R. Eisner, whose address and telephone number appear above.

Issued in Washington, D.C. on March 12, 1986.

Elizabeth Hanford Dole,

Secretary of Transportation.

Appendix A - Instructions for Obtaining Copies of Regulatory Documents

United States Coast Guard (USCG)

Persons who desire to obtain a copy of any regulatory document to be issued by the USCG that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), United States Coast Guard, 2100 Second Street, S.W., Washington, D.C. 20593.

Federal Aviation Administration (FAA)

The FAA has a mailing list system for Notices and Advance Notices of Proposed Rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those documents to be issued by the FAA or only of those concerning certain parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling 202-426-8058 or by writing to: Federal Aviation Administration, Office of Public Affairs. Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Federal Highway Administration (FHWA)

The FHWA has in the past maintained a consumer mailing list for individuals and agencies wishing to routinely receive Federal-aid highway related rulemaking actions. Due to staff and budgetary constraints, it has become necessary to discontinue the availability of this service.

Persons who desire to obtain a copy of any regulatory document to be issued by the FHWA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Federal Highway Administration, 400 7th Street, S.W., Washington, D.C. 20590.

Federal Railroad Administration (FRA)

Persons who desire to obtain a copy of any regulatory document to be issued by the FRA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590.

National Highway Traffic Safety Administration (NHTSA)

Persons who desire to obtain a copy of any other regulatory document to be issued by the NHTSA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), National Highway Traffic Safety Administration, 400 7th Street, S.W., Washington, D.C. 20590.

Urban Mass Transportation Administration (UMTA)

Persons who desire to obtain a copy of any regulatory document to be issued by UMTA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Urban Mass Transit Administration, 400 7th Street, S.W., Washington, D.C. 20590.

Saint Lawrence Seaway Development Corporation (SLSDC)

Persons who desire to obtain a copy of any regulatory document to be issued by SLSDC that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the address specified below: (Name of contact person), Saint Lawrence Seaway Development Corporation, 400 7th Street, S.W., Room 5424, P.O. Box 44090, Washington, D.C. 20026-4090.

Research and Special Programs Administration (RSPA)

Persons wishing to be placed on mailing lists for regulatory documents to be issued by RSPA should contact: Mr. Roosevelt McKinley, Jr., Information Services Division, DMT-11, 400 7th Street, S.W., Washington, D.C. 20590.

Maritime Administration (MARAD)

Anyone desiring a copy of a MARAD regulatory document referred to in the Agenda may request a copy of that document by contacting Mrs. Georgia Stamas, Secretary, Maritime Administration, 400 Seventh Street, S.W. (Room 7300), Washington, D.C. 20590, (202) 426-5746.

Office of the Secretary (OST)

Persons desiring to receive future copies of the Regulations Agenda should submit their request to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590, (202) 426-4723.

Persons who have an interest in specific regulatory documents to be issued by the Office of the Secretary should forward requests for copies of those documents to the same address. These requests should fully identify the document desired. Persons requesting a rulemaking document on an aviation matter (of the kind formerly handled by the CAB) will be placed on a mailing list for all OST aviation related rulemakings.

Appendix B - General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

USCG - Capt. Robert Ingraham, Marine Safety Council, USCG Headquarters Building, Room 4402, 2100 Second Street, S.W., Washington, D.C. 20593. Telephone: 202/426-1477.

FAA - John H. Cassidy, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., S.W., Room 915A, Washington, D.C. 20591. Telephone: 202/426-3073.

FHWA - Michael J. Laska, Office of the Chief Counsel, 400 7th Street, S.W., Room 4223, Washington, D.C. 20590. Telephone: 202/426-0761.

FRA - Mike Haley, Office of Chief Counsel, 400 7th Street, S.W., Room 8201, Washington, D.C. 20590. Telephone: 202/472-9042.

NHTSA - Steve Oesch, Office of Chief Counsel, 400 7th Street, S.W., Room 5219, Washington, D.C. 20590. Telephone: 202/426-2992.

DOT

UMTA - Katherine Cowen, Office of Chief Counsel, 400 7th Street, S.W., Room 9228, Washington, D.C. 20590. Telephone: 202/426-4011.

SLSDC - Fredrick A. Bush, General Counsel's Office, 400 7th Street, S.W., Room 5424, P.O. Box 44090, Washington, D.C. 20026-4090. Telephone: 202/426-3574.

RSPA - Kathy Sachen, Office of Chief Counsel, 400 7th Street, S.W., Room 8420, Washington, D.C. 20590. Telephone: 202/755-4972.

MARAD - Mrs. Georgia Stamas, Secretary, Maritime Administration, 400 7th Street, S.W., Room 7300B, Washington, D.C. 20590. Telephone: 202/426-5746.

OST - Neil Eisner, Office of Regulation and Enforcement, 400 7th Street, S.W., Room 10424, Washington, D.C. 20590. Telephone: 202/426-4723.

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, S.W., Room 4402, Washington, D.C. 20593. Working Hours: 7:30-4:00 (Monday-Friday).

FAA - Rules Docket, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., S.W., Room 915G, Washington, D.C. 20591. Working Hours: 8:30-5:00.

FHWA - Docket Room, 400 7th Street, S.W., Room 4205, (Federal Motor Carrier Safety Regulations in Room 3404), Washington, D.C. 20590. Working Hours: 7:45-4:15.

FRA - Docket Clerk, 400 7th Street, S.W., Room 8201, Washington, D.C. 20590. Working Hours: 8:30-5:00.

NHTSA - Docket Room, 400 7th Street, S.W., Room 5109, Washington, D.C. 20590. Working Hours: 8:00-4:00.

UMTA - Docket Clerk, 400 7th Street, S.W., Room 9223, Washington, D.C. 20590. Working Hours: 8:30-5:00.

SLSDC - 400 7th Street, S.W., Room 5424, P.O. Box 44090, Washington, D.C. 20026-4090. Working Hours: 8:15-4:45.

RSPA - Docket Branch, 400 7th Street, S.W., Room 8426, Washington, D.C. 20590. Working Hours: 8:30-5:00.

MARAD - Docket Clerk, 400 7th Street, S.W., Room 7300, Washington, D.C. 20590. Working Hours: 9:00-5:30.

OST - Docket Clerk, 400 7th Street, S.W., Room 4107, Washington, D.C. 20590. Working Hours: 9:00-5:30.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1516	+ Review: Comprehensive Review of CAB Consumer Rules	2105-AB03
1517	+ Licensing of Commercial Launch Site Operations	2105-AA27
1518	+ Airline Interline Agreements	2105-AA85
1519	+ Consumer Protection for Default by Scheduled Air Carriers	2105-AA98
1520	Direct Flights	2105-AA73
1521	Currency-Related Adjustments for International Air Cargo Rates	2105-AA87
1522	Establishment of New Class Service Mail Rate for Bush Operations Within Alaska	2105-AB01

+ Designates significant regulation.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1523	+ Electronic Filing of Tariffs	2105-AB00
1524	+ Minority Business Enterprise Program (Financial Assistance Programs)	2105-AA04
1525	+ Nondiscrimination on the Basis of Handicap (Air Travel)	2105-AA18
1526	+ Commercial Space Transportation: Third-Party Liability Insurance for Commercial Space Launch Activities	2105-AA26
1527	+ Oversales	2105-AB17
1528	+ 14 CFR Parts 204 and 291, Limitation on Fitness Determination: Revocation of Operating Authority	2105-AB19
1529	Review of Air Carrier Agreements and 408 Applications	2105-AB20
1530	Nondiscrimination in Federally-Assisted Programs of the Department of Transportation--State Transportation Agencies' EEO Affirmative Action Programs	2105-AA06
1531	Nondiscrimination on the Basis of Handicap (Directly Conducted Programs)	2105-AA29
1532	Air Carrier Cargo Tariff Publications	2105-AA31
1533	Overseas Military Personnel Air Charter Tariffs	2105-AA67
1534	Unfair and Deceptive Practices by Airline Ticket Agents	2105-AA70
1535	Filing Requirements for International Air Cargo Tariffs	2105-AA83
1536	Policy Statement on Standard Foreign Fare Level for Air Carriers	2105-AA89
1537	Employment Discrimination Against Handicapped Persons by Air Carriers	2105-AA92
1538	Cargo Rate Changes on 30 Days Notice	2105-AA99
1539	Update the Department of Transportation Acquisition Regulations to Implement the Competition in Contracting Act as Set Forth in the Federal Acquisition Regulations-Proposed Rules	2105-AB15
1540	Warranty Regulations for Major System Acquisitions of the United States Coast Guard - Proposed Rule	2105-AB16

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Office of the Secretary—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1541	Names of Air Carriers and Foreign Air Carriers	2105-AB18

+ Designates significant regulation.

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1542	+ Nondiscrimination on the Basis of Handicap (Mass Transit Programs)	2105-AA01
1543	+ Commercial Space Transportation: Licensing Regulations	2105-AA25
1544	+ Certificate Duration in Limited Entry Markets. Notice Requirements for Carriers Leaving Limited-Entry Markets During a Selection Case. Procedures and Criteria for Selecting Carriers	2105-AA49
1545	+ Public Availability of Information	2105-AA05
1546	+ Liberalization of Air Carrier Charter Rules	2105-AA41
1547	+ Smoking Aboard Aircraft; Notice to Passengers	2105-AA72
1548	Title VI Civil Rights Regulation	2105-AA02
1549	Minority Business Enterprise Program (Direct Contracting)	2105-AA03
1550	Consolidation of Transportation Grants to U.S. Territories	2105-AA08
1551	Nondiscrimination on the Basis of Age in DOT Financial Assistance Programs	2105-AA09
1552	Minority Business Enterprise Program (Financial Assistance Programs); counting credit for suppliers and other service providers	2105-AA20
1553	Airline Time and Mileage Guides	2105-AA39
1554	Direct Air Carrier Responsibility for Returning Stranded Charter Passengers	2105-AA40
1555	Zones for Airline Mail Rates	2105-AA44
1556	Air Travelers: Age Discrimination	2105-AA45
1557	Policy Statement on Airline Preemption	2105-AA46
1558	Insurance for On-Demand Air Taxi Operators and Canadian Air Taxis	2105-AA47
1559	Navigation of Foreign Civil Aircraft	2105-AA65
1560	Nondiscrimination in Federally-Assisted Aviation Economics Related Programs of DOT	2105-AA66
1561	Effect of Expiration of a Bilateral on Foreign Air Carrier Authority	2105-AA68
1562	Joint Tariff Filing by Foreign Air Freight Forwarders	2105-AA69
1563	Implementation of Statute Requiring Interest on Subsidy Claims	2105-AA77
1564	Diversion of Flights Within a Metropolitan Area	2105-AA78
1565	Simplified Aviation Exemption Procedures	2105-AA82
1566	Baggage Liability Notices in International Air Transportation	2105-AA84
1567	Essential Air Service Subsidy for the Freely Associated States	2105-AA86
1568	Simplified Airline Counter Sign Notices	2105-AA88

+ Designates significant regulation.

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1569	+ Sharing of Single Air Carrier Designator Codes	2105-AA90
1570	+ Allocation of "Slots" at Washington National Airport	2105-AA00

+ Designates significant regulation.

U.S. Coast Guard—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1571	+ Operating a Vessel While Intoxicated, Recreational Vessels (84-099a)	2115-AC24
1572	Review: Vessel Reporting Requirements	2115-AB28
1573	Review: Logbook Entries, Cargo Vessels	2115-AB45

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U.S. Coast Guard—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1574	Special Operating Requirements, Uninspected Vessels	2115-AB47
1575	Intervals for Internal Examination and Hydrostatic Testing of Pressure Vessel Type Cargo Tanks (85-061)	2115-AC18

+ Designates significant regulation.

U.S. Coast Guard—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1576	+ California Offshore Routing System (83-032)	2115-AB29
1577	+ Intervals for Drydocking and Tailshaft Examination on Inspected Vessels (84-024)	2115-AB58
1578	+ Revisions of the Regulations on Outer Continental Shelf Activities (84-098)	2115-AB74
1579	+ Operating a Vessel While Intoxicated, Commercial Vessels	2115-AC23
1580	+ Qualifications of the Person in Charge of Oil Transfer Operations, Tankerman Requirements (79-116)	2115-AA03
1581	+ Safety Rules for Vessels Engaged in Chemical Waste Incineration at Sea (84-025)	2115-AB60
1582	+ User Fees for Coast Guard Services (84-026)	2115-AB73
1583	+ Vessel Bridge-to-Bridge Radiotelephone Communications on the Great Lakes (84-040)	2115-AB89
1584	Inland Waterways Navigation Regulations Connecting Waters from Lake Huron to Lake Erie (85-060)	2115-AC17
1585	Reception Facilities (78-035)	2115-AA21
1586	Liquefied Natural Gas Waterfront Facility (78-038)	2115-AA22
1587	Crane Operator Qualifications and Standards for Offshore Crane Design Inspection, Testing and Operation (79-059)	2115-AA34
1588	Launching Devices for Liferafts (79-168)	2115-AA45
1589	Maneuvering Performance Regulations (80-136)	2115-AA53
1590	Servicing Inflatable Liferafts (81-010)	2115-AA57
1591	General Bridge Permit Regulations (81-057)	2115-AA61
1592	General Revision of 46 CFR 151, Barges Carrying Certain Bulk Dangerous Cargoes (81-082)	2115-AA70
1593	Tank Vessels Carrying Noxious Liquid Substances in Bulk; Pollution Prevention and Control, Equipment and Operational Requirements (81-101)	2115-AA73
1594	Fairways on the Southern Coast of Alaska (81-103)	2115-AA74
1595	Fees for Numbering of Undocumented Vessels (82-001)	2115-AA75
1596	OSV Subchapter (82-004)	2115-AA77
1597	Subchapter "D" & "O" Barges - Internal Inspections (82-005)	2115-AA78
1598	Casualty Reporting Requirements for Recreational Boats (82-015)	2115-AA82
1599	Casualty and Accident Reporting Thresholds (82-015)	2115-AB94
1600	General Revisions of Pollution Prevention Regulations for Tankers (82-030)	2115-AA88
1601	Hand Held Flashlights. Independent Inspection Agencies (82-042)	2115-AA91
1602	Aids to Navigation on Outer Continental Shelf (82-054)	2115-AA92
1603	Natural Ventilation Regulations for Small Boats (82-056)	2115-AA94
1604	Safety Standards for New Self Propelled Vessels Carrying Bulk Gas (82-058)	2115-AA95
1605	Visual Distress Signals-Strobe Lights (82-084)	2115-AB18
1606	Nautical Schools: Implementing the Maritime Educational Training Act of 1980 (82-092)	2115-AB21
1607	Revocation of Military Explosives Regulations (83-006)	2115-AB33
1608	Carriage and Use of Liquefied or Non-liquefied Flammable Gas as Cooking Fuels on Vessels Carrying Passengers for Hire (83-013)	2115-AB35
1609	Reassessment of Coast Guard Fire Protection Regulations to Incorporate SOLAS 1974 (83-026)	2115-AB36
1610	Reassessment of Coast Guard Marine Engineering Regulations -- Incorporation of SOLAS 74 Amendments (83-043)	2115-AB41
1611	Mobile Offshore Drilling Unit Regulations Revision (83-071a)	2115-AB88
1612	Marine Portable Tanks (84-043)	2115-AB69
1613	Ships' Stores and Supplies of Hazardous Materials (84-044)	2115-AB65
1614	Exception of Unmanned Barges from COLREGS Vertical Sector Light Requirements (84-049)	2115-AB90
1615	Oil-Water Interface Detectors (CGD 84-052)	2115-AB66
1616	Licensing of Pilots-Manning of Vessels-Pilots (84-060)	2115-AB67
1617	Personal Flotation Device Components (84-068)	2115-AB70
1618	Lifesaving Equipment--Implementation of 1983 Amendments to SOLAS 1974 (84-069)	2115-AB72
1619	Lifesaving Equipment: Immersion Suits (84-069a)	2115-AB98
1620	Safety Rules for Ships Carrying Hazardous Liquids (84-085)	2115-AB92
1621	Certification of Seamen (84-088)	2115-AC02
1622	Safe Powering Standard (85-002)	2115-AC07
1623	Reception Facilities (85-010)	2115-AC08
1624	Vessel Reporting Requirements (85-015)	2115-AC09
1625	Delegation of Authority to United States Classification Societies (85-019)	2115-AC10

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U.S. Coast Guard—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1626	MARPOL Pollution Prevention Regulations (85-026)	2115-AC11
1627	Fire Detection and Alarm Systems (85-051)	2115-AC13
1628	Private Aids to Navigation, RACONS (85-057)	2115-AC14
1629	Boating Safety Ventilation Standards (85-059)	2115-AC15
1630	Heald Bank Cutoff Safety Fairway (85-062)	2115-AC19
1631	Revisions to the Electrical Engineering Regulations (85-063)	2115-AC20
1632	Berwick Bay Vessel Traffic Service (85-078)	2115-AC21
1633	Subchapter "T" Title 46, General Updates and Revisions (85-080)	2115-AC22
1634	Training in the Use of Automatic Radar Plotting Aids (ARPA) (85-089)	2115-AB99
1635	Puget Sound Vessel Traffic Service (85-092)	2115-AC01
1636	Inland Waterway Navigation Regulations; All Waters Tributary to the Gulf of Mexico (85-096)	2115-AC03
1637	Type A and B Fuel Hose in the Fuel Systems Standard (85-098)	2115-AC04

+ Designates significant regulation.

U.S. Coast Guard—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1638	+ Workplace Safety and Health Requirements for Facilities on the Outer Continental Shelf (79-077)	2115-AA35
1639	+ Joint U.S.-Canada Vessel Traffic Management regulations for the Pacific region (79-131)	2115-AA39
1640	+ Licensing of Officers and Motorboat Operators and Registration of Staff Officers (81-059)	2115-AA64
1641	Safety/Security Zone Regulations	2115-AA97
1642	Anchorage Area Regulations	2115-AA98
1643	Fixed Fire Extinguishing Systems on Uninspected Vessels (74-284)	2115-AA08
1644	Stability Standards for Hopper Dredges (76-080)	2115-AA11
1645	Construction and Equipment; Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases (77-069)	2115-AA00
1646	Requirement for First Purchaser List Kept by Boat Dealers (77-115)	2115-AA16
1647	Miscellaneous Changes to 46 CFR 56 (77-140)	2115-AA17
1648	Approval of Inflatable Personal Flotation Devices (PFDs) (78-174)	2115-AA29
1649	Recreational Hybrid PFD's (78-174a)	2115-AC12
1650	Carriage and Operational Requirements for Inflatable Life Jackets (78-174b)	2115-AC16
1651	Modification to Line Throwing Device Requirements (79-160)	2115-AA42
1652	Inflatable Liferaft Stability (80-113)	2115-AA50
1653	Damage Stability and Flooding Protection Standards for Great Lakes Bulk Dry Cargo Vessels (80-159)	2115-AA01
1654	Personal Flotation Devices (81-023)	2115-AA58
1655	Automated Vital Systems (81-030)	2115-AA59
1656	Licensing of Officers and Operators for Mobile Offshore Drilling Units (81-59a)	2115-AB91
1657	Shipping Safety Fairway Amendments, Gulf of Mexico (81-08b)	2115-AB57
1658	Documentation of Vessels; Controlling Interest (82-105)	2115-AB27
1659	Sailing School Vessel Regulations (83-005)	2115-AB32
1660	Independent Laboratory Inspection of Lifesaving Equipment (83-030)	2115-AB38
1661	Editorial Changes to Title 46 CFR Resulting from P.L. 98-89 (83-067)	2115-AB54
1662	Requirements for Mobile Offshore Drilling Units (83-071)	2115-AB56
1663	Amendments to Bridge Lighting Requirements (84-022)	2115-AB62
1664	Oil and Hazardous Substance Discharge Reporting Requirements (84-067)	2115-AB96
1665	Thermal Protective Aids (84-069b)	2115-AC00
1666	Accommodations, Rails and Guards (84-073)	2115-AB68
1667	International Regulations for Preventing Collisions at Sea, 1972 Colregs Demarcation Lines (84-091)	2115-AC06
1668	Inland Navigation Rules (85-081)	2115-AB97
1669	Drawbridge Regulations	2115-AA99

+ Designates significant regulation.

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U.S. Coast Guard—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1670	+ Operating a Vessel While Intoxicated (84-099)	2115-AB83
1671	+ Suspension and Revocation Proceedings (82-002)	2115-AA76
1672	Review: Regulatory Flexibility Act Reviews	2115-AB01
1673	VTS Houston-Galveston, TX (74-029)	2115-AA07
1674	Private Aids to Navigation and State Aids to Navigation (78-157)	2115-AA27
1675	Aids to Navigation - General Interference with, Damages to and Charges for Aids to Navigation (78-159)	2115-AA28
1676	Deepwater Port Liability Fund Requirements (79-158)	2115-AA41
1677	Safety Rules for Self-Propelled Vessels Carrying Hazardous Liquids (81-078)	2115-AB93
1678	Compatibility of Cargoes (83-047)	2115-AB49
1679	Simplified Admeasurement (83-070)	2115-AB51
1680	Documentation of Vessels, Hailing Port Markings (84-027)	2115-AB64
1681	Unmanned River Service Dry Cargo Barges: Load Line Regulations (84-058)	2115-AB95

+ Designates significant regulation.

Federal Aviation Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1682	+ Advanced V/STOL Rotorcraft Standards	2120-AB25
1683	+ Airmen Medical Standards	2120-AA70
1684	Part 91 Notice	2120-AA07
1685	Transport Rotorcraft Performance	2120-AB36
1686	Helicopter Minimum Flightcrew	2120-AB86

+ Designates significant regulation.

Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1687	+ Parts Manufacturer Approvals	2120-AA00
1688	+ Low-Altitude Wind Shear Equipment Requirements for Takeoff and Landing Operations of Transport Category Airplanes	2120-AA01
1689	+ Improved Seat Safety Standards	2120-AA88
1690	+ Primary Category Aircraft	2120-AB53
1691	+ Powered Ultralights: Airman Certification Requirements	2120-AB69
1692	+ Flight Attendant Flight Time Limitations and Rest Requirements	2120-AB97
1693	+ Carry On Baggage	2120-AC06
1694	+ Amend Part 23 to Include Requirements for Crash-Resistant Fuel Systems	2120-AA57
1695	+ Airplane Cabin Fire Protection	2120-AB22
1696	+ Occupant Restraint in Normal and Transport Category Rotorcraft	2120-AB35
1697	+ Proposed Department of Energy Prohibited Areas	2120-AB39
1698	+ Proposed Revision to Noise Certification Standards for Propeller Driven Small Airplanes	2120-AB47
1699	+ Charges for Use of Metropolitan Washington Airports	2120-AB48
1700	+ Proposed Limits on the Growth of Noise from Certain Airplanes and Airplane Types	2120-AB50
1701	+ Independent Power Source for Public Address System in Transport Category Airplanes	2120-AB77
1702	+ Proposed Revision of Noise Certification of Turbojet and Large Transport Category Aircraft	2120-AB88
1703	+ Improved Flammability Standards for Materials Used in the Interior of Cargo or Baggage Compartments in Airplanes Operated in Air Carrier Service Under Part 121	2120-AC04
1704	+ Ultralight Registration and Marking	2120-AC09
1705	+ Part 23 Airworthiness Review - Notice No. 1 (Crashworthiness)	2120-AC16
1706	Review: Part 21--Certification Procedures for Products and Parts	2120-AB09
1707	Review: Part 67--Medical Standards and Certification	2120-AB13
1708	Review: Part 141--Pilot Schools	2120-AB14
1709	Review: Part 121 -- Certification and Operations: Domestic, Flag and Supplemental Air Carriers and Commercial Operators of Large Aircraft	2120-AB27
1710	Review: Part 135 -- Air Taxi Operators and Commercial Operators	2120-AB28

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Federal Aviation Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1711	Review: Carriage of Weapons and Other Dangerous Objects at Washington National Airport and Washington Dulles International Airport	2120-AC01
1712	Objects Affecting Navigable Airspace	2120-AA09
1713	Metropolitan Washington Airports Regulations	2120-AA12
1714	Rotorcraft Regulatory Review Program Notice No. 4	2120-AA29
1715	Foreign Air Carriers and Operators of Certain Large U.S.- Registered Airplanes	2120-AA42
1716	Implementation of SAFER Propulsion System Recommendations	2120-AA49
1717	Regulation of Motor Vehicles Carrying Passengers for Hire at Washington National Airport	2120-AA62
1718	FAR 23 Airworthiness Review	2120-AA75
1719	Accelerated Ground Training - Flight Engineers' Skill Requirements	2120-AA79
1720	Instrument Flight Rule Requirements	2120-AA82
1721	Airplane Simulator Use in Airman Certification	2120-AA83
1722	Transport Rotorcraft Structural Fatigue and Damage Tolerance	2120-AA84
1723	FAR 23.49(b) Stall Speeds for Single Engine and Multiengine Airplanes of 6,000 lbs. or less	2120-AA92
1724	Amendment of Sections 91.171, 91.172, and Appendices E and F of Part 43	2120-AA98
1725	National Airspace Review (NAR) Terminal Airspace Task Group Recommendations	2120-AB02
1726	Fatigue Limit Test (Propellers)	2120-AB05
1727	Part 61--Certification: Pilots and Flight Instructors	2120-AB12
1728	Standards for Approval of A Reduced V1 Methodology for Takeoff on Wet and Contaminated Runways	2120-AB17
1729	Standards for Approval for High Altitude Operation of Subsonic Airplanes	2120-AB18
1730	Appendix G, Continuous Turbulence Criteria	2120-AB20
1731	Rebuilt Engine Maintenance Records	2120-AB29
1732	Miscellaneous Operational Amendments	2120-AB45
1733	Low Fuel Quantity Indicators	2120-AB46
1734	Dealer's Aircraft Registration Certificate	2120-AB49
1735	Part 157 Review	2120-AB74
1736	Part 101 Review Program	2120-AB75
1737	Engine Fuel and Induction Systems	2120-AB76
1738	Helicopter Instrument Flight	2120-AB87
1739	Expansion of Applicability of Section 43.17 to Include Any Country with Appropriate Bilateral Airworthiness Agreement, Including Maintenance	2120-AB89
1740	Revised One-Engine-Inoperative Ratings for Rotorcraft	2120-AB90
1741	Turbine Burst Protection for Transport Category Helicopters	2120-AB91
1742	Anti-Blocking Device	2120-AB92
1743	Offshore Airspace Review	2120-AB93
1744	Airspace Reclassification	2120-AB95
1745	Terminal Control Area (TCA) San Diego (Modification)	2120-AB98
1746	Transponder Requirements	2120-AB99
1747	Flight Plan and Transponder Requirements	2120-AC00
1748	Changes Requiring a New Type Certificate	2120-AC05
1749	Part 119 - Certification and Operations Specifications: Air Carriers and Other Operators for Compensation or Hire	2120-AC08
1750	Gliders and Balloons	2120-AC10
1751	Aircraft Identification and Retention of Fuel System Modification Records	2120-AC11
1752	Part 23 Airworthiness Review, Notice No. 5 (Equipment, Systems, and Installation)	2120-AC14
1753	Part 23 Airworthiness Review, Notice No. 2	2120-AC15
1754	Aircraft Registration; Recording of Aircraft Titles and Security Documents	2120-AC17

+ Designates significant regulation.

Federal Aviation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1755	+ Update of Part 139	2120-AA10
1756	+ High Density Airport Traffic Rule	2120-AA72
1757	+ Metropolitan Washington Airports Policy	2120-AA89
1758	+ Expansion of CVR/FDR Equipment Requirements on U.S. Aircraft	2120-AA95
1759	+ Improved Flammability Standards for Materials Used in the Interiors of Transport Category Airplane Cabins	2120-AB23
1760	+ Slot Allocation; Initial Withdrawal and Redistribution of Slots	2120-AC02
1761	+ Certification: Student Recreational, Recreational, Student Other Than Recreational and Private Pilots	2120-AA54
1762	+ Fire Protection Requirements for Cargo or Baggage Compartments	2120-AA90

DOT

Federal Aviation Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1763	+ Mode S Transponder	2120-AB03
1764	+ Protective Breathing Equipment	2120-AB32
1765	+ Civil Helicopter Noise Certification	2120-AB33
1766	+ Elimination of Airport Delays	2120-AB42
1767	Pilot Oxygen Mask Requirements	2120-AA11
1768	Revision of Part 91	2120-AA13
1769	Recording of Aircraft Titles and Security Documents - Notice of Lien	2120-AA14
1770	Cessna Finance Petition	2120-AA15
1771	Inoperative Instruments or Equipment	2120-AA19
1772	Rotorcraft Regulatory Review Program Amendment No. 3	2120-AA28
1773	Rotorcraft Review Notice No. 5-Operations and Maintenance	2120-AA30
1774	Standards for Approval of an Automatic Takeoff Thrust Control System	2120-AA46
1775	Transport Category Airplane Airworthiness Standards	2120-AA47
1776	FY-1982 Miscellaneous Amendments	2120-AA50
1777	Amend Part 23 to Include Empennage Fatigue Requirements	2120-AA58
1778	Noise Standards: Aircraft Type and Airworthiness Certification	2120-AA74
1779	Revise Part 23 to Include Commuter Category Airplanes	2120-AA77
1780	General Aviation Safety Panel's Recommendations on Weather Minimums	2120-AB04
1781	Electronic Fuel Controls	2120-AB06
1782	Turbo Prop Engine Propeller Brake Proposals	2120-AB07
1783	Type Certification Procedures - Special Class of Aircraft	2120-AB44
1784	Part 95 Instrument Flight Rules	2120-AA63
1785	Airworthiness Directives	2120-AA64
1786	Standard Instrument Approach Procedures	2120-AA65
1787	Airspace Actions	2120-AA66

+ Designates significant regulation.

Federal Aviation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1788	+ Use of Alcohol or Drugs; Submission to Alcohol Tests	2120-AA16
1789	+ Slot Transfer Methods	2120-AB37
1790	+ Slot Allocation Alternative Methods	2120-AB38
1791	+ Aviation Consumer Action Project Public Citizen Health Research Group, Petition to Amend Part 121 - Medical Equipment Requirements	2120-AB40
1792	+ Aircraft Fleet Modernization Strategies	2120-AC03
1793	+ Shoulder Harnesses in Normal, Utility, and Acrobatic Category Airplanes	2120-AB43
1794	+ Transponder On	2120-AB94
1795	Review: Terminal Control Areas (TCA's): Phoenix	2120-AA22
1796	Part 91 Review Lost Communications	2120-AA08
1797	Parachute Jumping, Notice and Authorization Requirements	2120-AA21
1798	Terminal Control Area (TCA) New York (Modification)	2120-AA24
1799	Terminal Control Area (TCA) Las Vegas (Modification)	2120-AA25
1800	Flight Operations Control Systems	2120-AA26
1801	Airport Improvement Program	2120-AA73
1802	Aviation Insurance: Revision of Aircraft War Risk Insurance Regulation	2120-AB85
1803	MCAS El Toro, Special Airport Traffic Area	2120-AB96
1804	Certification: Pilots and Flight Instructors	2120-AC07
1805	Aviation Maintenance Technician Schools	2120-AC12
1806	Pilot Schools	2120-AC13

+ Designates significant regulation.

DOT

Federal Highway Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1807	Coordination of Federal and Federally Assisted Programs and Projects	2125-AA12
1808	Roadside Design Guide	2125-AB44

Federal Highway Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1809	+ Parts and Accessories Necessary for Safe Operation	2125-AB45
1810	+ Federal Motor Carrier Safety Regulations: General	2125-AA34
1811	+ Disqualification of Drivers (Traffic Records)	2125-AA79
1812	+ Truck Size and Weight; Trailer Lengths	2125-AB26
1813	+ Inspection, Repair, and Maintenance	2125-AB34
1814	+ Federal Motor Carrier Safety Regulations	2125-AB35
1815	+ Hours of Service	2125-AB39
1816	+ Truck Size and Weight; Lane Widths	2125-AB43
1817	+ Safety Fitness Determination	2125-AB46
1818	+ Employee Safety and Health Standards	2125-AB50
1819	+ Driving a Motor Vehicle	2125-AB51
1820	+ Truck Size and Weight; Specialized Equipment	2125-AB48
1821	+ Air Quality Procedures for Use in Federal-Aid Highway and Federally Funded Transit Programs	2125-AB10
1822	Review: General Materials Requirements	2125-AA19
1823	State Highway Agency Construction Contract Equal Opportunity Compliance Review Program Requirements	2125-AB08
1824	Contract Procedures	2125-AA18
1825	Pavement Design Policy	2125-AA88
1826	Highway Construction or Alteration Necessitated by Construction of Water Resources Development Projects	2125-AB04
1827	Federal-Aid Programs Approval and Project Authorization	2125-AB18
1828	Railroad-Highway Projects	2125-AB25
1829	Equal Employment Opportunity on Federal and Federal-aid Construction Contracts (Including Supportive Services)	2125-AB27
1830	Agreement Provisions Regarding Overruns in Contract Time	2125-AB49
1831	Written Examination	2125-AA33
1832	Railroad Grade Crossings	2125-AA36
1833	Administration of Negotiated Contracts	2125-AB30
1834	Highway Beautification: Outdoor Advertising: Technical Amendment	2125-AB32
1835	Manual on Uniform Traffic Control Devices	2125-AA37

+ Designates significant regulation.

Federal Highway Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1836	+ Splash/Spray Suppressant Devices on Truck Tractors, Semitrailers and Trailers	2125-AA84
1837	+ Truck Size and Weight; Interpretation and Policy Statement; Proposed Rulemaking	2125-AB28
1838	+ Truck Size and Weight; Automobile Transporters	2125-AB42
1839	+ Environmental Impact and Related Procedures	2125-AA05
1840	Highway Planning Program Administration	2125-AA10
1841	Use and Disposition of Property Previously Acquired By States For Withdrawn Interstate Segments	2125-AA11
1842	Emergency Relief	2125-AA50
1843	Acceleration of Projects	2125-AA87
1844	Erosion and Sediment Control on Highway Construction Projects	2125-AB05
1845	Navigational Clearances for Bridges	2125-AB07
1846	Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services); Report Requirements	2125-AB15
1847	Required Contract Provisions	2125-AB20
1848	Contract Procedures; Advertising For Bids; Noncollusion Affidavit	2125-AB21
1849	Samples and Testing of Materials and Construction	2125-AB31
1850	Labor and Employment	2125-AB37
1851	Design Standards for Highways; Technical Amendments	2125-AB47

DOT

Federal Highway Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1852	Compliance with Motor Carrier Noise Standards	2125-AA27
1853	Qualification of Drivers; Drugs	2125-AB52
1854	Transfer of Federal-Aid Highway Funds	2125-AA64
1855	Federal-Aid Highway Programs: State Internal Audit Responsibilities	2125-AB29
1856	Certification of Enforcement of Heavy Vehicle Use Tax	2125-AB36
1857	Public Hearings and Location Design Approval	2125-AB09

+ Designates significant regulation.

Federal Highway Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1858	+ Notification, Reporting and Recording of Accidents	2125-AA35
1859	+ Outdoor Advertising Control and Acquisition	2125-AA04
1860	Skid Accident Reduction Program	2125-AA90
1861	Mass Transit and Special Use Highway Projects	2125-AB01
1862	Participation in Contract Claim Awards and Settlements	2125-AB02
1863	Supportive Services for Disadvantaged and Women Business Enterprises	2125-AB19
1864	The Acquisition Function	2125-AA23
1865	Relocation Assistance	2125-AA81
1866	Relocation Assistance-Moving Payments-Moving Expense Schedules	2125-AA38

+ Designates significant regulation.

National Highway Traffic Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1867	+ Review: Uniform Tire Quality Grading	2127-AB77
1868	+ Review: Impact Protection for the Driver from the Steering Control System	2127-AB78
1869	+ Review: Child Seating Systems	2127-AA70
1870	+ Lighting Simplification--Potential Amendments to Simplify FMVSS 108 Lamps, Reflective Devices, and Associated Equipment	2127-AB87
1871	+ Side Impact Protection Head/Neck Protection and Occupant Ejection Mitigation	2127-AB85
1872	Review: Lamps, Reflective Devices, and Associated Equipment	2127-AB76
1873	Occupant Protection In Interior Impact	2127-AB16
1874	Seating Systems	2127-AA69
1875	School Bus Seating System	2127-AA65
1876	Federal Motor Vehicle Safety Standard No. 301 - Fuel System Integrity	2127-AB43

+ Designates significant regulation.

National Highway Traffic Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1877	+ Review: Side Door Strength	2127-AA59
1878	+ Review: Uniform Tire Quality Grading	2127-AA52
1879	+ Commercial Vehicle Conspicuity	2127-AA12
1880	+ Side Impact Protection: Thorax Protection	2127-AB86
1881	+ Insurer Reporting Requirements (Theft Prevention Standard)	2127-AB82
1882	+ Anthropomorphic Test Dummies	2127-AA48
1883	+ Splash and Spray Suppression Devices	2127-AA97
1884	+ Heavy Trailer Stability	2127-AB42
1885	Review: Procedures for Considering Environmental Impacts	2127-AB79

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National Highway Traffic Safety Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1886	Flammability of School Bus Interior Materials	2127-AA44
1887	Seating Reference Point/Motor Vehicle Driver's Eye Range	2127-AA46
1888	Passenger Car Brake Systems	2127-AA13
1889	Hydraulic and Air Brake Systems	2127-AA92
1890	Brake Hoses	2127-AB74
1891	Rear View Mirror Systems	2127-AA21
1892	Rear View Mirror Systems	2127-AA23
1893	Heavy Duty Vehicle Brake Systems (Formerly Truck and Trailer Brake Systems)	2127-AA00
1894	Air Brake Systems	2127-AA27
1895	Windshield Glazing Materials	2127-AA73
1896	Seat Belt Assembly Anchorages	2127-AA95
1897	Windshield Mounting	2127-AA74
1898	Certification of Speed Limit Enforcement	2127-AB88
1899	Vehicle Classification - Compact Vans/Station Wagons	2127-AA57
1900	Voluntary Tire Registration	2127-AB18
1901	Consumer Information - Wet Stopping Distance	2127-AA56

+ Designates significant regulation.

National Highway Traffic Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1902	+ Review: Federal Motor Vehicle Safety Standards; School Bus Passenger Seating and Crash Protection	2127-AB84
1903	+ Truck Rear Underride Protection	2127-AA43
1904	+ Pedestrian Protection	2127-AA45
1905	+ Anthropomorphic Test Dummies	2127-AB68
1906	+ Occupant Crash Protection - Test Procedures and other issues	2127-AB20
1907	+ Post-1986 Passenger Car Fuel Economy Standards	2127-AB75
1908	+ Petitions for Exemptions from the Vehicle Theft Prevention Standard	2127-AB81
1909	+ Crashworthiness Ratings	2127-AA03
1910	+ National Minimum Drinking Age	2127-AB30
1911	+ Child Restraint Systems	2127-AB72
1912	Review: Federal Motor Vehicle Safety Standards, "Lamps, Reflective Devices, and Associated Equipment"	2127-AB83
1913	Controls and Displays	2127-AA06
1914	Lamps, Reflective Devices, and Associated Equipment	2127-AA16
1915	Lamps, Reflective Devices and Associated Equipment	2127-AB37
1916	Rear View Mirrors	2127-AA88
1917	Referee Brake Fluids	2127-AB09
1918	Steering Control Rearward Displacement	2127-AA32
1919	Occupant Crash Protection	2127-AB71
1920	Motorcycle Helmets	2127-AA40
1921	Air Brake Systems	2127-AB12
1922	Incentive Grant Criteria for Alcohol Traffic Safety Programs--Amendment	2127-AB23
1923	Consumer Information--Stopping Distance	2127-AA50

+ Designates significant regulation.

National Highway Traffic Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1924	+ Seat Belt Assemblies	2127-AA35
1925	+ Occupant Crash Protection - Response to Petitions for Reconsideration	2127-AB45
1926	+ MY 1986 Passenger Car Fuel Economy Standards	2127-AB32
1927	+ MY 1987 Light Truck Fuel Economy Standards	2127-AB33
1928	+ My 1988 Light Truck Fuel Economy Standards	2127-AB69
1929	+ Theft Prevention Standard	2127-AB31
1930	+ Procedures for Selection of Covered Vehicles; Motor Vehicle Theft Law Enforcement Act of 1984	2127-AB73

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National Highway Traffic Safety Administration—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1931	+ Uniform Tire Quality Grading Standards - Treadwear Amendments	2127-AB21
1932	+ Seat Belt Assembly Anchorages	2127-AB70
1933	+ Child Seating Systems	2127-AA80
1934	+ Procedures for Transition to New National Driver Register	2127-AA98
1935	Windshield Defoggers	2127-AA91
1936	Hydraulic Brake Systems	2127-AA94
1937	Brake Hoses	2127-AA90
1938	Lamps, Reflective Devices, and Associated Equipment	2127-AA18
1939	Lamps, Reflective Devices, and Associated Equipment	2127-AA19
1940	Lamps, Reflective Devices, and Associated Equipment	2127-AA60
1941	Lamps, Reflective Devices, and Associated Equipment	2127-AA77
1942	Lamps, Reflective Devices, and Associated Equipment	2127-AB35
1943	Lamps, Reflective Devices and Associated Equipment	2127-AB39
1944	Highway Safety Standards	2127-AA96
1945	Defect and Noncompliance Reports	2127-AB44

+ Designates significant regulation.

Federal Railroad Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1946	+ Special Safety Inquiry; Rail-Highway Grade Crossing Safety	2130-AA27
1947	Review: Regulatory Flexibility Act Reviews	2130-AA10
1948	Review of Locomotive Cab Safety	2130-AA32
1949	Review of Radio Communication	2130-AA34
1950	Review: Special Safety Inquiry; Power Brake Regulations	2130-AA40

+ Designates significant regulation.

Federal Railroad Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1951	Safety Standards for Cabooses	2130-AA01
1952	Amendments to Regulations Implementing Section 905 of the 4R Act	2130-AA04
1953	Rules of Practice	2130-AA07

Federal Railroad Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1954	Special Safety Inquiry; Railroad Power Brakes	2130-AA28
1955	Rear End Device-Passenger Commuter and Freight Trains	2130-AA39

Urban Mass Transportation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1956	+ Charter Bus Regulations	2132-AA04
1957	+ Implementation of Section 19 of the Urban Mass Transportation Act of 1964 as Amended -- Nondiscrimination	2132-AA01

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Urban Mass Transportation Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1958	+ Air Quality Procedures for Use in Federal-Aid Highway and Federally Funded Transit Programs	2132-AA19
1959	+ Private Enterprise Participation	2132-AA20
1960	+ Major Capital Investment Projects	2132-AA22
1961	+ Extension of Safety Requirements to all Federally Assisted Buses	2132-AA24
1962	+ Maintenance of Equipment and Facilities	2132-AA26
1963	School Bus Operations	2132-AA09
1964	Section 15 Reporting Requirements for Section 9 Apportionment Grants; Penalty Procedures for Non-compliance	2132-AA23

+ Designates significant regulation.

Urban Mass Transportation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1965	+ Environmental Impact and Related Procedures	2132-AA03
1966	+ "Buy America" Requirements of the Surface Transportation Assistance Act of 1982	2132-AA15
1967	Innovative Techniques and Methods	2132-AA05
1968	Miscellaneous Amendments - Organization, Functions, and Procedures	2132-AA06
1969	Technology Introduction	2132-AA07

+ Designates significant regulation.

Research and Special Programs Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1970	Specification Packages of Type B and Fissile Radioactive Materials	2137-AA29
1971	DOT Specification 51 Portable Tanks	2137-AA36

Research and Special Programs Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1972	+ Performance-Oriented Packaging Standards	2137-AA01
1973	+ Collection of Service Segment Data and Charter Data from Foreign Air Carriers	2137-AA97
1974	+ Alignment of Airline Uniform System of Accounts and Reports with Generally Accepted Accounting Principles	2137-AA99
1975	+ Collection of Service Segment Data and Charter Data from U.S. Air Carriers	2137-AB01
1976	+ Requests for Confidential Treatment of Aviation Economics- Related Materials Filed with DOT	2137-AB02
1977	+ Confidentiality of Parts 241 and 298 Airline Reports	2137-AB05
1978	+ Data Collection and Reporting: Hazardous Materials Incident Reports	2137-AA51
1979	+ Reportable Quantities of Hazardous Substances	2137-AA68
1980	+ Recodification of Explosive Regulations	2137-AA93
1981	Review: Consolidation of Specifications for High Pressure Seamless Cylinders	2137-AA92
1982	Definition of a Flammable Solid	2137-AA05
1983	Revision of Operating Procedures for Motor Vehicles	2137-AA07
1984	Use of Interested Inspectors for Cylinder Inspections	2137-AA08
1985	Consolidation and Revision of Requirements for the Carriage of Explosives by Vessel	2137-AA10
1986	Oxidizing Materials Definition, Criteria and Proposed Regulations	2137-AA11
1987	Odorization of LP Gas	2137-AA25
1988	Private Carriers Licensed to Use Radioactive Materials	2137-AA28
1989	Quality Assurance for Radioactive Materials Shippers	2137-AA30
1990	Steel Pipe	2137-AA40
1991	Specification 8W and 8WA Welded Steel Cylinders	2137-AA63
1992	Revision of the IM Tank Table	2137-AA64
1993	Rewrite and Recodification of Section 173.34	2137-AA73

DOT

Research and Special Programs Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1994	Marking Owner's Symbols on Compressed Gas Cylinders	2137-AA74
1995	Reclassification of Special Fireworks	2137-AA78
1996	Required Use of Emergency Response Guidebooks and Material Safety Data Sheets	2137-AA88
1997	Odorization of Liquefied Petroleum Gas (LPG)	2137-AA89
1998	Collection of Financial Information from the Commuter Air Carrier Industry	2137-AA98
1999	Revise Definition of Airline Revenue and Nonrevenue Passengers, and First Class and Coach Passengers	2137-AB00
2000	Require Specific Categories of Records and Retention Periods for Commuter Air Carriers Receiving Subsidy	2137-AB04
2001	Matter Incorporated by Reference (Hazardous Materials)	2137-AA45

+ Designates significant regulation.

Research and Special Programs Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2002	+ Review of Sample Size and Administration of the Airline Passenger Origin-Destination Survey	2137-AA95
2003	+ Review of the Form 41 Report of Financial and Operating Statistics for Large Certificated Air Carriers	2137-AA96
2004	+ Specification and Use Requirements for MC 306, MC 307, and MC 312 Cargo Tanks (Including Proj. 301-83 and Incorporates Docket HM 183)	2137-AA42
2005	+ Add to 49 CFR 195.2 Definitions a Definition of "gathering line"	2137-AA60
2006	Interior Piping	2137-AA21
2007	Conversion of Individual Exemptions to Regulations of General Applicability	2137-AA43
2008	Minor Regulatory Adjustments to Regulations of General Applicability	2137-AA44
2009	Confirmation or Revision of Maximum Operating Pressure for Certain Changes in Class Location	2137-AA62
2010	Clarification of Welding Requirements for Gas Pipelines	2137-AA69
2011	Damage Prevention Program for Gas Pipelines (Docket No. PS-59)	2137-AA71
2012	Modifications to DOT Specification 21PF-1 Overpacks	2137-AA72
2013	Cargo Tanks Used in Atmospheric Gas and Helium, Cryogenic Liquid Service Docket HM-115A	2137-AA84
2014	Limitation Aboard Aircraft	2137-AA85
2015	Bulk Packagings and Miscellaneous Rule Changes	2137-AA90

+ Designates significant regulation.

Research and Special Programs Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2016	+ Streamline Airline Passenger Origin-Destination Survey Reporting	2137-AB03
2017	Radiation Level Specifications	2137-AA27
2018	Monitoring External Corrosion Control	2137-AA38
2019	Records for Hydrostatic Testing, Operation and Maintenance and Accident Reporting	2137-AA58
2020	Nondestructive Testing of Girth Welds	2137-AA59
2021	Cylinder Retester Identification Numbers	2137-AA65
2022	Incorporation by Reference, Updating Steel Line Pipe Specifications (Docket No. P-26)	2137-AA94

+ Designates significant regulation.

Maritime Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2023	Review: MARAD Program Regulations: Review of all MARAD Program Regulations	2133-AA56

DOT

Maritime Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2024	+ Cargo Preference - U.S. Flag Vessels - Determination of Fair and Reasonable Rates for Bulk Vessels	2133-AA43
2025	+ Determinations of Non-availability of U.S.-Flag Vessels	2133-AA36
2026	+ Approval of Marine Hull Underwriters	2133-AA50
2027	+ Cargo Preference - Implementation of P.L. 99-198	2133-AA55
2028	+ Regulations and Minimum Standards for State, Territorial or Regional Maritime Academies and Colleges	2133-AA57
2029	Review: War Risk Insurance	2133-AA54
2030	Statistical Data for Use In Operating-Differential Subsidy (ODS) Application Hearings	2133-AA16
2031	Rules of Practice and Procedures; for Hearing in Operating-Differential Subsidy (ODS) Application; Applications for Subsidies and Other Direct Financial Aid	2133-AA20
2032	Merchant Marine Training; Regulations and Minimum Standards for State, Territorial or Regional Maritime Academies and Colleges	2133-AA42

+ Designates significant regulation.

Maritime Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2033	+ Cargo Preference-U.S. Flag Vessels-Determination of Fair and Reasonable Rates for Liner Vessels	2133-AA02
2034	+ Elimination of Restrictions on Non-Subsidized Voyages by Subsidized Liner Companies	2133-AA18
2035	+ Notice of Intent to Redesignate Essential Trade Routes	2133-AA44
2036	+ Final Guidelines For Considering Early ODS Contract Terminations	2133-AA47
2037	+ Establishment of Mandatory Position Reporting System for Vessels	2133-AA31
2038	+ General Procedures for Determining Operating-Differential Subsidy (ODS) for Liner Vessels	2133-AA46
2039	+ Cargo Preference - U.S. Flag Vessels; Evaluation of Bids for Subsidized Liner Vessels	2133-AA52
2040	+ Operating-Differential Subsidy (ODS) for Bulk Cargo Vessels Engaged in Worldwide Services; General Procedures for Determining ODS	2133-AA53
2041	Suspension of ODS Agreements for All or Portion of the Vessels Included Therein	2133-AA17
2042	Making Excess or Surplus Federal Property Available to the United States Merchant Marine Academy (USMMA), State Maritime Academies and Approved Nonprofit Maritime Training Institutions	2133-AA34
2043	Blanket Approval for: Bareboat Charters of Recreational Vessels to Noncitizens; Sales to Noncitizens and Transfers to Foreign Registry or Flag of Vessels Under 200 Gross Tons	2133-AA40
2044	Marine Protection and Indemnity Insurance Instructions Under General Agency and Berth Agency Agreements	2133-AA51

+ Designates significant regulation.

Maritime Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2045	+ Vessel Obligation Guarantees; Vessel Requirements, United States Construction	2133-AA29
2046	War Risk Insurance	2133-AA49

+ Designates significant regulation.

DEPARTMENT OF TRANSPORTATION (DOT)

Prerule Stage

Office of the Secretary (OST)

1516. + REVIEW: COMPREHENSIVE REVIEW OF CAB CONSUMER RULES

Significance: Regulatory Program

Legal Authority: 49 USC 1301 et seq Federal Aviation Act of 1958, as amended

CFR Citation: 14 CFR 201.6; 14 CFR 203; 14 CFR 205; 14 CFR 221, Subpart N; 14 CFR 249; 14 CFR 250; 14 CFR 252; 14 CFR 253; 14 CFR 254; 14 CFR 296.6 and 297.30; 14 CFR 298.30; 14 CFR 379; 14 CFR 380; 14 CFR 382; 14 CFR 399, Subpart G

Legal Deadline: None

Abstract: The Civil Aeronautics Board was an independent agency; its rules have now been transferred to DOT, a cabinet department. This review will identify any CAB rules which are not consistent with Department or Administration regulatory criteria, such

as those that impose an unnecessarily high cost or those with paperwork burdens that can be reduced or which involve a level of benefits or costs which are either higher or lower than necessary. The review will examine all alternatives, from strengthening a given rule to eliminating it. Non-regulatory approaches, including the supplying of information by the government, or regulation by another level of government, will be also considered. The benefits and costs will be known only after these alternatives have been developed. This review is a priority because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
Begin Review	02/25/85	
End Review	05/00/86	

Small Entity: Yes

Additional Information: The committee conducting this review will examine all CAB consumer rules. Rulemaking proceedings on individual regulations may follow, depending on the committee's findings and recommendations.

Agency Contact: Timothy J. Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 7th Street, SW, Room 10405, Washington, DC 20590, 202 755-2220

RIN: 2105-AB03

1517. + LICENSING OF COMMERCIAL LAUNCH SITE OPERATIONS

Significance: Regulatory Program

Legal Authority: PL 98-575

CFR Citation: Not applicable

Legal Deadline: None

Abstract: The rulemaking addresses the development of technical standards for commercial launch site operations and the appropriate regulatory framework for issuing licenses authorizing such operations. In its initial stages the rulemaking will focus on identifying the basic safety elements associated with site operations, determining the degree to which safety operations can effectively be conducted by private entities, identifying the appropriate factors to consider in reviewing site proposals, and developing the standards to be applied in determining whether to approve such proposals. This rule is significant because it is included in the Department's Regulatory Program.

Timetable:

Action	Date	FR Cite
Interim Guidance	02/25/85	
ANPRM	06/01/86	

Small Entity: No

Agency Contact: Gerald Musarra, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA27

1518. + AIRLINE INTERLINE AGREEMENTS

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371 to 1379; 49 USC 1381; 49 USC 1382; 49 USC 1384; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: Republic Airlines petitioned the CAB for emergency rulemaking and other relief concerning changes in carrier interline practices. It stated that a number of major carriers have withdrawn from the current multilateral interline traffic agreement and henceforth will maintain interline arrangements only pursuant to bilateral agreements that are terminable monthly without notice. It alleged that failure to notify passengers that interlining may cease abruptly and without notice could constitute an unfair or deceptive practice within the meaning of section 411 of the Federal Aviation Act of 1958. In addition, it argued that the right to terminate interline agreements without notice could be used for anticompetitive purposes. Republic asked the CAB to adopt interim rules requiring notice to passengers and to institute a rulemaking proceeding to determine whether these no-notice bilateral interline agreements are an unfair method of competition. The CAB denied the request for emergency rules. DOT is now considering the subject of interlining and whether to begin a rulemaking proceeding. This rulemaking would be significant because it would affect competition in a (cont)

Timetable:

Action	Date	FR Cite
Order 83-12-3 Denial of Emergency Action	00/00/00	
Petition filed in Docket 41825	00/00/00	
Petition under consideration	00/00/00	

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: deregulated environment and may affect the convenience of travel for passengers.

Agency Contact: Stephen Colevas, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4382

RIN: 2105-AA85

1519. + CONSUMER PROTECTION FOR DEFAULT BY SCHEDULED AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1381

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: Transamerica petitioned the CAB to investigate ways to protect consumers against service defaults by scheduled air carriers in domestic, overseas, and foreign air transportation. Transamerica suggested that the Board condition the award of operating authority to perform direct carrier scheduled service on air carriers developing a default protection plan. For foreign air travel, it suggested that the obligation be limited to outbound flights. The petitioner argued that prompt action is necessary in order to ensure continued public confidence in scheduled air service and to protect passengers from unnecessary financial hardship. DOT is considering what action should be taken on the petition.

Timetable:

Action	Date	FR Cite
Petition filed in Docket 42368	00/00/00	

Next Action Undetermined

Small Entity: No

DOT—OST

Prerule Stage

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 755-2220

RIN: 2105-AA98

1520. DIRECT FLIGHTS

Significance: Nonsignificant

Legal Authority: 49 USC 1381

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: Donald L. Pevsner petitioned the CAB to institute a rulemaking proceeding to ban use of the term "direct flight" because it is deceptive, and to declare use of the term to be a prima facie violation of section 411 of the Federal Aviation Act of 1958. The Department is now considering what action to take in response to the petition.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Petition under consideration. It has been filed in Docket 41217.

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 755-2220

RIN: 2105-AA73

1521. CURRENCY-RELATED ADJUSTMENTS FOR INTERNATIONAL AIR CARGO RATES

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371 to 1379; 49 USC 1381; 49 USC 1384; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: TWA petitioned the CAB to establish an expanded policy of international cargo rate flexibility by which carriers would file for expedited effectiveness certain increased cargo rates on inbound traffic to the United States. The rate changes involved would be currency-related adjustments that carriers file in response to foreign government orders. TWA stated that this change is needed so that airlines are not exposed to penalties for failing to comply with foreign government directives. In addition, it argued that protracted review of these filings has a severe impact on airline revenues because an airline cannot change its tariffs to reflect currency devaluations. DOT is considering what action to take in response to this petition.

Timetable:

Action	Date	FR Cite
Petition filed in Docket 41786	00/00/00	
Next Action Undetermined		

Small Entity: No

Agency Contact: Lawrence Myers, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5621

RIN: 2105-AA87

1522. ESTABLISHMENT OF NEW CLASS SERVICE MAIL RATE FOR BUSH OPERATIONS WITHIN ALASKA

Significance: Nonsignificant

Legal Authority: 49 USC 1376

CFR Citation: 14 CFR 302.3

Legal Deadline: None

Abstract: CAB Sunset Act of 1984 extends Intra-Alaska mail rate authority through December 1988. This rulemaking would consider the establishment of new service mail rates to bush points in Alaska. It would also consider the data reporting requirements and appropriate updating procedures to support the establishment and future revision of these rates.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Julien R. Schrenk, Transportation Economist, Department of Transportation, Office of the Secretary, 400 Seventh Street, NW, Washington, DC 20590, 202 472-5126

RIN: 2105-AB01

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Proposed Rule Stage

1523. + ELECTRONIC FILING OF TARIFFS

Significance: Regulatory Program

Legal Authority: 49 USC 1373

CFR Citation: 14 CFR 221

Legal Deadline: None

Abstract: DOT will examine whether conversion from a paper document system to a computerized system of filing and monitoring air carrier tariffs can reduce paper flow, speed up processing, and allow the industry to utilize computer and telecommunications technology to communicate with DOT. The alternative is to maintain the current paper tariffs system. Potential savings to the industry may be greater than to the government, since airlines already utilize automated fare and rate systems. In addition, airlines may be able to implement changes faster, thus responding more quickly to market conditions, and may be less burdened with the cost of producing and transmitting paper documents. The Department may reduce paper flow, experience savings in processing time and staffing, and improve the accuracy and control of tariff data.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/85	50 FR 33452
ANPRM Comment Period End	11/18/85	
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Thomas Moore, Chief, Tariffs Division, 400 - Seventh

Street, SW, Washington, DC 20590, (202) 472-5573

Agency Contact: Desta McDowell, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5573

RIN: 2105-AB00

1524. + MINORITY BUSINESS ENTERPRISE PROGRAM (FINANCIAL ASSISTANCE PROGRAMS)

Significance: Agency Priority

Legal Authority: 42 USC 2000d Civil Rights Act of 1964, Title VI; 49 USC 1730; 45 USC 906; 49 USC 1615; PL 97-424, Sec 105(f)

CFR Citation: 49 CFR 23

Legal Deadline: None

Abstract: The Department is reviewing its regulation establishing a minority business enterprise (MBE) program in its financial assistance programs (49 CFR Part 23). This regulation has been controversial, is of interest to most DOT grant recipients and contractors, and affects the operations of all DOT financial assistance programs. As part of the Administration's program of reviewing regulations that are costly or controversial, the Department has decided that it is necessary to consider revisions of the existing rule. The aim of the revisions would be to reduce regulatory burdens associated with the present rule and clarify the administration of some provisions about which questions have been raised. On the basis of this review, the Department intends to publish from time to time, proposed rules to improve various aspects of the way the program is administered. This review is to improve the administration of the existing program, and it is not intended to affect the major policy provisions of the regulation.

Timetable:

Action	Date	FR Cite
Final Action	03/31/80	45 FR 21172
NPRM make interim amend to final rule, pend. revision of entire rule	03/12/81	46 FR 16282
Final Action for interim amendment	04/27/81	46 FR 23457

Next Action Undetermined

Small Entity: Yes

Additional Information: Final Rule published March 31, 1980 (45 FR 21172). NPRM to make interim amendment to this final rule, proposing to delete two controversial provisions, pending revision of the entire rule published March 12, 1981 (46 FR 16282). Final rule for interim amendment published April 27, 1981 (46 FR 16202). Further action to revise existing rule under consideration.

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/27/81

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA04

1525. + NONDISCRIMINATION ON THE BASIS OF HANDICAP (AIR TRAVEL)

Significance: Agency Priority

Legal Authority: 29 USC 794; PL 97-248, Sec. 511-519 Airport and Airway Improv. Act of 1982

CFR Citation: 49 CFR 27; 14 CFR 382

Legal Deadline: None

Abstract: The Civil Aeronautics Board (CAB) has a regulation providing protection of the rights of handicapped air travellers. Based on recent Congressional action, DOT began enforcing this regulation on January 1, 1985. DOT has prepared and transmitted to the Department of Justice, for review under E.O. 12250, an NPRM that would extend to passengers on all airlines the provisions of subparts B and C of the rule, which now apply only to subsidized carriers. This NPRM would also respond to the decision of the U.S. Court of Appeals for the D.C. Circuit in Paralyzed Veterans of America v. Civil Aeronautics Board, which said that Section 504 applied to all air carriers, whether or not they receive a direct Federal subsidy.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: The Department of Justice sought, and obtained, Supreme Court review of the PVA v. CAB case. The court is expected to hear arguments in the case during its current term. Further action in the rulemaking is being deferred pending the outcome of the litigation.

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA18

1526. + COMMERCIAL SPACE TRANSPORTATION: THIRD-PARTY LIABILITY INSURANCE FOR COMMERCIAL SPACE LAUNCH ACTIVITIES

Significance: Agency Priority

Legal Authority: PL 98-575, Sec 16 Commercial Space Launch Act

CFR Citation: 14 CFR 419

Legal Deadline: None

Abstract: Persons authorized to conduct commercial launch activities by a license issued by DOT are statutorily required to have in effect at least that amount of third-party liability insurance prescribed by DOT for the licensed activity. The rulemaking addresses alternate approaches to setting the appropriate amount of third-party liability insurance licensees must carry.

Timetable:

Action	Date	FR Cite
ANPRM	05/07/85	50 FR 19280
ANPRM Comment Period End	07/08/85	50 FR 19280
NPRM	06/00/86	

Small Entity: No

Additional Information: The CFR citations are tentative at this point.

Agency Contact: Gerald Musarra, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA26

1527. ● + OVERSALES

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 250

Legal Deadline: None

Abstract: U.S. and foreign air carriers are filing Form 251 "Report of Passengers Denied Confirmed Space" on a monthly basis. This report shows the number of passengers who were denied confirmed space and how they were accommodated. The Paperwork Reduction Act of 1980 (P.L. 96-511) does not permit filing frequencies greater than quarterly unless justified. This proposed rule would reduce the filing frequency from monthly to quarterly. There would be some cost savings and burden reduction to both the industry and the Federal Government.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
Final Action	07/00/86	

Small Entity: No

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2059**

RIN: 2105-AB17

1528. ● + 14 CFR PARTS 204 AND 291, LIMITATION ON FITNESS DETERMINATION: REVOCATION OF OPERATING AUTHORITY

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1386; 49 USC 1388; 49 USC 1389

CFR Citation: 14 CFR 204; 14 CFR 291

Legal Deadline: None

Abstract: The proposed rule would, if finalized, automatically revoke the authority of carriers who do not begin operations within one year of being found fit or who, having begun and then ceased operations, remain dormant for any subsequent one-year period. The rule would be in substitution for the existing continuing fitness regulation, which calls for new fitness determinations only after a two-year period of dormancy--and even then, only if a dormant carrier actually intends to start operations. The new rule, by reducing the number of dormant certificated carriers, should greatly enhance our ability to monitor carriers under the continuing fitness function. The costs should be negligible because, under the Department's streamlined certification procedures, carriers needing to reapply for certificate authority by virtue of the rule would face filing requirements and procedures closely comparable to those that already exist under the Department's current continuing fitness regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/14/86	
NPRM Comment Period End	04/14/86	
Final Action	06/02/86	

Small Entity: No

Agency Contact: Jeffrey B. Gaynes, Patricia T. Szrom, Office of Aviation Operations, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Room 6402, Washington, DC 20590, 202 755 - 3812, **202 472-5418**

RIN: 2105-AB19

1529. ● REVIEW OF AIR CARRIER AGREEMENTS AND 408 APPLICATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1303; 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1378; 49 USC 1379; 49 USC 1382; 49 USC 1384; 49 USC 1386; 49 USC 1388; 49 USC 1551

CFR Citation: 14 CFR 303

Legal Deadline: None

Abstract: The Department intends to review the regulation to determine if more efficient procedures can be developed which will not interfere with the marketplace.

Timetable:

Action	Date	FR Cite
NPRM	04/01/86	
NPRM Comment Period End	05/01/86	
Final Action	06/15/86	

Small Entity: No

Agency Contact: George Baranko, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 472-5621**

RIN: 2105-AB20

1530. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION--STATE TRANSPORTATION AGENCIES' EEO AFFIRMATIVE ACTION PROGRAMS

Significance: Nonsignificant

Legal Authority: Federal-Aid Highway Act of 1968, as amended, Sec 22(a); RR Revitalization & Regulatory Reform Act of 1976, Sec 905; 49 USC 1615 Urban Mass Transportation Act of 1964, as amended; 29 USC 794 Rehabilitation Act of 1973, Sec 504

CFR Citation: 49 CFR 1.48(c); 49 CFR 2.49(u); 49 CFR 1.51(a)

Legal Deadline: None

Abstract: The proposed regulation would set forth requirements and procedures for all State Departments of Transportation (DOTs) equal employment opportunity compliance programs. It would also consolidate FHWA, FRA, and UMTA responsibilities in this area. This proposed regulation is significant because it would affect the equal opportunity employment programs of all State transportation agencies. It is needed because OST, FHWA, FRA, and UMTA each have responsibility for implementing the equal employment opportunity programs of State DOTs. This proposed rule would assure full coordination among these departmental elements, reduce the burden on the recipients, simplify reporting requirements, and eliminate duplication of effort.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: The proposed

regulation was forwarded to EEOC for review and coordination. The primary issue addressed by this proposal was raised in the course of reviewing a related regulation. Further action will be delayed pending the outcome of that review.

Agency Contact: Dorsey Thomas, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4754

RIN: 2105-AA06

1531. NONDISCRIMINATION ON THE BASIS OF HANDICAP (DIRECTLY CONDUCTED PROGRAMS)

Significance: Nonsignificant

Legal Authority: 29 USC 794

CFR Citation: 49 CFR 28

Legal Deadline: None

Abstract: This regulation would implement the 1978 amendments to section 504 of the Rehabilitation Act of 1973 which made its prohibition of discrimination on the ground of handicap applicable to the directly conducted programs of Federal agencies as well as to their financial assistance programs. The rule would apply to DOT facilities, personnel practices, and regulatory programs. It would be based on a model rule developed by the Department of Justice. The rule would also apply to DOT activities and functions transferred from the Civil Aeronautics Board after that agency's "sunset". A CAB NPRM that was being developed on this subject will be subsumed in this project.

Timetable:

Action	Date	FR Cite
NPRM	05/15/86	

Small Entity: Undetermined

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA29

1532. AIR CARRIER CARGO TARIFF PUBLICATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1373; 49 USC 1482

CFR Citation: 14 CFR 221.171; 14 CFR 221.173

Legal Deadline: None

Abstract: This petition proposes to amend the requirement that air carriers post cargo tariffs at stations, offices, and locations other than their principal office. The petitioners proposed to allow carriers to maintain a memorandum tariff at each location and have a toll-free number for shippers to obtain access to complete tariff information. Petitioners alleged that such a change would substantially reduce the cost and time burden of maintaining and continually updating voluminous files of current and past tariffs at each location.

Timetable:

Action	Date	FR Cite
Petition Filed in Docket 42660	11/27/84	

Next Action Undetermined

Small Entity: No

Additional Information: Petition under consideration.

Agency Contact: Lawrence Myers, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5621

RIN: 2105-AA31

1533. OVERSEAS MILITARY PERSONNEL AIR CHARTER TARIFFS

Significance: Nonsignificant

Legal Authority: 49 USC 1373; 49 USC 1386

CFR Citation: 14 CFR 372

Legal Deadline: None

Abstract: The reference to tariffs in the rule governing Overseas Military Personnel Charters (OMPC) has become obsolete, at least with respect to domestic air transportation. The CAB was considering whether to eliminate the tariff requirement for all OMPC's and replace it with consumer protection requirements similar to those in its Public Charter rule in Part 380. This proposal is still being considered by DOT.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 755-2220

RIN: 2105-AA67

1534. UNFAIR AND DECEPTIVE PRACTICES BY AIRLINE TICKET AGENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1378; 49 USC 1381

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: Enforcement policies currently make reference to tariffs. DOT is considering whether to limit these provisions to foreign air transportation or to eliminate them entirely.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 755-2220

RIN: 2105-AA70

1535. FILING REQUIREMENTS FOR INTERNATIONAL AIR CARGO TARIFFS

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1324; 49 USC 1371 to 1374

CFR Citation: 14 CFR 221

Legal Deadline: None

Abstract: The Department is considering shortening the filing requirements from 60 to 30 days for international cargo tariffs that are within the Standard Foreign Rate Level. This rule would encourage pricing flexibility and standardize the tariff-filing requirements for cargo rates and passenger fares that are within the zone.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Lawrence Myers, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5621

RIN: 2105-AA83

1536. POLICY STATEMENT ON STANDARD FOREIGN FARE LEVEL FOR AIR CARRIERS

Significance: Nonsignificant

Legal Authority: 49 USC 1371; 49 USC 1375; 49 USC 1377; 49 USC 1378; 49 USC 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 399

Legal Deadline: None

Abstract: The CAB considered adopting a policy statement that would combine the CAB's policies on Standard Foreign Fare Level (SFFL), which are found in numerous orders, into a single, comprehensive rule. DOT is considering what should be included in the rule.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Lawrence Myers, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5621

RIN: 2105-AA89

1537. EMPLOYMENT DISCRIMINATION AGAINST HANDICAPPED PERSONS BY AIR CARRIERS

Significance: Nonsignificant

Legal Authority: 29 USC 794; 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1376; 49 USC 1377; 49 USC 1386; 49 USC 1389; EO 12250 45 FR 72995

CFR Citation: 14 CFR 382

Legal Deadline: None

Abstract: The CAB was considering new rules prohibiting unlawful discrimination against otherwise qualified handicapped persons who are employed by, or are seeking employment from, airlines. This proposed rule is under the authority of the Rehabilitation Act of 1973. This action is under consideration at DOT.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA92

1538. CARGO RATE CHANGES ON 30 DAYS NOTICE

Significance: Nonsignificant

Legal Authority: 49 USC 1373

CFR Citation: 14 CFR 221.160

Legal Deadline: None

Abstract: This rule would amend regulations to allow cargo tariffs which are within the zones established under 14 CFR 399.41 to be filed on 30 days' notice. There are two alternatives: either maintain the status quo (60 days' notice) or change cargo tariff filing regulations to 30 days' notice to be consistent with passenger tariff filing requirements. Standardization of the regulatory tariff filing requirements for both cargo and passenger tariffs would benefit the industry.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Tom Moore, Chief, Tariffs Division, Department of Transportation, Office of the Secretary, 400 7th Street, SW, Washington, DC 20590, 202 472-5573

RIN: 2105-AA99

1539. UPDATE THE DEPARTMENT OF TRANSPORTATION ACQUISITION REGULATIONS TO IMPLEMENT THE COMPETITION IN CONTRACTING ACT AS SET FORTH IN THE FEDERAL ACQUISITION REGULATIONS- PROPOSED RULES

Significance: Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301; 48 CFR 1.301; 49 CFR 1.59; PL 98-369, Title VII

CFR Citation: 48 CFR 1201, (Revision)

Legal Deadline: None

Abstract: The Competition in Contracting Act (CICA) P.L. 98-369, effective April 1, 1985, makes major changes in the structure and control of the Federal acquisition process. These changes have been effected by the Federal Acquisition Regulation (FAR). The intent of the update of the Department's acquisition regulation is to implement the FAR coverage of CICA where required.

Timetable:

Action	Date	FR Cite
NPRM	03/01/86	
NPRM Comment Period End	06/01/86	
Interim Final Rule	08/01/86	
Final Action	10/01/86	

Small Entity: Yes

Agency Contact: Roger C. Martino, Chief, Procurement Management Division, Department of Transportation, Office of the Secretary, Room 9100, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4237

RIN: 2105-AB15

1540. WARRANTY REGULATIONS FOR MAJOR SYSTEM ACQUISITIONS OF THE UNITED STATES COAST GUARD - PROPOSED RULE

Significance: Nonsignificant

Legal Authority: PL 98-473

CFR Citation: 48 CFR 1246

Legal Deadline: None

Abstract: This rulemaking would establish the regulations for Coast Guard warranties that shall be included in all contracts with prime contractors for major system acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	03/01/86	
NPRM Comment Period End	05/01/86	

DOT—OST **Proposed Rule Stage**

Action	Date	FR Cite
Interim Final Rule	07/01/86	
Final Action	09/01/86	

Small Entity: Undetermined

Agency Contact: Roger Martino, Department of Transportation, Office of the Secretary, Room 9100, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4237

RIN: 2105-AB16

1541. ● NAMES OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Significance: Nonsignificant

Legal Authority: 49 USC 1381; 49 USC 204(a); 49 USC 1371; 49 USC 1372; 49 USC 1386

CFR Citation: 14 CFR 215, (Revision)

Legal Deadline: None

Abstract: The Department must now routinely decide issues of name similarity whenever an airline wishes to use a different name for its operations or a new applicant wishes to use a name for its proposed operations. The issue arises even where there is no evidence that use of a certain name will cause or has caused confusion with an existing name. The current rule is duplicative of other statutes. The issue can be decided privately without routine, active government intervention, or can be handled on a case-by-case basis. The proposed rule would 1) delete specific criteria for decisions on name cases, 2) emphasize ad hoc enforcement, and 3) change the rule to make it a form of registration. Removal of routine intervention would reduce delay in applications for name changes. It would not result in less protection for travelers when there is a real need for action.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Undetermined

Agency Contact: Juliana Winters, Senior Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7631

RIN: 2105-AB18

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST) **Final Rule Stage**

1542. + NONDISCRIMINATION ON THE BASIS OF HANDICAP (MASS TRANSIT PROGRAMS)

Significance: Regulatory Program

Legal Authority: 29 USC 794 Rehabilitation Act of 1973, as amended; 49 USC 1612(a) Urban Mass Trans. Act of 1964, as amended; 23 USC 142 Note Federal-aid Highway Act of 1973, as amended; 49 USC 1612(d) Urban Mass Trans. Act of 1964, as amended

CFR Citation: 49 CFR 27

Legal Deadline: Judicial, July 5, 1983. Statotory deadline for final rule on July 5, 1983. Court decision in Federal District Court for Maine required DOT to expedite rulemaking, but did not set a special deadline.

Abstract: The Department's rule concerning mass transit service for handicapped persons is currently an interim final rule published July 20, 1981 (48 FR 37488). This rule was issued after a court decision said that section 504 did not authorize the Department's previous mass transit requirements. In 1983, Congress enacted section 317(c) of the Surface Transportation Assistance Act of 1982, which requires the Department to publish a new rule. The Department published an NPRM for this new rule on September 8, 1983 (48 FR 40684). The Department has reviewed the comments and will publish a final rule based on this NPRM.

Timetable:

Action	Date	FR Cite
NPRM	09/08/83	48 FR 40684
Extension of Comment Period	10/31/83	48 FR 50125
Final Action	03/01/86	

Small Entity: Yes

Additional Information: The U.S. District Court for the District of Maine entered an order December 3, 1985 in the case of Maine Association of Handicapped Persons v. Dole. The order directed the Department to complete drafting the final rule and transmit it to the Department of Justice and the Office of Management and Budget for review by December 17, 1985. The Department complied with this order. Pursuant to the order the Department is reporting to the Court every 15 days on the status of the rulemaking.

Analysis: Regulatory Impact Analysis

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA01

1543. + COMMERCIAL SPACE TRANSPORTATION: LICENSING REGULATIONS

Significance: Regulatory Program

Legal Authority: PL 98-575

CFR Citation: 14 CFR 400 to 415

Legal Deadline: None

Abstract: The rulemaking addresses the general organization and procedures of the Office of Commercial Space Transportation and the review procedures and information requirements pertaining to launch license applications. The proposed regulations will identify the general factors the government will consider, in the absence of published technical standards, in the course of determining whether to grant a launch license request. The process identified in the proposed regulations will set out in greater detail the two-part process described in the Department's Notice of Policy published in the Federal Register on February 25, 1985. That process consists of a Mission Review, focusing on national security and foreign policy issues, and a launch Safety Review, focusing on public safety issues. The proposed regulations will reflect the Department's current thinking on the conduct of these reviews in light of comments received on the Notice of Policy. These regulations are significant because they involve issues of substantial interest to the public and important DOT policies.

DOT—OST

Final Rule Stage

Timetable:

Action	Date	FR Cite
Notice of Policy and Request for Comments	02/25/85	
Comment Period on Notice 02/25/85 to	04/26/85	
Interim Final Rule	02/26/86	
Comment on Interim Final Rule 02/26/86 to	04/28/86	
NPRM	11/15/86	

Small Entity: No

Agency Contact: Gerald Musarra, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA25

1544. + CERTIFICATE DURATION IN LIMITED ENTRY MARKETS. NOTICE REQUIREMENTS FOR CARRIERS LEAVING LIMITED-ENTRY MARKETS DURING A SELECTION CASE. PROCEDURES AND CRITERIA FOR SELECTING CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1371

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: This action will enable the Department to establish criteria upon which carriers will be selected to serve those markets where the number of U.S. flag carriers is restricted under current bilateral arrangements. The proposal will also examine whether certificate authority should be awarded for a limited duration or on a permanent basis. This rulemaking is significant because it could potentially establish new policy and legal precedent in the selection of carriers for limited designation markets and the duration of the authority which these carriers are awarded.

Timetable:

Action	Date	FR Cite
ANPRM	07/27/82	47 FR 32442
Extension of ANPRM Comment Period	09/24/82	47 FR 42122
ANPRM Comment Period End	09/27/82	
Extended ANPRM Comment Period End	11/29/82	
NPRM	09/23/85	50 FR 38539
NPRM Comment Period End	11/07/85	50 FR 38539
Final Action	05/00/86	

Small Entity: No

Agency Contact: Vance Fort, Deputy Asst. Secretary, Department of Transportation, Office of the Secretary, Policy and International Affairs, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4551

RIN: 2105-AA49

1545. + PUBLIC AVAILABILITY OF INFORMATION

Significance: Agency Priority

Legal Authority: 5 USC 552 Freedom of Information Act

CFR Citation: 49 CFR 7

Legal Deadline: None

Abstract: This involves a revision of DOT's Freedom of Information Act regulations. Specific areas to be addressed include fees to be charged for search and reproduction costs and the establishment of more precise criteria to enable the Department to determine when a waiver of fees is in the public interest. It would also address records relating to those functions of the Civil Aeronautics Board that were transferred to the Department. This rulemaking is significant because of substantial public interest. It is needed because the Freedom of Information Regulations need periodic revision to keep current with changes in case law, policy, and implementation costs.

Timetable:

Action	Date	FR Cite
NPRM	10/12/85	50 FR 42049
NPRM Comment Period End	12/16/85	
Final Action	06/00/86	
Final Action Effective	07/00/86	

Small Entity: No

Additional Information: The regulations were last revised in 1975 (40 FR 7915). A new revision is currently under development.

Agency Contact: Rebecca H. Lima, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4542

RIN: 2105-AA05

1546. + LIBERALIZATION OF AIR CARRIER CHARTER RULES

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1381; 49 USC 1386

CFR Citation: 14 CFR 207; 14 CFR 208; 14 CFR 212; 14 CFR 298; 14 CFR 380

Legal Deadline: None

Abstract: The CAB proposed new charter rules for direct and indirect air carriers. The proposed rules retain the financial protections of existing rules for direct air carriers while eliminating rules restricting the types of groups (such as "affinity" or "single-entity") to whom charters may be sold. The proposal would also retain a security instrument and depository system for indirect air carriers, along with contract rules for public protection. The proposal also highlights depository bank and travel agent responsibilities in handling passenger funds. The proposal replaces one made earlier. DOT is considering what action should be taken.

Timetable:

Action	Date	FR Cite
NPRM (EDR-439/SPDR-86, Docket 40336)	02/19/82	47 FR 7443
NPRM Comment Period End	04/20/82	
Reply Comment Period End	05/10/82	
NPRM	04/12/83	48 FR 15639
NPRM (EDR-456/SPDR-88, Docket 40336)	04/12/83	48 FR 15639
NPRM Comment Period End	06/13/83	
Reply Comment Period End	06/28/83	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 755-2220

RIN: 2105-AA41

DOT—OST

Final Rule Stage

1547. + SMOKING ABOARD AIRCRAFT; NOTICE TO PASSENGERS

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386

CFR Citation: 14 CFR 252; 14 CFR 253

Legal Deadline: None

Abstract: This rule would inform passengers of their right to a seat in non-smoking section of an aircraft by one of two proposed alternatives. The first would require airlines to include a prescribed notice on or with their tickets. The second would include smoking in the list of subjects incorporated by reference in the contract of carriage, which would inform passengers that additional information may be obtained from the place of ticketing.

Timetable:

Action	Date	FR Cite
NPRM (EDR-449, Docket 41009)	11/19/82	47 FR 52190
NPRM Comment Period End	12/20/82	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 755-2220

RIN: 2105-AA72

1548. TITLE VI CIVIL RIGHTS REGULATION

Significance: Nonsignificant

Legal Authority: 42 USC 2000d-4

CFR Citation: 49 CFR 21

Legal Deadline: None

Abstract: In 1981, the Department proposed a consolidation and expansion of its existing Title VI regulation (49 CFR Part 21). Few comments were received on this NPRM, and a final regulation was never published. The Department reviewed the existing regulation to determine if changes were needed. It was concluded that the Department can continue to enforce Title VI appropriately through the existing regulation. Consequently the Department does not anticipate further rulemaking action, and intends to withdraw the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	01/19/81	46 FR 5588
NPRM Comment Period End	04/20/81	
To be withdrawn	07/31/86	

Small Entity: No

Additional Information: NPRM published in the Federal Register January 19, 1981 (46 FR 5588). Comment period closed April 20, 1981. No further action is anticipated on this NPRM.

Analysis: Regulatory Evaluation 01/19/81

Agency Contact: Dorsey Thomas, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4754

RIN: 2105-AA02

1549. MINORITY BUSINESS ENTERPRISE PROGRAM (DIRECT CONTRACTING)

Significance: Nonsignificant

Legal Authority: EO 11625; EO 12138; 45 USC 803; PL 95-507

CFR Citation: 49 CFR 23

Legal Deadline: None

Abstract: As part of the NPRM that proposed its minority business program rule, (49 CFR Part 23), the Department proposed rules concerning minority business involvement in direct DOT procurement. However, because of the program established by Public Law 95-507, these proposed rules became unnecessary, and were never finalized. That program provides for subcontracting plans and goals in certain direct Federal contracts as well as for disadvantaged business set-asides under the Small Business Administration 8(a) program. The Department intends to withdraw this proposal.

Timetable:

Action	Date	FR Cite
NPRM	05/17/79	44 FR 28928
NPRM Comment Period End	07/16/79	
Final Action concerning financial assistance programs	03/31/80	45 FR 21172
Withdraw Proposed Rule	04/15/86	

Small Entity: No

Additional Information: The Department published a final rule concerning its financial assistance programs on March 31, 1980 (45 FR 21172). The Department has concluded that further rulemaking in the direct contracting field is unnecessary at this time, and intends to withdraw this proposed rule.

Analysis: Regulatory Evaluation 05/17/79

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA03

1550. CONSOLIDATION OF TRANSPORTATION GRANTS TO U.S. TERRITORIES

Significance: Nonsignificant

Legal Authority: PL 95-134, Title V

CFR Citation: 49 CFR 29

Legal Deadline: None

Abstract: The regulation would comply with Title V of Pub. L. 95-134, which permits departments and agencies to consolidate grant programs, reduce reporting requirements, and waive local matching fund requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/08/79	44 FR 1765

Next Action Undetermined

Small Entity: No

Agency Contact: Jack Bennett, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4455

RIN: 2105-AA08

1551. NONDISCRIMINATION ON THE BASIS OF AGE IN DOT FINANCIAL ASSISTANCE PROGRAMS

Significance: Nonsignificant

Legal Authority: PL 94-135, Title III

CFR Citation: 29 CFR 1691

Legal Deadline: None

Abstract: This regulation would prohibit age discrimination by recipients of DOT financial assistance programs. Few comments were received on the NPRM. The Department intends to publish a final rule later this year.

DOT—OST

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/22/79	44 FR 60946

Next Action Undetermined

Small Entity: No

Agency Contact: Joseph Austin, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 426-4754**

RIN: 2105-AA09

1552. MINORITY BUSINESS ENTERPRISE PROGRAM (FINANCIAL ASSISTANCE PROGRAMS); COUNTING CREDIT FOR SUPPLIERS AND OTHER SERVICE PROVIDERS

Significance: Nonsignificant

Legal Authority: 42 USC 2000d; 49 USC 1730; 45 USC 906; 49 USC 1615; PL 97-424, Sec 105(f), Surface Transp. Assist. Act of 1982

CFR Citation: 49 CFR 27.47(e)(f)

Legal Deadline: None

Abstract: The current DOT MBE rule provides that recipients and contractors may receive only 20 percent credit for the cost of goods purchased from MBE suppliers who do not manufacture the goods. The Department intends to propose a regulation to correct the perceived inequities resulting from this approach. The Department published an NPRM on this rule October 2, 1985. The Department is now reviewing the comments.

Timetable:

Action	Date	FR Cite
NPRM	10/03/85	50 FR 40422
Final Action	04/15/86	

Small Entity: No

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 426-4723**

RIN: 2105-AA20

1553. AIRLINE TIME AND MILEAGE GUIDES

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Legal Deadline: None

Abstract: The DOT currently prohibits fares or rates based upon units of time. This rule would remove these restrictions.

Timetable:

Action	Date	FR Cite
NPRM (EDR-448, Docket 41034)	10/27/82	47 FR 47599

Next Action Undetermined

Small Entity: No

Agency Contact: Thomas Moore, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 472-5573**

RIN: 2105-AA39

1554. DIRECT AIR CARRIER RESPONSIBILITY FOR RETURNING STRANDED CHARTER PASSENGERS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371

CFR Citation: 14 CFR 207; 14 CFR 208

Legal Deadline: None

Abstract: This rule would make direct air carriers responsible for returning charter passengers stranded by strikes or other interruptions of their services by eliminating the force majeure clause from charter contracts. However, the Department is considering a comprehensive proposal (RIN 2105-AA41 in this agenda) to revise and simplify air charter rules. The Department's final action in this proceeding will be consistent with the comprehensive review of the charter rule.

Timetable:

Action	Date	FR Cite
NPRM	07/11/80	45 FR 46812
NPRM (EDR-405, Docket 37169)	07/11/80	45 FR 46812
NPRM Comment Period End	09/25/80	
Reply Comment Period End	10/10/80	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 755-2220**

RIN: 2105-AA40

1555. ZONES FOR AIRLINE MAIL RATES

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1376; 49 USC 1551(b)(1)(D)

CFR Citation: 14 CFR 233, (Proposed)

Legal Deadline: None

Abstract: This proposed rule would end the current practice of prescribing fixed rates for the transportation of mail by air, and in its place establish zones for each category of mail. Each zone would be defined by maximum and minimum rates prescribed by DOT, and airlines would be free to contract with the Postal Service for the carriage of mail at any price within the zone. The rule is now moot with regard to domestic mail rates except in Alaska.

Timetable:

Action	Date	FR Cite
NPRM	09/07/79	44 FR 52246
NPRM (EDR-387/PDR-68, Docket 36497)	09/07/79	44 FR 52246
Supplemental NPRM (EDR-387C/PDR-68C)	12/18/80	45 FR 83510
Comment Period End	02/17/81	
Supp NPRM	12/15/85	
Final Action	07/31/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Lawrence Myers (202) 426-5621.

Agency Contact: Lawrence Myers, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 426-7410**

RIN: 2105-AA44

1556. AIR TRAVELERS: AGE DISCRIMINATION

Significance: Nonsignificant

Legal Authority: 42 USC 6102

CFR Citation: 14 CFR 376, (Proposed)

Legal Deadline: None

Abstract: This rule will prohibit discrimination against air travelers on the basis of age and implement the Age Discrimination Act of 1975. A final rule was adopted by the CAB on April 10, 1980, and was forwarded to the Secretary of HHS for approval, as required by the Age Discrimination Act.

The rule was approved by HHS on July 13, 1984, with changes. However, these changes have not been incorporated. DOT is considering combining this rulemaking with a broader DOT age discrimination rule on which work is now under way.

Timetable:

Action	Date	FR Cite
NPRM (SPDR-74, Docket 36639)	09/26/79	44 FR 55383
Final Rule adopted by the Board	04/10/80	
HHS approved Final Rule with changes	07/13/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA45

1557. POLICY STATEMENT ON AIRLINE PREEMPTION

Significance: Nonsignificant

Legal Authority: 49 USC 1305

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: This rule will set out Department policies for regulation of the rates, routes, and services of airlines that have interstate authority. The CAB concluded that under section 105 of the Federal Aviation Act of 1958 it, not the States, was responsible for economic regulation (or deregulation, as the case may be) of all the routes, rates, or services of any airline holding either (i) a certificate of public convenience and necessity to provide interstate air transportation, or (ii) an exemption under section 416 of the Act from the requirement for such a certificate.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/15/79	44 FR 9953
Interim Rule (PS-83, Docket 34684)	02/15/79	44 FR 9948
Request for comments on Interim Rule (PSDR-56, Docket 34684)	02/15/79	44 FR 9953
Comment Period End	04/16/79	
Final Action	03/00/87	

Small Entity: Yes

Agency Contact: Lawrence Myers, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5621

RIN: 2105-AA46

1558. INSURANCE FOR ON-DEMAND AIR TAXI OPERATORS AND CANADIAN AIR TAXIS

Significance: Nonsignificant

Legal Authority: PL 95-504; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 205; 14 CFR 298

Legal Deadline: None

Abstract: This rule would set the minimum per-person aircraft accident liability insurance limits for U.S. and Canadian on-demand air taxi operators at $150,000, instead of at $300,000 as it is for other air carriers. The NPRM further includes alternative proposals to set the per-person limit at $75,000 or $100,000 or to eliminate all minimum amounts, requiring a public notice instead. Other rules for insurance coverage for these carriers would be as in 14 CFR Part 205, including the prohibition on safety-related exclusions. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM (EDR-395, Docket 37531)	02/04/80	45 FR 7566
NPRM (EDR-395B, Docket 37531)	10/27/81	46 FR 52585
NPRM Comment Period End	12/28/81	
Reply Comment Period End	01/18/82	
NPRM (EDR-395C, Docket 37531)	03/10/83	48 FR 10073
Comment Period End	05/17/83	
Final Action	04/30/86	

Small Entity: Yes

Agency Contact: George Wellington, Chief, Continuing Licenses, Branch, Licensing Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 755-3800

RIN: 2105-AA47

1559. NAVIGATION OF FOREIGN CIVIL AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1372; 49 USC 1508

CFR Citation: 14 CFR 375

Legal Deadline: None

Abstract: The CAB proposed to simplify and clarify its rules governing the navigation of foreign aircraft that are not engaged in foreign air transportation. The proposed rule would delete outdated provisions and conform the language of the rule to FAA regulations. In addition, the rule would expand the definition of foreign and civil aircraft to include U.S. registered aircraft owned by non U.S. citizens and would revise the application procedures for foreign aircraft permits to expedite their processing. The Department is now considering what action to take.

Timetable:

Action	Date	FR Cite
NPRM	10/25/84	49 FR 42948
Extension of comment period (SPDR-91A)	12/13/84	49 FR 48659
NPRM Comment Period End	12/28/84	
Final Action	04/30/86	

Small Entity: No

Agency Contact: Teresa A. Smith, Chief, Discrete Operations Branch, Licensing Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 755-3800

RIN: 2105-AA65

1560. NONDISCRIMINATION IN FEDERALLY-ASSISTED AVIATION ECONOMICS RELATED PROGRAMS OF DOT

Significance: Nonsignificant

Legal Authority: 42 USC 2000d-1

CFR Citation: 14 CFR 379

DOT—OST

Final Rule Stage

Legal Deadline: None

Abstract: The CAB reviewed its rules that implement Title VI of the Civil Rights Act of 1964, in response to suggestions from the Department of Justice. An NPRM was approved by the Board on June 15, 1982, and was forwarded to the Justice Department for review in accordance with Executive Order 12250. This regulation and its relationship to the DOT Title VI regulation (49 CFR Part 21) are now under review in the Department.

Timetable:

Action	Date	FR Cite
NPRM approved by Board	06/15/82	

Next Action Undetermined

Small Entity: No

Additional Information: The Justice Department is reviewing the NPRM.

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA66

1561. EFFECT OF EXPIRATION OF A BILATERAL ON FOREIGN AIR CARRIER AUTHORITY

Significance: Nonsignificant

Legal Authority: 49 USC 1159b; 49 USC 1324; 49 USC 1372; 49 USC 1386; 49 USC 1481; 49 USC 1502; 5 USC 558; 5 USC 559

CFR Citation: 14 CFR 377

Legal Deadline: None

Abstract: In the past, the CAB had held that a foreign air carrier's permit or exemption authority continues after the underlying bilateral Service Agreement expired, by virtue of section 558(c) of the Administrative Procedure Act. This rule would reverse that policy in order to ensure equal competitive opportunities for U.S. carriers. This rulemaking is significant because it involves substantial public interest. It affects the relationship between U.S. and foreign carriers.

Timetable:

Action	Date	FR Cite
NPRM (SPDR-89 and SPDR-89A, Docket 41497)	06/03/83	48 FR 24923
NPRM Comment Period End	08/02/83	
Final Action	03/31/86	

Small Entity: No

Agency Contact: Richard M. Loughlin, Chief, Licensing Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Room 10105, Washington, DC 20590, 202 755-3800

RIN: 2105-AA68

1562. JOINT TARIFF FILING BY FOREIGN AIR FREIGHT FORWARDERS

Significance: Nonsignificant

Legal Authority: 49 USC 1373; 49 USC 1386

CFR Citation: 14 CFR 296; 14 CFR 221

Legal Deadline: None

Abstract: This rule would permit indirect cargo air carriers to participate in joint tariffs filed by direct air carriers and direct foreign air carriers for the foreign air transportation of cargo. The rule would require that advance notice be given to the shipper that the shipment will be interlined, and that the shipment is not otherwise consolidated for rating purposes. This rule would simply codify an existing exemption order. CAB Order 82-12-24.

Timetable:

Action	Date	FR Cite
Final Action	06/01/86	

Small Entity: No

Agency Contact: Lawrence Myers, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5621

RIN: 2105-AA69

1563. IMPLEMENTATION OF STATUTE REQUIRING INTEREST ON SUBSIDY CLAIMS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1376; 49 USC 1389; PL 97-369

CFR Citation: 14 CFR 326, (Proposed)

Legal Deadline: None

Abstract: Under section 322 of the FY 1983 Transportation Appropriations Act, interest may be paid on certain "hold-in" subsidy claims by certificated air carriers under sections 419 and 406 of the Act. This rule would set procedures for payment of that interest.

Timetable:

Action	Date	FR Cite
NPRM (PDR-87, Docket 41855)	12/21/83	48 FR 56599
NPRM Comment Period End	02/21/84	
Reply Comment Period End	03/02/84	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Robert Ross, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5580

RIN: 2105-AA77

1564. DIVERSION OF FLIGHTS WITHIN A METROPOLITAN AREA

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1305; 49 USC 1324; 49 USC 1371; 49 USC 1375; 49 USC 1377 to 1379; 49 USC 1381; 49 USC 1382; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504; ...

CFR Citation: 14 CFR 253; 14 CFR 399

Legal Deadline: None

Abstract: The CAB proposed to amend its rules requiring notice of contract terms for domestic travel to require that actual notice be given passengers of terms absolving carriers from any responsibility to transport a passenger to the destination named on the ticket, or to reimburse the passenger for expenses in reaching the airport noted on the ticket when a flight is diverted to another airport in the same metropolitan area. Alternatively, the Board proposed to declare it to be an unfair and deceptive practice to divert a passenger without arranging and paying for alternate transportation to the destination airport named on the passenger's ticket. The Board considered a final rule but did not decide what action to take. DOT is now considering what action to take.

Timetable:

Action	Date	FR Cite
NPRM (EDR-468/PSDR-81, Docket 41683)	09/23/83	48 FR 43343
NPRM Comment Period End	11/07/83	
Reply Comment Period	11/28/83	

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: PL 96-354; 5 USC 601.

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 755-2220

RIN: 2105-AA78

1565. SIMPLIFIED AVIATION EXEMPTION PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1386

CFR Citation: 14 CFR 302; 14 CFR 389; 14 CFR 399

Legal Deadline: None

Abstract: The CAB proposed updating its rules applicable to exemption procedures to conform the rules to the changes brought about by the Airline Deregulation Act and the International Air Transportation Competition Act of 1979, and to modernize the evidentiary and service requirements.

Timetable:

Action	Date	FR Cite
NPRM (PDR-88/ODR-27/PSDR-83)	10/05/84	49 FR 39337
Reply comments due	12/04/84	
Final Action	04/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Nancy Trowbridge, (202) 755-3805.

Agency Contact: Gwyneth Jones, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA82

1566. BAGGAGE LIABILITY NOTICES IN INTERNATIONAL AIR TRANSPORTATION

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1373; 49 USC 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Legal Deadline: None

Abstract: In response to a petition by Mr. Howard Boros, the CAB proposed to amend the baggage liability notices provided to passengers in foreign air travel. The NPRM proposed to eliminate the disclaimer of liability for fragile and perishable items because that notice is false and misleading.

Timetable:

Action	Date	FR Cite
NPRM (EDR-477, Docket 41690)	12/18/84	49 FR 4911
NPRM Comment Period End	03/19/85	

Next Action Undetermined

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA84

1567. ESSENTIAL AIR SERVICE SUBSIDY FOR THE FREELY ASSOCIATED STATES

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1502; S.J. Res. 286 Compact of Free Association; H. Doc. 98-192 Compact of Free Association

CFR Citation: 14 CFR 211; 14 CFR 272, (Proposed); 14 CFR 302

Legal Deadline: None

Abstract: The Compact of Free Association between the U.S. and the governments of certain territories in the Trust Territory of the Pacific Islands has recently been adopted by the U.S. Congress, and will enter into effect later this year. The Compact of Free Association and related Article IX of the Federal Programs and Services Agreement would make provision for payment of subsidy, if necessary, to maintain essential air transportation to the Federated States of Micronesia and the Marshall Islands when they acquire their new status. The Compact and Agreement also permit the Department under certain conditions to pay subsidy to Freely Associated States air carriers and to authorize these carriers to carry local air traffic between Guam, the Commonwealth of the Northern Mariana Islands, and Honolulu, Hawaii. This rule would establish the requirements and procedures for implementing these provisions.

Timetable:

Action	Date	FR Cite
NPRM (EDR-478/PDR-89, Docket 42721)	01/02/85	50 FR 95
NPRM Comment Period End	04/04/85	
Reply to Comments due	04/25/85	
Final Action	08/00/86	

Small Entity: No

Agency Contact: Peter Schwarzkopf, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5621

RIN: 2105-AA86

1568. 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 countersign 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 countersign. The CAB adopted an NPRM that proposed a number of alternatives, such as a long and/or short notice, where the notices would be required to be posted and whether a smoking notice should be included. DOT is now considering what action to take in response to the notice and comments filed.

Timetable:

Action	Date	FR Cite
NPRM (EDR-474, Docket 41971)	08/01/84	49 FR 30742
NPRM Comment Period End	09/17/84	
Reply Comment Period End	10/02/84	

DOT—OST

Final Rule Stage

Next Action Undetermined

Small Entity: Yes

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 755-2220**

RIN: 2105-AA88

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Completed Actions

1569. + SHARING OF SINGLE AIR CARRIER DESIGNATOR CODES

Significance: Regulatory Program

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1381

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: The CAB proposed adding a policy statement that it would regard it as an unfair and deceptive practice and an unfair method of competition if two or more carriers share a single carrier designator code without giving reasonable notice to consumers of the identity of carriers actually providing service under the shared code and the nature of the relationship between carriers involved. The Board considered a final rule but took no final action. DOT issued a final policy statement on September 23, 1985. The Department also noted that it would continue to study the competitive ramifications of code sharing while the policy addressed the consumer deception question. This rulemaking is significant because consumers may be at a disadvantage without full disclosure of the identity of carriers providing services for all parts of the trip.

Timetable:

Action	Date	FR Cite
NPRM PSDR-85, Docket 42199	10/31/84	49 FR 43709
Final Action Issued final policy statement	09/23/85	50 FR 38508
Final Action Effective	12/23/85	50 FR 38508

Small Entity: No

Agency Contact: Bob Young, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 426-4731**

RIN: 2105-AA90

1570. + ALLOCATION OF "SLOTS" AT WASHINGTON NATIONAL AIRPORT

Significance: Agency Priority

Legal Authority: 49 USC 1303; 49 USC 1347; 49 USC 1348(a); 49 USC 1354(a); Act for the Administration of Washington Natl Airport, Sec 2

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: Proposed amendment to establish procedures for allocating the hourly number of instrument flight operations (takeoffs and landings) or "slots" that may be reserved at Washington National Airport (WNA) in accordance with the FAA's High Density Rule.

Timetable:

Action	Date	FR Cite
NPRM	10/27/80	45 FR 71236
Emergency Regulation	11/03/80	45 FR 72637
Comment Period extended	01/05/81	46 FR 932
Public Hearing	02/03/81	
Withdrawn	12/20/85	50 FR 52199
To be withdrawn	00/00/00	

Small Entity: No

Additional Information: The CAB in conjunction with the FAA commissioned the Polinomics Research Laboratories, Inc., to research the allocation problem. A report of its findings has been prepared. Another report by Econ, Inc., analyzing a slot allocation auction procedure has been prepared under an FAA contract. The emergency regulation was published in the Federal Register on November 3, 1980 (45 FR 72637). The NPRM for a long term solution to the slot allocation problem was issued on October 27, 1980 (45 FR 71236). A public hearing was held on February 13, 1981, and the comment period was extended until February 26, 1981 (46 FR 932, January 5, 1981). On June 1, 1984, the FAA issued NPRM 84-6, dealing with slot transfers among carriers, and NPRM 84-7 proposing a slot allocation method for use if a scheduling committee should fail to allocate slots. These NPRMs are discussed in the FAA portion of the agenda. The withdrawal of this NPRM might be accomplished in conjunction with final action on NPRMs 84-6 and 84-7.

Analysis: Regulatory Impact Analysis

Agency Contact: Harvey Safeer, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 426-3331**

RIN: 2105-AA00

[FR Doc. 86-6639 Filed 04-18-86; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
U.S. Coast Guard (USCG)

Prerule Stage

1571. ● + OPERATING A VESSEL WHILE INTOXICATED, RECREATIONAL VESSELS (84-099A)

Significance: Agency Priority

Legal Authority: 46 USC 8105; 46 USC 7101; 46 USC 3306; 46 USC 2302(c)

CFR Citation: 33 CFR 95; 33 CFR 146; 33 CFR 150; 33 CFR 173; 33 CFR 177

Legal Deadline: None

Abstract: Solicits public assessment of the appropriateness of a Federal Standard for determining whether an individual is operating a recreational vessel while intoxicated.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/86	

Small Entity: No

Agency Contact: Captain Stenger, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1531**

RIN: 2115-AC24

1572. REVIEW: VESSEL REPORTING REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 46 USC 391a

CFR Citation: 33 CFR 161

Legal Deadline: None

Abstract: These regulations were developed and promulgated pursuant to the Port and Tanker Safety Act. They require vessel owners to report their locations, arrivals and departures when carrying certain hazardous cargoes. The barge industry and certain boat owners in the past have opposed these regulations. These regulations are being reviewed because of their controversy and impact on the barge and towing industry.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	12/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 12/00/86

Agency Contact: LT Franchini, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 755-1357**

RIN: 2115-AB28

1573. REVIEW: LOGBOOK ENTRIES, CARGO VESSELS

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 201; 46 USC 11304

CFR Citation: 46 CFR 97.35

Legal Deadline: None

Abstract: The regulations list requirements for keeping logbooks on Cargo Vessels. This review is part of the Coast Guard's ongoing program to periodically review all regulations for costs and effectiveness.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	06/00/86	

Small Entity: No

Agency Contact: CDR. W. Tweedie, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-4431**

RIN: 2115-AB45

1574. SPECIAL OPERATING REQUIREMENTS, UNINSPECTED VESSELS

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 523p; 46 USC 4104; 46 USC 4105; 46 USC 4302

CFR Citation: 46 CFR 26.03

Legal Deadline: None

Abstract: Contains requirements for action to be taken in emergencies. This review is being conducted in accordance with requirements in the Regulatory Flexibility Act because it affects small entities.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	05/00/86	

Small Entity: Yes

Agency Contact: CDR R. Tweedie, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-4431**

RIN: 2115-AB47

1575. ● INTERVALS FOR INTERNAL EXAMINATION AND HYDROSTATIC TESTING OF PRESSURE VESSEL TYPE CARGO TANKS (85-061)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 38; 46 CFR 151

Legal Deadline: None

Abstract: This rulemaking proposes revising inspection intervals for Pressure Vessel Cargo Tanks. An ANPRM was issued seeking public and industry views on the adequacy of present intervals and suggested intervals.

Timetable:

Action	Date	FR Cite
ANPRM	12/03/85	50 FR 49536
ANPRM Comment Period End	03/03/86	
NPRM	03/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: Lt Potvin, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-4431**

RIN: 2115-AC18

DEPARTMENT OF TRANSPORTATION (DOT)
U.S. Coast Guard (USCG)

Proposed Rule Stage

1576. + CALIFORNIA OFFSHORE ROUTING SYSTEM (83-032)

Significance: Regulatory Program

Legal Authority: 33 USC 1223; 33 USC 1224

CFR Citation: 33 CFR 166; 33 CFR 167

Legal Deadline: None

Abstract: Would implement the results of the Port Access Route Study mandated by the Ports and Waterways

Safety Act. As a result of the study, the Coast Guard has preliminarily determined that potential conflicts between oil drilling and shipping require creation of a fairway system off the coast of California from the vicinity of San Francisco to Los Angeles/Long Beach and changes to the San Francisco and Santa Barbara channel traffic separation schemes. No structures would be permitted in the fairway.

Timetable:

Action	Date	FR Cite
NPRM	06/01/86	

Small Entity: No

Additional Information: Results of the Port Access Study for California were published in the Federal Register on June 24, 1982 (47 FR 27430) and on October 14, 1982 (47 FR 46043), and on December 5, 1985 (50 FR 49861).

Analysis: Regulatory Impact Analysis

Agency Contact: Mr. C. Young, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 245-0108**

RIN: 2115-AB29

1577. + INTERVALS FOR DRYDOCKING AND TAILSHAFT EXAMINATION ON INSPECTED VESSELS (84-024)

Significance: Regulatory Program

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 31; 46 CFR 61; 46 CFR 71; 46 CFR 91; 46 CFR 107; 46 CFR 167; 46 CFR 189; 46 CFR 176

Legal Deadline: None

Abstract: Various Coast Guard regulations specify the intervals for drydocking and tailshaft examinations on inspected vessels. The Coast Guard is considering changing these intervals. The Coast Guard will propose to extend the interval between drydockings, if this can be accomplished without diminishing overall vessel safety, because extension of the interval can result in significant savings to vessel operators. The ANPRM sought information from industry on developing technology. This regulation is significant because it involves important departmental safety policy.

Timetable:

Action	Date	FR Cite
ANPRM	05/04/84	49 FR 19050
NPRM	05/00/86	

Small Entity: Yes

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: Lt Lanto, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-4431**

RIN: 2115-AB58

1578. ● + REVISIONS OF THE REGULATIONS ON OUTER CONTINENTAL SHELF ACTIVITIES (84-098)

Significance: Regulatory Program

Legal Authority: 43 USC 1331

CFR Citation: 46 CFR 146; 46 CFR 147; 46 CFR 148; 46 CFR 149

Legal Deadline: None

Abstract: Would modify 33 CFR Subchapter N by extending coverage of workplace safety rules, by modernizing material standards for fixed platforms, by specifying training requirements, and by establishing a self-certification program for the inspection of fixed Outer Continental Shelf (OCS) facilities.

Timetable:

Action	Date	FR Cite
ANPRM	03/07/85	51 FR 9290
Extension of Comment Period to 09/03/85	05/16/85	50 FR 20445
ANPRM Comment Period End	07/03/85	51 FR 9290
NPRM	01/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: CDR Cross, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2307**

RIN: 2115-AB74

1579. ● + OPERATING A VESSEL WHILE INTOXICATED, COMMERCIAL VESSELS

Significance: Regulatory Program

Legal Authority: 46 USC 8105; 46 USC 7101; 46 USC 3306; 46 USC 2302(c)

CFR Citation: 46 CFR 4; 46 CFR 5; 46 CFR 35; 46 CFR 78; 49 CFR 97; 46 CFR 109; 46 CFR 167; 46 CFR 185; 46 CFR 196; 46 CFR 197

Legal Deadline: None

Abstract: Proposes (1) to prohibit crewmembers on vessels subject to inspection from performing any duties while intoxicated or within four hours of consuming alcohol, (2) civil penalties for owners, charterers, managing operators, agents, masters or individuals in charge of vessels subject to inspection that allow crewmembers to perform any duties while intoxicated, and (3) to allow personnel licensed, documented or certificated by the Coast Guard to seek rehabilitation prior to being subject to a proceeding to suspend or revoke the license, certificate or document.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Analysis: Regulation Evaluation 05/00/86

Agency Contact: Mr. L. Glass, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-6251**

RIN: 2115-AC23

1580. + QUALIFICATIONS OF THE PERSON IN CHARGE OF OIL TRANSFER OPERATIONS, TANKERMAN REQUIREMENTS (79-116)

Significance: Agency Priority

Legal Authority: 46 USC 3703; 46 USC 7317; 46 USC 8703; 46 USC 9101; 46 USC 9102

CFR Citation: 33 CFR 155; 46 CFR 12; 46 CFR 13; 46 CFR 30; 46 CFR 31; 46 CFR 35; 46 CFR 70; 46 CFR 90; 46 CFR 98; 46 CFR 105; 46 CFR 151; 46 CFR 153; 46 CFR 157

Legal Deadline: None

Abstract: Would redefine and establish qualifying criteria for certifying individuals engaged in the carriage and transfer of the various categories of dangerous cargoes in bulk. This is considered significant because of passage of the Port and Tanker Safety Act of 1978 and the fact that the International Convention on the Standards for Training, Certification and Watchkeeping for Seafarers of 1978 entered into force on April 28, 1984. This rulemaking is necessary because

most pollution incidents are the result of personnel error; consequently, the minimum qualifications of persons involved in handling polluting substances should be specified.

Timetable:

Action	Date	FR Cite
NPRM	12/18/80	45 FR 83268
Begin Public Hearings	01/00/81	
End Public Hearings	02/00/81	
Supplemental NPRM	08/00/86	

Small Entity: Yes

Additional Information: Docket No. CGD 79-116 and 79-116a. Environmental Analysis and Inflationary Impact Statement completed February 1977. Extensive comments were received on the April 25, 1977 NPRM and it was withdrawn on April 30, 1979. NPRM published December 1980 (45 FR 83268 and 45 FR 83290). ADDITIONAL ANALYSIS: Inflationary Impact Statement.

Analysis: Regulatory Evaluation 08/00/86; Environmental Impact Statement 08/00/86

Agency Contact: Mr. C. Heizer, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2241

RIN: 2115-AA03

1581. + SAFETY RULES FOR VESSELS ENGAGED IN CHEMICAL WASTE INCINERATION AT SEA (84-025)

Significance: Agency Priority

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 153

Legal Deadline: None

Abstract: Would establish safety rules for the design of vessels engaged in the incineration of chemical wastes at sea. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: LCDR D. B. Crawford, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1217

RIN: 2115-AB60

1582. + USER FEES FOR COAST GUARD SERVICES (84-026)

Significance: Agency Priority

Legal Authority: 31 USC 9701; 46 USC 3306; 46 USC 3703; 49 USC 108

CFR Citation: 33 CFR 27; 33 CFR 66; 33 CFR 74; 33 CFR 100; 46 CFR 159

Legal Deadline: None

Abstract: This proposal would impose fees for certain Coast Guard services in keeping with the Administration's policy of recovering costs of services provided by the Federal Government to identifiable beneficiaries to the extent practicable. This rulemaking is significant because it will set precedent for a whole range of anticipated Coast Guard initiatives and is likely to create an adverse public reaction. It may also involve substantial cost.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: Mr. J. Kursban, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2430

RIN: 2115-AB73

1583. + VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE COMMUNICATIONS ON THE GREAT LAKES (84-040)

Significance: Agency Priority

Legal Authority: 33 USC 1201; 33 USC 1202; 33 USC 1203; 33 USC 1204; 33 USC 1205; 33 USC 1206; 33 USC 1207; 33 USC 1208

CFR Citation: 33 CFR 26

Legal Deadline: None

Abstract: Recreational boat use of Channel 16, a distress and safety frequency on the Great Lakes, has become so great that commercial vessels have been having difficulty communicating navigational information. The Coast Guard is considering making modifications to the existing radiotelephone requirements.

Timetable:

Action	Date	FR Cite
Request for comments	07/06/84	49 FR 27786

Next Action Undetermined

Small Entity: No

Additional Information: Project is being held in an inactive status pending an exchange of diplomatic notes with Canada.

Agency Contact: LTJG Zacharias, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 245-0108

RIN: 2115-AB89

1584. ● INLAND WATERWAYS NAVIGATION REGULATIONS CONNECTING WATERS FROM LAKE HURON TO LAKE ERIE (85-060)

Significance: Nonsignificant

Legal Authority: 33 USC 1208; 33 USC 1221; 33 USC 1223; 33 USC 1231

CFR Citation: 33 CFR 162

Legal Deadline: None

Abstract: This rulemaking would reduce the number of required call-ins to reduce voice traffic on channel 16.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 10/00/86

Agency Contact: Mr. Powers, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4958

RIN: 2115-AC17

1585. RECEPTION FACILITIES (78-035)

Significance: Nonsignificant

Legal Authority: 33 USC 1905

CFR Citation: 33 CFR 158

Legal Deadline: None

Abstract: Would require ports and terminals to ensure waste reception facilities are provided to receive vessel oil and chemical wastes.

DOT—USCG

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	03/24/83	48 FR 12395
Interim Final Rule	09/09/85	50 FR 36768
NPRM	09/00/86	49 FR 25196

Small Entity: Yes

Additional Information: Docket No. CGD 78-035. Interim final rule published. After a review period a final rule will be issued. See also the entry under Coast Guard Docket Number 85-010 elsewhere in this agenda.

Analysis: Regulatory Evaluation 09/09/85

Agency Contact: LCDR Davison, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-9578**

RIN: 2115-AA21

1586. LIQUEFIED NATURAL GAS WATERFRONT FACILITY (78-038)

Significance: Nonsignificant

Legal Authority: 33 USC 1225

CFR Citation: 33 CFR 127

Legal Deadline: None

Abstract: Would establish LNG Waterfront Facility Safety Regulations in accordance with Memorandum of Understanding between USCG and Research and Special Programs Administration.

Timetable:

Action	Date	FR Cite
ANPRM	08/03/78	43 FR 34362
Supplementary ANPRM	03/08/79	44 FR 12693
NPRM	05/00/86	

Small Entity: Yes

Additional Information: Docket No. CGD 78-038.

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: LT Franchini, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-9579**

RIN: 2115-AA22

1587. CRANE OPERATOR QUALIFICATIONS AND STANDARDS FOR OFFSHORE CRANE DESIGN INSPECTION, TESTING AND OPERATION (79-059)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 6101; 46 USC 6301; 49 USC 108

CFR Citation: 33 CFR 140; 33 CFR 143; 33 CFR 149; 46 CFR 107; 46 CFR 108; 46 CFR 109

Legal Deadline: None

Abstract: Would develop required qualifications for crane operators employed on the Outer Continental Shelf and standards for crane design, inspection, and testing.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/80	45 FR 2052
NPRM	09/00/86	

Small Entity: No

Additional Information: Docket No. CGD 79-059.

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: LT. W. Burke, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2307**

RIN: 2115-AA34

1588. LAUNCHING DEVICES FOR LIFERAFTS (79-168)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 160; 46 CFR 163

Legal Deadline: None

Abstract: Proposed standards, procedures and tests for approving equipment used to launch inflatable liferafts from vessels and offshore platforms.

Timetable:

Action	Date	FR Cite
NPRM	02/13/86	50 FR 5377
NPRM Comment Period End	05/13/86	
Final Action	02/00/87	

Small Entity: No

Additional Information: Docket No. CGD 79-168.

Analysis: Regulatory Evaluation 08/00/85

Agency Contact: LCDR Riley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1445**

RIN: 2115-AA45

1589. MANEUVERING PERFORMANCE REGULATIONS (80-136)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 1

Legal Deadline: None

Abstract: Would establish requirements to improve ship maneuvering and stopping ability for new tank vessels and possibly all vessels in response to mandates in 46 USC 3703. International Maritime Organization recommendations will be considered.

Timetable:

Action	Date	FR Cite
ANPRM	09/14/81	46 FR 45631
ANPRM	07/17/84	49 FR 28893
NPRM	10/00/86	

Small Entity: No

Additional Information: Docket No. CGD 80-136. Supplemental ANPRM published 7/17/84, 49 FR 28893. This proposal has been inactive pending International Maritime Organization action.

Analysis: Regulatory Evaluation 10/00/86

Agency Contact: Mr. P. Cojeen, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2188**

RIN: 2115-AA53

1590. SERVICING INFLATABLE LIFERAFTS (81-010)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: Would allow liferaft servicing in U.S. and foreign ports without Coast Guard Marine Inspectors being present.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Additional Information: Docket No. CGD 81-010.

Analysis: Regulatory Evaluation 09/00/86

DOT—USCG

Proposed Rule Stage

Agency Contact: LT Keegan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1444**

RIN: 2115-AA57

1591. GENERAL BRIDGE PERMIT REGULATIONS (81-057)

Significance: Nonsignificant

Legal Authority: 33 USC 401

CFR Citation: 33 CFR 115

Legal Deadline: None

Abstract: Would establish rules for issuing general bridge permits.

Timetable:

Action	Date	FR Cite
NPRM	09/23/82	47 FR 41988
Supplemental NPRM	09/00/86	

Small Entity: No

Additional Information: Docket No. CGD 81-057.

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: Mr. J. Schwartz, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 755-7620**

RIN: 2115-AA61

1592. GENERAL REVISION OF 46 CFR 151, BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES (81-082)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 151

Legal Deadline: None

Abstract: Would revise the rules for barges carrying bulk cargoes by clarifying the language, eliminating unnecessary requirements and upgrading some existing requirements.

Timetable:

Action	Date	FR Cite
ANPRM	06/04/84	49 FR 23085
NPRM	12/00/86	

Small Entity: No

Additional Information: Docket No. CGD 81-082.

Analysis: Regulatory Evaluation 12/00/86

Agency Contact: R.M. Query, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1217**

RIN: 2115-AA70

1593. TANK VESSELS CARRYING NOXIOUS LIQUID SUBSTANCES IN BULK; POLLUTION PREVENTION AND CONTROL, EQUIPMENT AND OPERATIONAL REQUIREMENTS (81-101)

Significance: Nonsignificant

Legal Authority: 33 USC 1901 et seq.

CFR Citation: 33 CFR 157; 46 CFR 153

Legal Deadline: None

Abstract: Would limit and restrict the discharge of noxious liquid substances made by chemical tankers.

Timetable:

Action	Date	FR Cite
ANPRM	01/13/82	48 FR 1519
NPRM	09/00/86	

Small Entity: No

Additional Information: Docket No. CGD 81-101.

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: Mr. R.M. Query, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1217**

RIN: 2115-AA73

1594. FAIRWAYS ON THE SOUTHERN COAST OF ALASKA (81-103)

Significance: Nonsignificant

Legal Authority: 33 USC 1223; 33 USC 1224

CFR Citation: 33 CFR 166

Legal Deadline: None

Abstract: Would establish fairways on the southern coast of Alaska implementing the result of a Port Access Route Study.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Additional Information: Docket No. CGD 81-103.

Analysis: Regulatory Evaluation 05/00/86

Agency Contact: LTJG D. Reese, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 245-0108**

RIN: 2115-AA74

1595. FEES FOR NUMBERING OF UNDOCUMENTED VESSELS (82-001)

Significance: Nonsignificant

Legal Authority: 46 USC 1472

CFR Citation: 33 CFR 173

Legal Deadline: None

Abstract: Would raise fees for the numbering of undocumented vessels in areas where the Coast Guard is the issuing authority.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. CGD 82-001.

Agency Contact: Mr. C. Perry, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-0108**

RIN: 2115-AA75

1596. OSV SUBCHAPTER (82-004)

Significance: Nonsignificant

Legal Authority: 46 USC 3301(3); 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 125 to 136

Legal Deadline: None

Abstract: Create new 46 CFR subchapter governing Offshore Supply Vessels.

Timetable:

Action	Date	FR Cite
ANPRM	02/14/83	48 FR 6636
NPRM	06/00/86	

Small Entity: No

Additional Information: Docket No. CGD 82-004.

Analysis: Regulatory Evaluation 01/00/86

Agency Contact: Lt. B. Russell, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2160**

RIN: 2115-AA77

DOT—USCG

Proposed Rule Stage

1597. SUBCHAPTER "D" & "O" BARGES - INTERNAL INSPECTIONS (82-005)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3307

CFR Citation: 46 CFR 151

Legal Deadline: None

Abstract: Change Subchapter "O" Regulation on internal inspection to coincide with drydock interval.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Additional Information: Docket No. CGD 82-005.

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: Lt. Potvin, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-4431**

RIN: 2115-AA78

1598. CASUALTY REPORTING REQUIREMENTS FOR RECREATIONAL BOATS (82-015)

Significance: Nonsignificant

Legal Authority: 46 USC 1486

CFR Citation: 33 CFR 173; 33 CFR 174

Legal Deadline: None

Abstract: Amend casualty and accident reporting requirements for operators of recreational boats involved in boating accidents.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. CGD 82-015.

Agency Contact: Mr. C. Perry, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-0108**

RIN: 2115-AA82

1599. ● CASUALTY AND ACCIDENT REPORTING THRESHOLDS (82-015)

Significance: Nonsignificant

Legal Authority: 46 USC 1467; 46 USC 1488

CFR Citation: 33 CFR 173; 33 CFR 174

Legal Deadline: None

Abstract: Would raise the threshold for requiring an accident report from $200 to $500.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: Yes

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: Mr. Colihan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1065**

RIN: 2115-AB94

1600. GENERAL REVISIONS OF POLLUTION PREVENTION REGULATIONS FOR TANKERS (82-030)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 2104; 46 USC 3703

CFR Citation: 33 CFR 157

Legal Deadline: None

Abstract: Amend pollution regulations to clarify, correct minor errors, and incorporate policy decisions and international interpretations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Additional Information: This project is related to CGD 82-028, Segregated Ballast, Dedicated Clean Ballast, and Crude Oil Washing. Any further action on this project must wait until the rulemaking process for CGD 82-028 is completed because any policy decisions that result will be applicable to this rulemaking.

Analysis: Regulatory Evaluation 06/00/86

Agency Contact: LCDR Lantz, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-4431**

RIN: 2115-AA88

1601. HAND HELD FLASHLIGHTS. INDEPENDENT INSPECTION AGENCIES (82-042)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 161

Legal Deadline: None

Abstract: Would remove two-cell flashlight requirements, and revise material and testing requirements in flashlight approval specification.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: The Coast Guard is working toward development of an industry consensus standard. The proposal will be terminated if this effort is successful.

Agency Contact: Mr. T. Noran, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2206**

RIN: 2115-AA91

1602. AIDS TO NAVIGATION ON OUTER CONTINENTAL SHELF (82-054)

Significance: Nonsignificant

Legal Authority: 14 USC 2; 14 USC 83; 14 USC 85; 14 USC 92; 14 USC 633

CFR Citation: 33 CFR 67

Legal Deadline: None

Abstract: Would allow manufacturer certification of lights for marking artificial islands and fixed structures.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Additional Information: Docket No. 82-054.

Analysis: Regulatory Evaluation 09/00/86

DOT—USCG **Proposed Rule Stage**

Agency Contact: LT Hayden, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1973

RIN: 2115-AA92

1603. NATURAL VENTILATION REGULATIONS FOR SMALL BOATS (82-056)

Significance: Nonsignificant

Legal Authority: 46 USC 1454

CFR Citation: 33 CFR 183

Legal Deadline: None

Abstract: Would replace existing regulations with voluntary industry standard.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. 82-056.

Agency Contact: Mr. A. Colihan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4027

RIN: 2115-AA94

1604. SAFETY STANDARDS FOR NEW SELF PROPELLED VESSELS CARRYING BULK GAS (82-058)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 154

Legal Deadline: None

Abstract: Would update and revise standards for self-propelled vessels carrying bulk liquefied gases.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Additional Information: Docket No. 82-058.

Analysis: Regulatory Evaluation 06/00/86

Agency Contact: Mr. Wybenga, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1217

RIN: 2115-AA95

1605. VISUAL DISTRESS SIGNALS-STROBE LIGHTS (82-084)

Significance: Nonsignificant

Legal Authority: 46 USC 1454

CFR Citation: 33 CFR 175

Legal Deadline: None

Abstract: Would add strobe lights as an optional carriage item for inland rule waters.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. CGD 82-084.

Agency Contact: Mr. C. Perry, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1080

RIN: 2115-AB18

1606. NAUTICAL SCHOOLS: IMPLEMENTING THE MARITIME EDUCATIONAL TRAINING ACT OF 1980 (82-092)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 12959(e)

CFR Citation: 46 CFR 166; 46 CFR 167; 46 CFR 168

Legal Deadline: None

Abstract: Would update authority cites for Nautical Schools Inspection Regulations (46 CFR Subchapter "R") and update certain parts to conform with current inspection policies. Nautical School vessels operated by the United States (formerly called "Public Nautical School Ships") between 15 and 300 gross tons would be subject to inspection for the first time.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Additional Information: Docket No. CGD 82-092.

Analysis: Regulatory Evaluation 06/00/86

Agency Contact: LCDR Parsons, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4431

RIN: 2115-AB21

1607. REVOCATION OF MILITARY EXPLOSIVES REGULATIONS (83-006)

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1807; 49 USC 1808; 46 USC 170

CFR Citation: 46 CFR 146

Legal Deadline: None

Abstract: Would revoke 46 CFR concurrently with the Research and Special Programs Administration's rulemaking and revise other sections in Title 46 accordingly.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. CGD 83-006. To be published concurrently with Materials Transportation Board rulemaking.

Analysis: Regulatory Evaluation 00/00/00

Agency Contact: Mr. F. Thompson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1577

RIN: 2115-AB33

1608. CARRIAGE AND USE OF LIQUEFIED OR NON-LIQUEFIED FLAMMABLE GAS AS COOKING FUELS ON VESSELS CARRYING PASSENGERS FOR HIRE (83-013)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 4104; 46 USC 4105; 46 USC 4302

CFR Citation: 46 CFR 25; 46 CFR 58; 46 CFR 147; 46 CFR 184

Legal Deadline: None

Abstract: Proposed requirements for the use of liquefied flammable gas as cooking fuel.

Timetable:

Action	Date	FR Cite
NPRM	03/22/84	49 FR 10685
Supplemental NPRM	04/00/86	

Small Entity: Yes

Additional Information: Docket No. CGD 83-013.

Analysis: Regulatory Evaluation 03/22/84 (49 FR 10685)

Agency Contact: LCDR Parsons, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 755-1011

RIN: 2115-AB35

1609. REASSESSMENT OF COAST GUARD FIRE PROTECTION REGULATIONS TO INCORPORATE SOLAS 1974 (83-026)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306; 46 USC 3503; 46 USC 3703

CFR Citation: 46 CFR Subchapter D; 46 CFR Subchapter H; 46 CFR Subchapter I

Legal Deadline: None

Abstract: Would bring Coast Guard regulations into agreement with the international requirements of SOLAS 1974 and its amendments.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/84	49 FR 38672
ANPRM Comment Period End	11/30/84	
NPRM	05/00/86	

Small Entity: No

Additional Information: Docket No. CGD 83-026. Incorporates part of docket CGD 81-090.

Analysis: Regulatory Evaluation 05/00/86

Agency Contact: Mr. D. Kerlin, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2197

RIN: 2115-AB36

1610. REASSESSMENT OF COAST GUARD MARINE ENGINEERING REGULATIONS -- INCORPORATION OF SOLAS 74 AMENDMENTS (83-043)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR Subchapter F

Legal Deadline: None

Abstract: Would effect a general reassessment of Subchapter F and incorporation of international requirements becoming effective 1 Sept. 1984.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Additional Information: Docket No. CGD 83-043.

Analysis: Regulatory Evaluation 06/00/86

Agency Contact: LCDR Koski, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2160

RIN: 2115-AB41

1611. MOBILE OFFSHORE DRILLING UNIT REGULATIONS REVISION (83-071A)

Significance: Nonsignificant

Legal Authority: 46 USC 86; 46 USC 2104; 46 USC 2303; 46 USC 3305; 46 USC 3306; 46 USC 3311; 46 USC 3312; 46 USC 3318

CFR Citation: 46 CFR 56; 46 CFR 58; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 111; 46 CFR 174

Legal Deadline: None

Abstract: This project would revise the regulations in subchapter I-A to clarify them, bring them up to date, delete some unnecessary requirements, and incorporate the recommendations developed from major casualties. These changes are largely editorial in nature.

Timetable:

Action	Date	FR Cite
ANPRM	01/25/85	50 FR 11741
Extension of Comment Period	05/16/85	50 FR 20461
ANPRM Comment Period End	09/23/85	
NPRM	09/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: LCDR Dupree, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2307

RIN: 2115-AB88

1612. MARINE PORTABLE TANKS (84-043)

Significance: Nonsignificant

Legal Authority: 49 USC 1801

CFR Citation: 46 CFR 64

Legal Deadline: None

Abstract: This proposal would discontinue the Coast Guard specification for Marine Portable Tanks. In their place, the Coast Guard would recognize tanks approved by the Department of Transportation, Research and Special Programs Administration as Intermodal Tanks.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: Mr. F. Thompson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1577

RIN: 2115-AB69

1613. SHIPS' STORES AND SUPPLIES OF HAZARDOUS MATERIALS (84-044)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 147

Legal Deadline: None

Abstract: Would apply rules for hazardous materials used as ships' stores to offshore structures as well as vessels. Also would reduce the burden on shippers and manufacturers by deleting the requirement for separate Coast Guard classification of Ships' Stores and adopting the classification and identification provisions of the Research and Special Programs Administration found in 49 CFR Subchapter C which are already required for the transportation of hazardous materials.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/84	49 FR 38672
NPRM	06/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/86

DOT—USCG **Proposed Rule Stage**

Agency Contact: Mr. F. Wybenga, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1577**

RIN: 2115-AB65

1614. EXCEPTION OF UNMANNED BARGES FROM COLREGS VERTICAL SECTOR LIGHT REQUIREMENTS (84-049)

Significance: Nonsignificant

Legal Authority: 33 USC 180; 33 USC 258; 33 USC 322

CFR Citation: 33 CFR 81

Legal Deadline: None

Abstract: Annex I of the International Regulations for Preventing Collisions at Sea, 1972. (COLREGS), contains technical requirements for navigation lights on vessels which proceed beyond the COLREGS demarcation lines. Lights on unmanned barges may not be able to meet the vertical sector requirements due to lack of electricity producing equipment on board these vessels. The Coast Guard is considering the need to exempt unmanned barges from the requirements. The Coast Guard is addressing this matter with the International Maritime Organization in March 1986 to get an international consensus concerning vertical sector requirements for unmanned barges.

Timetable:

Action	Date	FR Cite
Request for Comments	07/06/84	49 FR 27786

Next Action Undetermined

Small Entity: No

Agency Contact: LCDR C. Bell, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 245-0108**

RIN: 2115-AB90

1615. OIL-WATER INTERFACE DETECTORS (CGD 84-052)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 162

Legal Deadline: None

Abstract: This project would propose a new specification for approval of oil-water interface detectors presently required by Annex 1 of MARPOL 73/78.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/86

Agency Contact: Ms. L. Martinez, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1444**

RIN: 2115-AB66

1616. LICENSING OF PILOTS-MANNING OF VESSELS-PILOTS (84-060)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 7101; 46 USC 7109; 46 USC 7112; 46 USC 8101; 46 USC 8502

CFR Citation: 46 CFR 157; 46 CFR 10.05-39

Legal Deadline: None

Abstract: This proposal would define "pilotage waters" and "coastwise seagoing vessel." In addition, it would increase the gross tonnage authorization of licensed officers to serve as pilot on self-propelled coastwise seagoing vessels from 1,000 gross tons to 1,600 gross tons.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 26117
Supplemental NPRM	09/00/86	

Small Entity: No

Additional Information: This proposal has been split from a previously published NPRM identified by the same title with Coast Guard Docket number 77-084 and RIN 2115-AA04.

Analysis: Regulatory Evaluation 06/27/85 (50 FR 26117)

Agency Contact: Mr. J. Hartke, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2985**

RIN: 2115-AB67

1617. PERSONAL FLOTATION DEVICE COMPONENTS (84-068)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a); 46 USC 4102; 46 USC 4302

CFR Citation: 46 CFR 164; 46 CFR 160

Legal Deadline: None

Abstract: This project would add state-of-the-art synthetic materials as standard components, add performance requirements for nonstandard components, and upgrade out-dated requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: Mr. S. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1444**

RIN: 2115-AB70

1618. LIFESAVING EQUIPMENT--IMPLEMENTATION OF 1983 AMENDMENTS TO SOLAS 1974 (84-069)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 33 CFR 175; 46 CFR 31; 46 CFR 33; 46 CFR 35; 46 CFR 71; 46 CFR 75; 46 CFR 78; 46 CFR 91; 46 CFR 94; 46 CFR 97; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 154; 46 CFR 160; ...

Legal Deadline: None

Abstract: This project would implement the provisions of the 1983 amendments to SOLAS 1974 which come into force in July of 1986. It would also reorganize the lifesaving equipment regulations in order to simplify, clarify and reduce redundancy.

Timetable:

Action	Date	FR Cite
ANPRM	12/31/84	49 FR 50745
ANPRM Comment Period End	03/01/85	
NPRM	09/00/86	

Small Entity: No

Additional Information: 46 CFR 30; 46 CFR 90; 46 CFR 112; 46 CFR 113; 46 CFR 167; 46 CFR 189; 46 CFR 192; 46 CFR 196; 46 CFR 199

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: Mr. R. Markle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1444**

RIN: 2115-AB72

DOT—USCG

Proposed Rule Stage

1619. ● LIFESAVING EQUIPMENT: IMMERSION SUITS (84-069A)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This proposal is a sub-project to Coast Guard docket 84-069, Lifesaving Equipment. This proposal would incorporate the provisions of international agreement (SOLAS) into Coast Guard regulations concerning immersion suits.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Additional Information: This proposal is split off from CGD 84-069, Lifesaving Equipment (RIN: 2115-AB72).

Analysis: Regulatory Evaluation 09/00/82

Agency Contact: LCDR Riley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1444

RIN: 2115-AB98

1620. SAFETY RULES FOR SHIPS CARRYING HAZARDOUS LIQUIDS (84-085)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 49 USC 1803

CFR Citation: 46 CFR 153

Legal Deadline: None

Abstract: This project would incorporate amendments to the Intergovernmental Maritime Organization into part 153, make some editorial improvements in the part's language and organization, and make minor substantive corrections.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 12/00/86

Agency Contact: Mr. R. M. Query, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1217

RIN: 2115-AB92

1621. ● CERTIFICATION OF SEAMEN (84-088)

Significance: Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 2104; 46 USC 7301; 46 USC 7302; 46 USC 7303; 46 USC 7304; 46 USC 7305; 46 USC 7306; 46 USC 7307; 46 USC 7308; 46 USC 7309; 46 USC 7310

CFR Citation: 46 CFR 12

Legal Deadline: None

Abstract: This rulemaking would simplify and restructure the entire part. Among the changes contemplated are the addition of several new endorsements to seamens' documents and new ratings. An ANPRM will be issued to gather necessary additional information.

Timetable:

Action	Date	FR Cite
ANPRM	02/04/85	50 FR 4875
Comment Period Extended	06/03/85	50 FR 23318
ANPRM Comment Period End	08/01/85	
NPRM	03/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: LTJG Connaughton, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 425-2240

RIN: 2115-AC02

1622. ● SAFE POWERING STANDARD (85-002)

Significance: Nonsignificant

Legal Authority: 46 USC 4302

CFR Citation: 33 CFR 183

Legal Deadline: None

Abstract: This rulemaking proposes a new classification of recreational "sport boat" in order to give certain small outboard powered runabouts, which can clearly operate safely with more horsepower than they currently rate under the Coast Guard Safe Powering Standard, more reasonable maximum horsepower capacities.

Timetable:

Action	Date	FR Cite
ANPRM	03/21/85	50 FR 11383
ANPRM Comment Period End	05/09/85	
Extension of Comment Period to 06/09/85	05/23/85	50 FR 21311
NPRM	09/00/86	

Small Entity: Yes

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: Mr. Colihan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1065

RIN: 2115-AC07

1623. ● RECEPTION FACILITIES (85-010)

Significance: Nonsignificant

Legal Authority: 33 USC 1905

CFR Citation: 33 CFR 254

Legal Deadline: None

Abstract: This rulemaking would set procedures and standards for certification of chemical waste reception facilities.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: No

Additional Information: This project was split out from Coast Guard Docket 78-035 Reception Facilities (RIN: 2115-AA21) listed elsewhere in the agenda. These two projects would implement Annex I and Annex II of MARPOL 73/78, respectively. Annex I deals with oil while Annex II deals with chemicals. The project was split for clarity.

Analysis: Regulatory Evaluation 10/00/86

Agency Contact: Lt. Mallon, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-9578

RIN: 2115-AC08

1624. ● VESSEL REPORTING REQUIREMENTS (85-015)

Significance: Nonsignificant

Legal Authority: 46 USC 2306; 46 USC 3309

CFR Citation: 46 CFR 2; 46 CFR 4

Legal Deadline: None

Abstract: This rulemaking would propose to add requirements for prior

notice to the Coast Guard for vessel inspections and would provide a mechanism for owners to notify the Coast Guard when they believe their vessel is in distress.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 10/00/86

Agency Contact: LCDR Lantz, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4431

RIN: 2115-AC09

1625. ● DELEGATION OF AUTHORITY TO UNITED STATES CLASSIFICATION SOCIETIES (85-019)

Significance: Nonsignificant

Legal Authority: 46 USC 3316

CFR Citation: 46 CFR 2

Legal Deadline: None

Abstract: The Coast Guard, under 46 U.S.C. 3316, delegates plan review and inspection to the American Bureau of Shipping. Other classification societies have requested similar acceptance. The proposed advance notice solicited information on what criteria should be used to determine who will be allowed to work on the Coast Guard's behalf.

Timetable:

Action	Date	FR Cite
ANPRM	10/03/85	50 FR 40413
ANPRM Comment Period End	01/03/86	
NPRM	09/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: Lt. Astley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4431

RIN: 2115-AC10

1626. ● MARPOL POLLUTION PREVENTION REGULATIONS (85-026)

Significance: Nonsignificant

Legal Authority: 33 USC 1321; 33 USC 1902; 33 USC 1903

CFR Citation: 33 CFR 155; 33 CFR 151

Legal Deadline: None

Abstract: This rulemaking would implement various provisions of the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 Relating Thereto (MARPOL 73/78). These proposed changes are largely editorial.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 10/00/86

Agency Contact: LTJG Jones, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-9573

RIN: 2115-AC11

1627. ● FIRE DETECTION AND ALARM SYSTEMS (85-051)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 161

Legal Deadline: None

Abstract: This rulemaking would update the 30 year old Coast Guard specification for fire detection and alarm systems to use modern terminology and address modern systems. Consensus standards would be adopted by reference.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: Mr. W. Boyce, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2197

RIN: 2115-AC13

1628. ● PRIVATE AIDS TO NAVIGATION, RACONS (85-057)

Significance: Nonsignificant

Legal Authority: 14 USC 81; 14 USC 83; 14 USC 85; 14 USC 86

CFR Citation: 33 CFR 66

Legal Deadline: None

Abstract: This rulemaking proposes to allow racons as private aids to navigation. Such private electronic aids to navigation are now prohibited but their use could improve safety, particularly on oil rigs adjacent to traffic lanes in the Gulf of Mexico.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: LCDR Blaney, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1973

RIN: 2115-AC14

1629. ● BOATING SAFETY VENTILATION STANDARDS (85-059)

Significance: Nonsignificant

Legal Authority: 46 USC 1454; 46 USC 1455

CFR Citation: 33 CFR 183

Legal Deadline: None

Abstract: This rulemaking would remove certain construction specifications regarding air vents because the specifications have proven to be of little value.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: Yes

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: Mr. Colihan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1065

RIN: 2115-AC15

1630. ● HEALD BANK CUTOFF SAFETY FAIRWAY (85-062)

Significance: Nonsignificant

Legal Authority: 46 USC 1223

CFR Citation: 33 CFR 166

Legal Deadline: None

Abstract: A study of port access in the Galveston area shows the need for a new fairway for deep draft vessels in the vicinity of Heald Bank. This proposal would establish that fairway.

DOT—USCG

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 12/00/86

Agency Contact: LTJG Reese, Department of Transportation, U.S. Coast Guard, 2100 Second Street, NW, Washington, DC 20593, 202 245-0108

RIN: 2115-AC19

1631. ● 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 3203; 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 SOLS '74), clarify requirements, and reflect experience gained as a result of vessel reflaggings.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: Mr. Crapps, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2160

RIN: 2115-AC20

1632. ● BERWICK BAY VESSEL TRAFFIC SERVICE (85-078)

Significance: Nonsignificant

Legal Authority: 33 USC 1231

CFR Citation: 33 CFR 161

Legal Deadline: None

Abstract: This rulemaking would replace currently used categorical horsepower-tow length requirements with stricter straight-line ratio requirements which have proven effective in preventing tow/bridge collisions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/86

Agency Contact: Mr. E. LaRue, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4958

RIN: 2115-AC21

1633. ● SUBCHAPTER "T" TITLE 46, GENERAL UPDATES AND REVISIONS (85-080)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 175; 46 CFR 176; 46 CFR 177; 46 CFR 178; 46 CFR 179; 46 CFR 180; 46 CFR 181; 46 CFR 182; 46 CFR 183; 46 CFR 184; 46 CFR 185; 46 CFR 186; 46 CFR 187

Legal Deadline: None

Abstract: This rulemaking would revise Subchapter "T" to reflect recent statutory changes, incorporate new technology, and improve safety requirements. Among the changes contemplated would be a change in inspection intervals and drydocking intervals.

Timetable:

Action	Date	FR Cite
NPRM	01/00/87	

Small Entity: Yes

Analysis: Regulatory Evaluation 01/00/87

Agency Contact: Lt. Astley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4431

RIN: 2115-AC22

1634. ● TRAINING IN THE USE OF AUTOMATIC RADAR PLOTTING AIDS (ARPA) (85-089)

Significance: Nonsignificant

Legal Authority: 33 USC 1223; 46 USC 3703

CFR Citation: 33 CFR 164

Legal Deadline: None

Abstract: Requests comments on the International Maritime Organization resolution to require ARPA training for all masters, chief mates, and officers in charge of a navigational watch. Regulatory action may follow depending on public comments.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: CDR G. Naccara, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2240

RIN: 2115-AB99

1635. ● PUGET SOUND VESSEL TRAFFIC SERVICE (85-092)

Significance: Nonsignificant

Legal Authority: 33 USC 1231

CFR Citation: 33 CFR 161

Legal Deadline: None

Abstract: This rulemaking would clarify and streamline existing regulations to bring them into conformity with current operating procedures.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: No

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/00/86

Agency Contact: LTJG Bradley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1940

RIN: 2115-AC01

1636. ● INLAND WATERWAY NAVIGATION REGULATIONS; ALL WATERS TRIBUTARY TO THE GULF OF MEXICO (85-096)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 162

Legal Deadline: None

Abstract: Proposes to revise and update the inland waterways navigation regulations for the Gulf Intercostal Waterway from St. Marks, Fla. to the Rio Grande River.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

DOT—USCG **Proposed Rule Stage**

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: Mr. Powers, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-4958**

RIN: 2115-AC03

1637. ● TYPE A AND B FUEL HOSE IN THE FUEL SYSTEMS STANDARD (85-098)

Significance: Nonsignificant

Legal Authority: 46 USC 1454; 46 USC 1456; 46 USC 1488

CFR Citation: 33 CFR 183

Legal Deadline: None

Abstract: This rulemaking would require recreational boats to use fuel lines resistant to permeation by methanol.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: Mr. Gray, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1065**

RIN: 2115-AC04

DEPARTMENT OF TRANSPORTATION (DOT)
U.S. Coast Guard (USCG)

Final Rule Stage

1638. + WORKPLACE SAFETY AND HEALTH REQUIREMENTS FOR FACILITIES ON THE OUTER CONTINENTAL SHELF (79-077)

Significance: Regulatory Program

Legal Authority: 43 USC 1333; 43 USC 1347

CFR Citation: 33 CFR 142

Legal Deadline: None

Abstract: This regulation would develop occupational safety and health standards for personnel working on OCS facilities.

Timetable:

Action	Date	FR Cite
Notice of Meeting	03/05/81	46 FR 15402
Correction of Notice	03/19/81	46 FR 17702
NPRM	01/09/84	49 FR 1085
Correction	02/20/84	49 FR 7253
Final Action	03/00/86	

Small Entity: Yes

Additional Information: Docket No. CGD 79-077.

This action is taken in concert with OSHA.

Analysis: Regulatory Evaluation 01/09/84 (49 FR 1085)

Agency Contact: Mr. Penn, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2307**

RIN: 2115-AA35

1639. + JOINT U.S.-CANADA VESSEL TRAFFIC MANAGEMENT REGULATIONS FOR THE PACIFIC REGION (79-131)

Significance: Agency Priority

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 161

Legal Deadline: None

Abstract: Would implement the provisions of an agreement for a cooperative vessel traffic management system for the Pacific region.

Timetable:

Action	Date	FR Cite
NPRM	08/18/83	48 FR 37433

Next Action Undetermined

Small Entity: No

Additional Information: All action on this proposal has been suspended pending legislative action by the Canadian Government.

Agency Contact: Lt. J. G. Carallo, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-4958**

RIN: 2115-AA39

1640. + LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS (81-059)

Significance: Agency Priority

Legal Authority: 46 USC 3306; 46 USC 7101; 46 USC 7102; 46 USC 7103; 46 USC 7104; 46 USC 7105; 46 USC 7106; 46 USC 7107; 46 USC 7108; 46 USC 7009; 46 USC 7110; 46 USC 7111; 46 USC 7112; 46 USC 7113; 46 USC 7114; ...

CFR Citation: 46 CFR 10; 46 CFR 157; 46 CFR 186; 46 CFR 187

Legal Deadline: None

Abstract: Would amend the licensing regulations to simplify administration and improve readability to the public. Also to provide a license structure for all mariners with which to advance in an orderly career pattern. Will also delete many unnecessary and outdated licenses. This regulation has been made significant because of its far reaching impact on all licensed officers of the merchant marine.

Timetable:

Action	Date	FR Cite
ANPRM	10/29/81	46 FR 53624
NPRM	08/08/83	48 FR 35920
Comment Period extended	11/10/83	48 FR 51650
Supplemental NPRM	10/24/85	50 FR 43316
Final Action	10/00/86	

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: 46 USC 8101; 46 USC 8105; 46 USC 8104; 46 USC 8301; 46 USC 8302; 46 USC 8303; 46 USC 8304; 46 USC 8502; 46 USC 7701; 46 USC 7702; 46 USC 7703; Comment period runs until 02/21/86. Public hearings held in Washington, D.C.; New York, New York; Seattle, Washington; San Francisco, California; and New Orleans, Louisiana.

Analysis: Regulatory Evaluation 08/08/83

DOT—USCG

Final Rule Stage

Agency Contact: CDR Naccara, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2240**

RIN: 2115-AA64

1641. SAFETY/SECURITY ZONE REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 1233; 33 USC 1225

CFR Citation: 33 CFR 100; 33 CFR 165

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to range from 04/86 to 10/86.

Timetable:

Action	Date	FR Cite
Total actions expected to end	03/00/86	

Small Entity: No

Agency Contact: Mr. L. Manoliades, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-5116**

RIN: 2115-AA97

1642. ANCHORAGE AREA REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 471; 33 USC 2030; 33 USC 2035; 33 USC 2071

CFR Citation: 33 CFR 110

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to range from 04/86 to 10/86.

Timetable:

Action	Date	FR Cite
Total actions expected to end	10/00/86	

Small Entity: No

Agency Contact: Mr. L. Manoliades, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-5116**

RIN: 2115-AA98

1643. FIXED FIRE EXTINGUISHING SYSTEMS ON UNINSPECTED VESSELS (74-284)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 4104; 46 USC 4105; 46 USC 4302; 49 USC 108

CFR Citation: 46 CFR 162.029

Legal Deadline: None

Abstract: Would establish standards for the construction and installation of Halon 1301 and other fixed fire extinguishing systems as optional systems for compliance with existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/19/82	47 FR 16648
Final Action	09/00/86	

Small Entity: No

Additional Information: Docket No. CGD 74-284.

Analysis: Regulatory Evaluation 04/19/82

Agency Contact: Mr. K. Wahle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1444**

RIN: 2115-AA08

1644. STABILITY STANDARDS FOR HOPPER DREDGES (76-080)

Significance: Nonsignificant

Legal Authority: 46 USC 88; 46 USC 362; 46 USC 367

CFR Citation: 46 CFR 42; 46 CFR 45

Legal Deadline: None

Abstract: Would permit a deeper load line assignment for hopper dredges which meet the proposed damage stability standards.

Timetable:

Action	Date	FR Cite
NPRM	12/10/79	44 FR 70791
Final Action	12/00/86	

Small Entity: No

Additional Information: Docket No. CGD 76-080. Alternative procedure under consideration.

Analysis: Regulatory Evaluation 12/10/79

Agency Contact: LCDR Letourneau, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2187**

RIN: 2115-AA11

1645. CONSTRUCTION AND EQUIPMENT; EXISTING SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES (77-069)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 154

Legal Deadline: None

Abstract: Would amend regulations for existing self-propelled vessels that carry bulk liquefied gases by including the substantive requirements for the "Code for Existing Ships Carrying Liquefied Gases in Bulk" adopted by the International Maritime Organization (IMO). These amended regulations would increase safety levels for existing ships carrying gas.

Timetable:

Action	Date	FR Cite
ANPRM	06/30/77	42 FR 33353
NPRM	03/14/85	50 FR 10264
Final Action	09/00/86	

Small Entity: No

Additional Information: Docket No. 77-069.

Analysis: Regulatory Evaluation 03/14/85 (50 FR 10264)

Agency Contact: Ms. K. Barylski, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1217**

RIN: 2115-AA00

1646. REQUIREMENT FOR FIRST PURCHASER LIST KEPT BY BOAT DEALERS (77-115)

Significance: Nonsignificant

Legal Authority: 46 USC 1464

CFR Citation: 33 CFR 179

Legal Deadline: None

Abstract: Would require boat dealers to assist in creating a list of retail purchasers so manufacturers could send notice to alert for safety defects.

DOT—USCG **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	12/29/80	45 FR 85475

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. CGD 77-115.

Analysis: Regulatory Evaluation 12/29/80

Agency Contact: Mr. Colihan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1065**

RIN: 2115-AA16

1647. MISCELLANEOUS CHANGES TO 46 CFR 56 (77-140)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 56

Legal Deadline: None

Abstract: Would update Title 46, Subchapter F - Marine Engineering. Some facets of these regulations for shipboard piping systems have become obsolete as a result of technological developments and changes in cited codes and standards.

Timetable:

Action	Date	FR Cite
NPRM	01/09/85	50 FR 1073
NPRM Comment Period End	03/11/85	
Comment Period Extension	03/21/85	50 FR 11397
Final Action	06/00/86	

Small Entity: No

Additional Information: Docket No. CGD 77-140.

Analysis: Regulatory Evaluation 01/09/85

Agency Contact: Mr. F. Weidner, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2160**

RIN: 2115-AA17

1648. APPROVAL OF INFLATABLE PERSONAL FLOTATION DEVICES (PFDS) (78-174)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703; 46 USC 4102; 46 USC 4302

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: Would establish performance standards for inflatable and 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	08/27/85	50 FR 33923
Final Action	10/00/86	

Small Entity: No

Additional Information: Docket No. CGD 78-174. Two additional projects split from this one. They are listed in this agenda as CGD 780174a, Carriage and Operational Requirements for Hybrid PFDs and CGD 78-174b, Carriage and Operational Requirements for Inflatable Life Jackets. Entries for these projects follow in the agenda.

Analysis: Regulatory Evaluation 08/27/85 (50 FR 33923)

Agency Contact: Mr. S. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1444**

RIN: 2115-AA29

1649. ● RECREATIONAL HYBRID PFD'S (78-174A)

Significance: Nonsignificant

Legal Authority: 43 USC 1348

CFR Citation: 33 CFR 146; 33 CFR 175; 33 CFR 181

Legal Deadline: None

Abstract: This rulemaking proposes requirements concerning the carriage of hybrid Personal Flotation Devices (PFD's) on recreational boats and on outer continental shelf facilities. Hybrid PFD's have reduced inherent buoyancy and are less bulky, making them more comfortable to wear. This increased comfort should result in increased wear rates and lead to a corresponding reduction in the number of drownings in boating accidents.

Timetable:

Action	Date	FR Cite
NPRM	05/29/85	50 FR 21862
NPRM Comment Period End	07/15/85	50 FR 21862
Final Action	12/00/86	

Small Entity: No

Additional Information: This project and a companion, Carriage and Operational Requirements for Inflatable Life Jackets (78-174b), split from the proposal titled Hybrid PFDs; Establishment of Approved Requirements (78-174) (RIN: 2115-AA29). This project (RIN: 2115-AA29) was published as an interim final rule (50 FR 33923).

Analysis: Regulatory Evaluation 05/29/85

Agency Contact: Mr. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1444**

RIN: 2115-AC12

1650. ● CARRIAGE AND OPERATIONAL REQUIREMENTS FOR INFLATABLE LIFE JACKETS (78-174B)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703; 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 25; 46 CFR 26; 46 CFR 30; 46 CFR 33; 46 CFR 35; 46 CFR 70; 46 CFR 75; 46 CFR 78; 46 CFR 90; 46 CFR 94; 46 CFR 97; 46 CFR 108; 46 CFR 109; 46 CFR 160; 46 CFR 167; ...

Legal Deadline: None

Abstract: This rulemaking proposes approval and operating requirements for inflatable life jackets and hybrid inflatable personal flotation devices (hybrid PFD's). Their use would be optional. To be counted toward Coast Guard carriage requirements on recreational boats and uninspected commercial vessels, hybrid PFD's would be required to be worn.

Timetable:

Action	Date	FR Cite
NPRM	05/29/85	50 FR 21878
Final Action	10/00/86	

Small Entity: No

Additional Information: This project, and a companion, Recreational Hybrid PFD's (78-174a), split from the rule titled Hybrid PFD's; establishment of Approved Requirements (78-174) (RIN: 2115-AA29). This rule (RIN: 2115-AA29) was published as an interim final rule (50 FR 33923).

Analysis: Regulatory Evaluation 05/29/85 (50 FR 21878)

DOT—USCG

Final Rule Stage

Agency Contact: Mr. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC, 202 426-1444

RIN: 2115-AC16

1651. MODIFICATION TO LINE THROWING DEVICE REQUIREMENTS (79-160)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 33; 46 CFR 75; 46 CFR 78; 46 CFR 94; 46 CFR 97; 46 CFR 108; 46 CFR 160; 46 CFR 167; 46 CFR 192; 46 CFR 196

Legal Deadline: None

Abstract: Would modify the regulation requiring a line throwing device only in cargo vessels over 500 gross tons and passenger vessels on international voyages. This project is to be withdrawn due to adverse comments received during the NPRM stage.

Timetable:

Action	Date	FR Cite
NPRM	12/11/80	45 FR 81616
To be withdrawn	03/00/86	

Small Entity: No

Additional Information: Docket No. CGD 79-160.

Agency Contact: LT Gold, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-9561

RIN: 2115-AA42

1652. INFLATABLE LIFERAFT STABILITY (80-113)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: Would provide specific rules for function, size, and placement of stability appendages.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/81	46 FR 33341
NPRM	01/11/85	50 FR 1538
NPRM Comment Period End	04/11/85	
Extension of Comment Period	07/05/85	50 FR 37628
Final Action	12/00/86	

Small Entity: No

Additional Information: Docket No. CGD 80-113. Comment period extended to 10/14/85.

Analysis: Regulatory Evaluation 01/11/85

Agency Contact: Mr. M. Daniels, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1445

RIN: 2115-AA50

1653. DAMAGE STABILITY AND FLOODING PROTECTION STANDARDS FOR GREAT LAKES BULK DRY CARGO VESSELS (80-159)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 45; 46 CFR 93

Legal Deadline: None

Abstract: Would require a level of subdivision for new ships which is at least equivalent to that required for Maritime Administration construction loan guarantees. Would reduce the risk of catastrophic sinking and increase the time available to utilize recently improved survival gear.

Timetable:

Action	Date	FR Cite
ANPRM	02/28/83	48 FR 8312
NPRM	11/07/85	50 FR 46315
NPRM Comment Period End	01/06/86	50 FR 46315
Final Action	06/00/86	

Small Entity: No

Additional Information: Docket No. CGD 80-159.

Analysis: Regulatory Evaluation 11/07/85 (50 FR 46315)

Agency Contact: LCDR Letourneau, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2187

RIN: 2115-AA01

1654. PERSONAL FLOTATION DEVICES (81-023)

Significance: Nonsignificant

Legal Authority: 46 USC 1454; 46 USC 1488

CFR Citation: 33 CFR 175; 33 CFR 181

Legal Deadline: None

Abstract: Revokes an obsolete provision and makes several editorial changes.

Timetable:

Action	Date	FR Cite
NPRM	04/12/82	47 FR 15606

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. CGD 81-023.

Analysis: Regulatory Evaluation 04/12/82

Agency Contact: Mr. C. Perry, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-0108

RIN: 2115-AA58

1655. AUTOMATED VITAL SYSTEMS (81-030)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 8105

CFR Citation: 46 CFR 62

Legal Deadline: None

Abstract: Would implement the provisions for periodically unattended machinery spaces and automated machinery in the 1974 SOLAS Amendments and the guidance on system design in the Coast Guard Navigation and Inspection Circular on Automated Main and Auxiliary Machinery.

Timetable:

Action	Date	FR Cite
NPRM	09/23/85	50 FR 38608
Final Action	12/00/86	

Small Entity: No

Additional Information: Docket No. CGD 81-030.

Comment period extended until 21 Feb. 1986.

Analysis: Regulatory Evaluation 09/23/85 (50 FR 38608)

Agency Contact: LT Randall, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2206

RIN: 2115-AA59

1656. LICENSING OF OFFICERS AND OPERATORS FOR MOBILE OFFSHORE DRILLING UNITS (81-59A)

Significance: Nonsignificant

DOT—USCG **Final Rule Stage**

Legal Authority: 46 USC 3306; 46 USC 7101; 46 USC 7102; 46 USC 7103; 46 USC 7104; 46 USC 7105; 46 USC 7106; 46 USC 7107; 46 USC 7108; 46 USC 7009; 46 USC 7110; 46 USC 7111; 46 USC 7112; 46 USC 7113; 46 USC 7114; ...

CFR Citation: 46 CFR 10; 46 CFR 15

Legal Deadline: None

Abstract: This project resulted from comments received on Coast Guard proposed rulemaking 81-59, Licensing of Officers and Motorboat Operators and Registration of Staff Officers which is contained in this agenda under another listing. The comment suggested that licensing of officers on Mobile Offshore Drilling Units be discussed in a separate rulemaking. This project is the result of those suggestions. The project would establish licensing requirements for officers on Mobile Drilling Units.

Timetable:

Action	Date	FR Cite
NPRM	08/08/83	48 FR 35920
SNPRM	10/24/85	50 FR 43316
Final Action	10/00/86	

Small Entity: No

Additional Information: This project was split from Coast Guard docket 81-059, Licensing of Officers and Motorboat Operators and Registration of Staff Officers. That project is listed elsewhere in this agenda with the RIN 2115-AA64.

Analysis: Regulatory Evaluation 10/24/85 (50 FR 43316)

Agency Contact: CDR G. Naccara, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2240**

RIN: 2115-AB91

1657. SHIPPING SAFETY FAIRWAY AMENDMENTS, GULF OF MEXICO (81-08B)

Significance: Nonsignificant

Legal Authority: 33 USC 1223; 33 USC 1224

CFR Citation: 33 CFR 166

Legal Deadline: None

Abstract: The Coast Guard is proposing to amend existing shipping fairways and to establish new fairway anchorages in the Gulf of Mexico. The fairway modifications and anchorages are necessary to provide for safe access routes in areas of high traffic density and offshore structures.

Timetable:

Action	Date	FR Cite
NPRM	08/09/82	47 FR 34432
Supplemental NPRM	03/30/84	49 FR 12715
Supplemental NPRM	05/03/84	49 FR 18870
Final Action	05/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 08/09/82

Agency Contact: LTJG D. Reese, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 245-0108**

RIN: 2115-AB57

1658. DOCUMENTATION OF VESSELS; CONTROLLING INTEREST (82-105)

Significance: Nonsignificant

Legal Authority: 46 USC 12121; 49 USC 108

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: Solicits comments on the term "controlling interests" for the purpose of documenting vessels owned by partnerships.

Timetable:

Action	Date	FR Cite
ANPRM	11/12/82	47 FR 51170
NPRM	07/16/84	49 FR 28744
NPRM Comment Period End	10/15/84	49 FR 35967
Final Action	06/00/86	

Small Entity: Undetermined

Additional Information: Docket No. CGD 82-105. Comment period extended 9/13/84.

Analysis: Regulatory Evaluation 07/16/84

Agency Contact: Lt. Oxley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1492**

RIN: 2115-AB27

1659. SAILING SCHOOL VESSEL REGULATIONS (83-005)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 169

Legal Deadline: None

Abstract: Would generate a new set of inspection regulations for sailing school vessels as mandated by the Sailing School Vessel Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	12/24/84	49 FR 49974
NPRM Comment Period End	02/22/85	
Final Action	03/00/86	

Small Entity: Yes

Additional Information: Docket No. CGD 83-005.

Analysis: Regulatory Evaluation 12/24/84 (49 FR 49974)

Agency Contact: LT Astley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-4431**

RIN: 2115-AB32

1660. INDEPENDENT LABORATORY INSPECTION OF LIFESAVING EQUIPMENT (83-030)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 159; 46 CFR 160

Legal Deadline: None

Abstract: Would establish independent laboratory inspection of lifeboats, liferafts, and launching equipment to replace Coast Guard inspection.

Timetable:

Action	Date	FR Cite
NPRM	08/27/84	49 FR 38151
NPRM Comment Period End	12/26/84	
Final Action	10/00/86	

Small Entity: No

Additional Information: Docket No. CGD 83-030.

Analysis: Regulatory Evaluation 08/27/84 (49 FR 38151)

Agency Contact: Mr. R. Markle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1444**

RIN: 2115-AB38

1661. EDITORIAL CHANGES TO TITLE 46 CFR RESULTING FROM P.L. 98-89 (83-067)

Significance: Nonsignificant

Legal Authority: PL 98-89

CFR Citation: 46 CFR Chapter 1

DOT—USCG

Final Rule Stage

Legal Deadline: None

Abstract: Would amend Title 46, CFR to reflect 46 U.S.C. citations for marine safety laws consolidated and reenacted by P.L. 98-89.

Timetable:

Action	Date	FR Cite
First Rule	10/04/84	49 FR 39161
Second Rule	01/11/85	50 FR 1524
Third Rule	12/00/86	

Small Entity: No

Additional Information: Docket No. CGD 83-067.

This is an ongoing project which will include numerous revisions to the citations. Accordingly there will be several final rules published under the same docket number.

Analysis: Regulatory Evaluation 10/04/84 (49 FR 39161)

Agency Contact: LCDR D. Parsons, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2197

RIN: 2115-AB54

1662. REQUIREMENTS FOR MOBILE OFFSHORE DRILLING UNITS (83-071)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR Subchapter I-A; 46 CFR 109; 46 CFR 170; 46 CFR 174

Legal Deadline: None

Abstract: This project would generally update the regulations pertaining to mobile offshore drilling units. These regulations have not been updated since 1978 and need to reflect provisions of the Outer Continental Shelf Lands Act Amendments of 1978 and 1982 and the treaty for Safety of Life at Sea (1974), which has been accepted by the United States.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/84	49 FR 22836
NPRM	09/30/85	50 FR 39734
NPRM Comment Period End	11/09/85	50 FR 39734
Final Action	08/00/86	

Small Entity: No

Additional Information: Docket No. CGD 83-071.

Analysis: Regulatory Evaluation 09/30/85 (50 FR 39734)

Agency Contact: LT. V. Mihal, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2160

RIN: 2115-AB56

1663. AMENDMENTS TO BRIDGE LIGHTING REQUIREMENTS (84-022)

Significance: Nonsignificant

Legal Authority: 33 USC 494; 33 USC 499

CFR Citation: 33 CFR 117; 33 CFR 118

Legal Deadline: None

Abstract: Would provide regulatory standards for prescribing or approving signals other than lighting on bridges.

Timetable:

Action	Date	FR Cite
NPRM	01/31/85	50 FR 4529
Final Action	03/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 01/31/85 (50 FR 4529)

Agency Contact: Mr. A. Meschter, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-0942

RIN: 2115-AB62

1664. ● OIL AND HAZARDOUS SUBSTANCE DISCHARGE REPORTING REQUIREMENTS (84-067)

Significance: Nonsignificant

Legal Authority: 33 USC 1321(j)(1)(a)

CFR Citation: 33 CFR 153

Legal Deadline: None

Abstract: Would modify the procedures for reporting discharges of oil and hazardous substances as required by Section 311 of the Federal Water Pollution Control Act.

Timetable:

Action	Date	FR Cite
NPRM	09/20/85	50 FR 38139
Final Action	10/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 09/20/85 (50 FR 38139)

Agency Contact: LT Wiltshire, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-9568

RIN: 2115-AB96

1665. ● THERMAL PROTECTIVE AIDS (84-069B)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This proposal would adopt specifications for approving thermal protective aids which protect seamen who must in an emergency enter the water.

Timetable:

Action	Date	FR Cite
NPRM	10/01/85	50 FR 40036
Final Action	10/00/86	

Small Entity: No

Additional Information: This project is derived from Coast Guard Docket 84-069, Lifesaving Equipment (RIN:2115-AB72).

Analysis: Regulatory Evaluation 10/01/85 (50 FR 40036)

Agency Contact: LDCR Riley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1444

RIN: 2115-AC00

1666. ACCOMMODATIONS, RAILS AND GUARDS (84-073)

Significance: Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 3306; 46 USC 3703; 46 USC 10104

CFR Citation: 46 CFR 32; 46 CFR 77; 46 CFR 96; 46 CFR 195

Legal Deadline: None

Abstract: This proposal would eliminate duplicative regulations and clarify language in certain areas.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	50 FR 39729
NPRM Comment Period End	11/29/85	50 FR 39729
Final Action	09/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 09/30/85 (50 FR 39729)

DOT—USCG — Final Rule Stage

Agency Contact: LCDR Murphy, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2197**

RIN: 2115-AB68

1667. ● INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972 COLREGS DEMARCATION LINES (84-091)

Significance: Nonsignificant

Legal Authority: 14 USC 2; 33 USC 151a

CFR Citation: 33 CFR 80

Legal Deadline: None

Abstract: This rulemaking would update identifiable lines which delineate waters upon which International Regulations for Preventing Collisions at Sea, 1972 (COLREGS) apply.

Timetable:

Action	Date	FR Cite
NPRM	09/19/85	50 FR 38013
NPRM Comment Period End	11/04/85	50 FR 38013
Final Action	09/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 09/19/85 (50 FR 38013)

Agency Contact: LCDR Bell, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 245-0108**

RIN: 2115-AC06

1668. ● INLAND NAVIGATION RULES (85-081)

Significance: Nonsignificant

Legal Authority: 33 USC 2014

CFR Citation: 33 CFR 89

Legal Deadline: None

Abstract: Would implement rule 14(d) as enacted by Public Law 98-557 to the Inland Navigation Rules. Rule 14(d) gives the downbound vessel right-of-way when vessels are approaching each other in head-on situations.

Timetable:

Action	Date	FR Cite
Final Action	10/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 10/00/86

Agency Contact: LCDR Bell, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1950**

RIN: 2115-AB97

1669. DRAWBRIDGE REGULATIONS

Significance: Routine and Frequent

Legal Authority: 33 USC 499

CFR Citation: 33 CFR 117

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 50. Action dates range from 04/86 to 10/86.

Timetable:

Action	Date	FR Cite
Total actions expected to end	10/00/86	

Small Entity: No

Agency Contact: Mr. Meschter, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1380**

RIN: 2115-AA99

DEPARTMENT OF TRANSPORTATION (DOT)
U.S. Coast Guard (USCG)

Completed Actions

1670. ● + OPERATING A VESSEL WHILE INTOXICATED (84-099)

Significance: Regulatory Program

Legal Authority: 46 USC 8105; 46 USC 7101; 46 USC 3306; 46 USC 2302(c)

CFR Citation: 33 CFR 95; 33 CFR 146; 33 CFR 150; 33 CFR 173; 33 CFR 177; 46 CFR 4; 46 CFR 5; 46 CFR 35; 46 CFR 78; 46 CFR 97; 46 CFR 109; 46 CFR 167; 46 CFR 185; 46 CFR 196; 46 CFR 197

Legal Deadline: None

Abstract: Proposes: (1) to prohibit crewmembers on vessels subject to inspection from performing any duties while intoxicated or within four hours of consuming any alcohol; (2) civil penalties for owners, charterers, managing operators, agents, masters or individuals in charge of vessels subject to inspection that allow crewmembers to perform any duties while intoxicated; and (3) to allow personnel licensed, documented or certificated by the Coast Guard to seek rehabilitation prior to being subject to a proceeding to suspend or revoke the license, certificate or document.

Timetable:

Action	Date	FR Cite
Split into two RINs 2115-AC23 and 2115-AC24	03/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 04/00/86

Agency Contact: Capt. Stenger, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1531**

RIN: 2115-AB83

1671. + SUSPENSION AND REVOCATION PROCEEDINGS (82-002)

Significance: Agency Priority

Legal Authority: 46 USC 7701

CFR Citation: 46 CFR 5

Legal Deadline: None

Abstract: Revise and Amend 46 CFR Part 5 to (1) incorporate changes due to recent legislative actions (2) improve clarity and conciseness and (3) make substantive procedural changes.

Timetable:

Action	Date	FR Cite
NPRM	09/30/83	48 FR 44851
Final Action	08/09/85	50 FR 32179
Final Action Effective	09/08/85	59 FR 32179

Small Entity: No

Additional Information: Docket No. CGD 82-002.

Analysis: Regulatory Evaluation 08/09/85 (59 FR 32179)

DOT—USCG

Completed Actions

Agency Contact: CDR Stansell, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2215**

RIN: 2115-AA76

1672. REVIEW: REGULATORY FLEXIBILITY ACT REVIEWS

Significance: Nonsignificant

Legal Authority: 5 USC 610

CFR Citation: 33 CFR 1 to 199; 46 CFR 1 to end

Legal Deadline: None

Abstract: Review completed. A proposed definition will be published in a future issue of the Federal Register.

Timetable:

Action	Date	FR Cite
Begin Review	06/29/81	46 FR 33404
End Review	02/00/86	

Small Entity: Yes

Additional Information: Review in Process.

Agency Contact: Mr. Bruce Novak, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1477**

RIN: 2115-AB01

1673. VTS HOUSTON-GALVESTON, TX (74-029)

Significance: Nonsignificant

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 161

Legal Deadline: None

Abstract: Would make mandatory a new voluntary vessel traffic service.

Timetable:

Action	Date	FR Cite
NPRM	09/18/80	45 FR 62158
Withdrawn	12/19/85	50 FR 51709

Small Entity: No

Additional Information: Docket No. CGD 74-029.

Agency Contact: Mr. E. LaRue, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-4958**

RIN: 2115-AA07

1674. PRIVATE AIDS TO NAVIGATION AND STATE AIDS TO NAVIGATION (78-157)

Significance: Nonsignificant

Legal Authority: 14 USC 2; 14 USC 83; 14 USC 85; 5 USC 610

CFR Citation: 33 CFR 66

Legal Deadline: None

Abstract: Would codify and clarify the regulations concerning State and private aids to navigation to allow electronic private aids.

Timetable:

Action	Date	FR Cite
Terminated	01/03/86	

Small Entity: No

Additional Information: Docket No. CGD 78-157.

Agency Contact: Mr. Zacharias, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1974**

RIN: 2115-AA27

1675. AIDS TO NAVIGATION - GENERAL INTERFERENCE WITH, DAMAGES TO AND CHARGES FOR AIDS TO NAVIGATION (78-159)

Significance: Nonsignificant

Legal Authority: 14 USC 81; 14 USC 87; 14 USC 92

CFR Citation: 33 CFR 60; 33 CFR 62; 33 CFR 66; 33 CFR 70; 33 CFR 74; 33 CFR 76

Legal Deadline: None

Abstract: Would codify, revise and clarify the existing regulations.

Timetable:

Action	Date	FR Cite
Terminated	01/03/86	

Small Entity: No

Additional Information: Docket No. CGD 78-159.

Agency Contact: Mr. Blaney, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1973**

RIN: 2115-AA28

1676. DEEPWATER PORT LIABILITY FUND REQUIREMENTS (79-158)

Significance: Nonsignificant

Legal Authority: 33 USC 1509; 33 USC 1517

CFR Citation: 33 CFR 137; 33 CFR 150

Legal Deadline: None

Abstract: Would implement provisions of the Deepwater Port Act of 1974 to establish and administer liability limits and compensation relative to accidental oil spills at deep water port sites.

Timetable:

Action	Date	FR Cite
NPRM	10/02/80	45 FR 67708
Interim Final Rule	06/24/82	47 FR 27478
Final Action	08/15/85	50 FR 32966
Final Action Effective	08/15/85	50 FR 32966

Small Entity: No

Additional Information: Docket No. CGD 79-158.

Analysis: Regulatory Evaluation 08/15/85 (50 FR 32966)

Agency Contact: Mr. F. Martin, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 472-5052**

RIN: 2115-AA41

1677. ● SAFETY RULES FOR SELF-PROPELLED VESSELS CARRYING HAZARDOUS LIQUIDS (81-078)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 49 USC 1803

CFR Citation: 46 CFR 30; 46 CFR 151; 46 CFR 153

Legal Deadline: None

Abstract: This rule adds to and revises the lists of cargoes regulated under parts 30, 151 and 153 and includes carriage requirements for these new cargoes.

Timetable:

Action	Date	FR Cite
Final Action	05/22/85	50 FR 21166
Final Action Effective	07/22/85	50 FR 21166

Small Entity: No

Analysis: Regulatory Evaluation 05/22/85 (50 FR 21166)

Agency Contact: Mr. Query, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1217**

RIN: 2115-AB93

DOT—USCG

Completed Actions

1678. COMPATIBILITY OF CARGOES (83-047)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 150

Legal Deadline: None

Abstract: Would consolidate requirements for compatible storage of bulk liquid hazardous materials on tank vessels; would update table from April 14, 1983.

Timetable:

Action	Date	FR Cite
NPRM	01/11/85	50 FR 1551
NPRM Comment Period End	02/11/85	
Final Action	08/16/85	50 FR 33037
Final Action Effective	09/30/85	50 FR 33037

Small Entity: No

Additional Information: Docket No. CGD 83-047.

ADDITIONAL LEGAL AUTHORITY: 48 CFR 1.46(t) also applies.

Analysis: Regulatory Evaluation 08/16/85 (50 FR 33037)

Agency Contact: Dr. M. Parnorouskis, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-6262**

RIN: 2115-AB49

1679. SIMPLIFIED ADMEASUREMENT (83-070)

Significance: Nonsignificant

Legal Authority: PL 96-594

CFR Citation: 46 CFR 69

Legal Deadline: None

Abstract: This project would unify various separate parts in 46 CFR dealing with admeasurement.

Timetable:

Action	Date	FR Cite
NPRM	03/18/85	50 FR 10803
Final Action	10/01/85	50 FR 40008
Final Action Effective	10/01/85	50 FR 40008

Small Entity: No

Additional Information: Docket No. CGD 83-070.

Analysis: Regulatory Evaluation 10/01/85 (50 FR 40008)

Agency Contact: Mr. Lewis, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2192**

RIN: 2115-AB51

1680. DOCUMENTATION OF VESSELS, HAILING PORT MARKINGS (84-027)

Significance: Nonsignificant

Legal Authority: 46 USC 12121; 49 USC 108

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: Solicits comments on whether regulations requiring marking of hailing port on vessels should be continued and, if so, what changes should be made in methods for determining port to be marked.

Timetable:

Action	Date	FR Cite
ANPRM	05/17/84	49 FR 20872
NPRM	11/19/84	49 FR 45623
NPRM Comment Period End	02/19/85	49 FR 45623
Withdrawn	11/18/85	50 FR 47411

Small Entity: Undetermined

Agency Contact: LCDR Meeks, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1492**

RIN: 2115-AB64

1681. ● UNMANNED RIVER SERVICE DRY CARGO BARGES: LOAD LINE REGULATIONS (84-058)

Significance: Nonsignificant

Legal Authority: 46 USC 88

CFR Citation: 46 CFR 45

Legal Deadline: None

Abstract: This rule exempts unmanned river service dry cargo barges operating on short voyages in Lake Michigan from requirements to obtain a load line certificate. This rule would apply only to unmanned barges carrying non-hazardous and non-polluting cargoes.

Timetable:

Action	Date	FR Cite
NPRM	12/14/84	49 FR 48762
Final Action	05/09/85	50 FR 19532
Final Action Effective	06/10/85	50 FR 19532

Small Entity: No

Analysis: Regulatory Evaluation 05/09/85 (50 FR 19532)

Agency Contact: LT Fiebrandt, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 **426-2606**

RIN: 2115-AB95

[FR Doc. 86-6639 Filed 04-18-86; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Prerule Stage

1682. + ADVANCED V/STOL ROTORCRAFT STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 00, (New)

Legal Deadline: None

Abstract: This proposed action would add a new Part to the FAR to establish airworthiness standards for advanced V/STOL rotorcraft. This action is needed since current rotorcraft airworthiness standards in Parts 27 and 29 are insufficient for anticipated tilt rotor and other advanced design rotorcraft.

Timetable:

Action	Date	FR Cite
ANPRM	04/01/86	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/86

DOT—FAA

Prerule Stage

Agency Contact: Jim Honaker, Department of Transportation, Federal Aviation Administration, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101, **817 877-2552**

RIN: 2120-AB25

1683. + AIRMEN MEDICAL STANDARDS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 67

Legal Deadline: None

Abstract: These regulations specify the medical standards which must be met before a medical certificate is issued to an airman. For example, a medical certificate is required before a person can obtain a pilot license. During a recent rulemaking involving these regulations, a considerable number of commenters expressed the belief that the current standards should and could be revised to state, in generally applicable objective terms, all those circumstances in which the FAA will issue medical certificates. In the past, some certificates have been issued on a case-by-case basis, with appropriate limitations, under exemption and waiver provisions where strict compliance with the existing standards was not essential in the interest of safety. A comprehensive review of these regulations is necessary to determine if the commenters' arguments are correct. If they are and the requested regulatory changes are possible, it could greatly reduce burdens, both on the FAA and airmen, associated with the processing of medical certificates.

Timetable:

Action	Date	FR Cite
AMA Report to FAA	02/00/86	

Next Action Undetermined

Small Entity: No

Additional Information: The FAA contracted with the American Medical Association (AMA) on August 29, 1983. The AMA will develop a comprehensive report which will be used by the FAA as part of its evaluation of Part 67 standards.

Agency Contact: William H. Hark, M.D., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-3802**

RIN: 2120-AA70

1684. PART 91 NOTICE

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: The agency conducted a Regulatory Review Conference of 14 CFR Part 91, Subpart B, in September 1977, in order to update that part. This action will cover all proposals covered by the review except for lost communications.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/86	

Small Entity: No

Additional Information: Docket No. 16431.

Agency Contact: Burton Chandler, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8626**

RIN: 2120-AA07

1685. TRANSPORT ROTORCRAFT PERFORMANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 29

Legal Deadline: None

Abstract: This project is to solicit public comment on possible revision and clarification of transport rotorcraft performance and airworthiness standards and to establish minimum gradients of climb during takeoff.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/85	50 FR 42126
ANPRM Comment Period End	04/15/86	

Small Entity: Undetermined

Agency Contact: Jim S. Honaker, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, **817 877-2552**

RIN: 2120-AB36

1686. HELICOPTER MINIMUM FLIGHTCREW

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This project proposes to revise Parts 27 and 29 to require a minimum of two pilots if the power control(s) (throttles) are not a part of the collective control.

Timetable:

Action	Date	FR Cite
ANPRM	11/27/85	50 FR 48786
ANPRM Comment Period End	05/25/86	

Small Entity: No

Agency Contact: Jim S. Honaker, Department of Transportation, Federal Aviation Administration, P.O. box 1689, Fort Worth, Tx 76101, **817 877-2552**

RIN: 2120-AB86

DEPARTMENT OF TRANSPORTATION (DOT) **Proposed Rule Stage**

Federal Aviation Administration (FAA)

1687. + PARTS MANUFACTURER APPROVALS

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 21; 14 CFR 45

Legal Deadline: None

Abstract: Since its inception, the PMA program has been controversial, and that controversy was underscored by several attempts by FAA to change the regulations. Public comment to previous NPRM's suggested FAA disparity in applying PMA rules and confusion among aviation industry members and other Federal agencies concerning both the PMA process as it existed and FAA's proposed changes. The agency withdrew its proposals and assembled a team to study all aspects of the controversy and suggest alternatives for future rulemaking. The report titled "Parts Manufacturer Approval Program Evaluation, Phase I Report" proposes (1) standardizing PMA procedures with or without rulemaking, (2) formalizing the data comparison approval method, (3) pursuing property right legislation for certain data, (4) deregulating aircraft replacement parts, or (5) delegating certain approval aspects back to industry. Regulatory Flexibility Act and Executive Order 12291 analyses are being done as part of Phase II of the study.

Timetable:

Action	Date	FR Cite
NPRM	12/23/75	42 FR 43985
Second NPRM	01/15/81	46 FR 3775
Third NPRM	07/00/86	

Small Entity: Yes

Additional Information: Docket No. 17147. This project was initiated December 23, 1975. NPRM No. 77-19 was published in the Federal Register (42 FR 43985). Comment period later reopened until January 4, 1978 (NPRM No. 77-19A, 42 FR 61048) and again reopened until May 15, 1978 (NPRM No. 77-19B, 43 FR 15432). Portions of NPRM 77-19 dealing with other subjects were handled separately. Supplemental Notice of Proposed Rulemaking (SNPRM) was published January 15, 1981 (46 FR 3775). Initial comment period closed April 15, 1981; reply comment period closed May 15, 1981. NPRM 77-19D reopening the comment period until August 24, 1981, and the reply comment period until September 21, 1981, was published July 23, 1981 (46 FR 38062). NPRM's 77-19 through 77-19D withdrawn October 12, 1984 (49 FR 40154). Phase I Report available to the public January 15, 1985 (50 FR 6303). Phase II of the study initiated May 1985 to prepare Regulatory Flexibility Act and other analyses required to pursue future NPRM.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Michele Owsley, Department of Transportation, Federal Aviation Administration, P. O. Box 1689, Ft. Worth, TX 76101, 817 877-2076

RIN: 2120-AA00

1688. + LOW-ALTITUDE WIND SHEAR EQUIPMENT REQUIREMENTS FOR TAKEOFF AND LANDING OPERATIONS OF TRANSPORT CATEGORY AIRPLANES

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: Would revise existing regulation to require all large passenger-carrying aircraft be equipped with a device that will display wind shear information to the pilots. This action is considered a significant project because it will generate substantial public interest and will be controversial. As a result of several accidents involving wind shear, it is necessary to identify equipment that will enable pilots to identify low level wind shear conditions.

Timetable:

Action	Date	FR Cite
ANPRM	05/03/79	44 FR 25807

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 19110. In 1975, the FAA began a two year effort to develop a wind shear program. As part of the program, FAA began work to develop a wind shear warning and pilot aiding device which has achieved encouraging results. Following the initial announcement of this proposal it was determined that a regulatory analysis would not be required; however, an evaluation will be made and docketed. ANPRM No. 79-11 was published on May 3, 1979 (44 FR 25807) and comment period closed August 3, 1979. (14 CFR Parts 91, 121 & 135.)

Agency Contact: David L. Catey, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8096

RIN: 2120-AA01

1689. + IMPROVED SEAT SAFETY STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: To develop improved load test criteria for occupant seat/ restraint systems on transport airplanes based on the on-going joint FAA/NASA/industry transport airplane crashworthiness program which encompasses tests and studies of past survivable accident data. This rulemaking is significant because it involves important Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: Iven Connally, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2120

RIN: 2120-AA88

1690. ● + 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)-10; 42 USC 4321 et seq; EO 11514; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21; 14 CFR 36; 14 CFR 43; 14 CFR 91; 14 CFR 141; 14 CFR 147

Legal Deadline: None

Abstract: This notice proposes to establish a new category of aircraft for type, production, and airworthiness certification. These aircraft will be designed for pleasure and personal use, and classified as a primary category aircraft. In addition, the notice proposes simplified type, production, and airworthiness certification procedures, special maintenance criteria, and associated changes to pilot requirements for this category of aircraft.

Small Entity: Undetermined

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: Vito Pulero, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 426-8374**

RIN: 2120-AB53

1691. + POWERED ULTRALIGHTS: AIRMAN CERTIFICATION REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401 to 1406; 49 USC 1421 to 1432; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); 42 USC 4321

CFR Citation: 14 CFR 1; 14 CFR 61; 14 CFR 91; 14 CFR 103

Legal Deadline: None

Abstract: This notice would propose to establish airman certification requirements for persons operating powered ultralight aircraft. These mandatory certification standards are being considered because the response by ultralight operators to voluntary training programs has not been adequate. These proposed certification requirements are intended to achieve an acceptable level of safety in the operation of these aircraft.

Small Entity: No

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: Larry Williams, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 426-8150**

RIN: 2120-AB69

1692. ● + FLIGHT ATTENDANT FLIGHT TIME LIMITATIONS AND REST REQUIREMENTS

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 1431; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: Based upon petitions from the Association of Flight Attendants and the Joint Council of Flight Attendant Unions, the FAA is considering proposing amendments to Part 121 and 135 that would establish maximum duty time limits and minimum hours of rest for flight attendants. Summaries of the petitions were published (50 FR 6185 and 50 FR 25252) and requested comments to assist the FAA in determining what, if any, regulatory proposals should be developed.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Gary Martindell, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 526-8096**

RIN: 2120-AB97

1693. ● + CARRY ON BAGGAGE

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This proposed regulation would enhance safety aboard aircraft by ensuring that all baggage brought aboard can be and is safety stored. This proposal was prompted by a petition from the Association of Flight Attendants.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: Roger Riviere, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 426-8096**

RIN: 2120-AC06

1694. + AMEND PART 23 TO INCLUDE REQUIREMENTS FOR CRASH-RESISTANT FUEL SYSTEMS

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action would amend Part 23 to include requirements for crash-resistant fuel tanks, lines and fittings. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/05/85	50 FR 8948
ANPRM Comment Period End	07/03/85	
Next Action Undetermined		

Small Entity: No

Agency Contact: Earsa L. Tankesley, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, **816 374-6930**

RIN: 2120-AA57

1695. + AIRPLANE CABIN FIRE PROTECTION

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: To develop a revision to FAR 25.853 to improve fire protection for lavatories and galleys by requiring that smoke detectors and fire extinguishers, among other things, be installed. This rulemaking is significant because it involves important Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	09/30/86	

Small Entity: No

Additional Information: Project follows completion of Part 121 rulemaking.

Analysis: Regulatory Evaluation

Agency Contact: Gary L. Killion, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2112

RIN: 2120-AB22

1696. + OCCUPANT RESTRAINT IN NORMAL AND TRANSPORT CATEGORY ROTORCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1344 Federal Aviation Act of 1958, Sec 303; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604; 49 USC 1425 Federal Aviation Act of 1958, Sec. 605; 49 USC 1428 Federal Aviation Act of 1958, Sec. 608; 49 USC 1429 Federal Aviation Act of 1958, Sec. 609; 49 USC 1430 Federal Aviation Act of 1958, Sec. 610

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This project proposes to amend the rotorcraft airworthiness standards in Parts 27 and 29 of the FAR. These proposals would add two dynamic crash impact design requirement conditions for seat and occupant restraint systems, increase the static design load factors for seating devices and items of mass in the cabin or adjacent to the cabin as prescribed, prescribe a shoulder harness for each occupant, and add human impact injury criteria for the dynamic crash impact conditions. These proposals are intended to significantly improve occupant protection levels in a survivable emergency landing impact.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Analysis: Regulatory Flexibility Analysis

Agency Contact: James Major, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, 817 877-2549

RIN: 2120-AB35

1697. + PROPOSED DEPARTMENT OF ENERGY PROHIBITED AREAS

Significance: Agency Priority

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 106(g) Revised, Pub. L. 97-449, January 12, 1983

CFR Citation: 14 CFR 11.65; 14 CFR 73

Legal Deadline: None

Abstract: The proposed establishment or modification of prohibited airspace over these sites is one segment of a Department of Energy (DOE) comprehensive effort to enhance the protection of vital nuclear weapons research, development, and production facilities. If established, helicopter operations at any altitude over the designated sites would be prohibited without prior DOE authorization. This rulemaking is significant because it may be controversial. A summary of written and oral comments received in response to notices and hearings was sent to the DOE February 22, 1985, for them to address.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/84	49 FR 04765
Public Hearings Announced	07/20/84	49 FR 29411
Extension of Comment Period	08/07/84	49 FR 31435
ANPRM Comment Period End	11/16/84	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Paul Gallant, ATO-243 Aeronautical Requirements, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3128

RIN: 2120-AB39

1698. + PROPOSED REVISION TO NOISE CERTIFICATION STANDARDS FOR PROPELLER DRIVEN SMALL AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611

CFR Citation: 14 CFR 21; 14 CFR 36

Legal Deadline: None

Abstract: Would revise noise certification standards for propeller-driven small airplanes to substitute the use of actual takeoff tests for the level flyover tests currently specified. This proposal would revise test procedures applicable to noise certification tests conducted on or after January 1, 1987. It would also revise the noise level limit numbers to approximate the equivalent of the sound levels measured and corrected in accordance with the current standard. These proposals result from industry requests for certification to be more directly based upon typical inservice noise measurements and from studies conducted in several nations over a three year period under the auspices of the International Civil Aviation Organization. In addition, the FAA proposes to exempt antique airplanes and changes involving the addition of floats or skis from the acoustical change measurement and documentation requirements of Part 21. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Undetermined

Analysis: Draft Regulatory Evaluation 03/00/86

DOT—FAA

Proposed Rule Stage

Agency Contact: Richard N. Tedrick, Manager, Noise Policy and Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 755-9027

RIN: 2120-AB47

1699. + CHARGES FOR USE OF METROPOLITAN WASHINGTON AIRPORTS

Significance: Agency Priority

Legal Authority: 49 USC 2401 to 2407; 49 USC 2421 to 2433

CFR Citation: 14 CFR 159.181 to 185

Legal Deadline: None

Abstract: Proposed revision to reflect changed costs of operating the airports. This rulemaking is significant because it may involve possible controversy resulting from increased landing fees. It is of special interest to the airline industry.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Edward S. Faggen, Department of Transportation, Federal Aviation Administration, Washington National Airport, Hangar 9, Washington, DC 20001, 703 557-8123

RIN: 2120-AB48

1700. + PROPOSED LIMITS ON THE GROWTH OF NOISE FROM CERTAIN AIRPLANES AND AIRPLANE TYPES

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 49 USC 1421 et seq National Environmental Policy Act, Title I; EO 11514; 49 USC 106(g)

CFR Citation: 14 CFR 36; 14 CFR 91

Legal Deadline: None

Abstract: Would revise both noise certification standards and operating noise rules to ensure that aircraft certificated within certain broad noise groups or "stages" remain within those stages. Those proposals would apply to transport category large aircraft and to turbojet powered aircraft regardless of category. The proposed rule would prohibit modification of both individual airplanes and whole airplane types where those modifications would result in the growth of noise beyond the limits of the airplane's current stage. While the proposal would not restrict airplane changes that result in lower noise, it would in some cases prohibit re-modification of those aircraft to return to their original noise levels. The FAA believes that these rules are necessary to correct a defect in the current regulations and to protect airports, aircraft operators and the public from the effects of that defect. This rulemaking is significant because of intense public interest.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Analysis: Draft Regulatory Evaluation

Agency Contact: Richard N. Tedrick, Manager, Noise Policy and Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 755-9027

RIN: 2120-AB50

1701. + INDEPENDENT POWER SOURCE FOR PUBLIC ADDRESS SYSTEM IN TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: This action would amend the regulations to require an independent power source for the public address (PA) system in certain transport category airplanes. The requirement would be applicable to future type certification of airplanes that are required to have PA systems for use in air carrier service and to such airplanes manufactured after a specified date, regardless of the date of application for type certificate.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: Robert Hall, Department of Transportation, Federal Aviation Administration, Nortwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2143

RIN: 2120-AB77

1702. + PROPOSED REVISION OF NOISE CERTIFICATION OF TURBOJET AND LARGE TRANSPORT CATEGORY AIRCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal AViation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 49 USC 1421 et seq National Environmental Policy Act, Title I; EO 11514

CFR Citation: 14 CFR 36; 14 CFR 91

Legal Deadline: None

Abstract: Would revise certification and operational requirements for aircraft produced after January 1, 1988. On that date the current two stage noise requirements would be replaced with a simpler single standard corresponding to the current Stage 3.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: Richard N. Tedrick, Manager, Noise Policy & Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW. Washington, DC 20591, 202 755-9027

RIN: 2120-AB88

1703. ● + IMPROVED FLAMMABILITY STANDARDS FOR MATERIALS USED IN THE INTERIOR OF CARGO OR BAGGAGE COMPARTMENTS IN AIRPLANES OPERATED IN AIR CARRIER SERVICE UNDER PART 121

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1485; 49 USC 1502; 49 USC 106(g); 49 USC 1.47(a); PL 97-449; 49 USC 1472

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This action proposes requirements to improve cargo compartment fire protection for transport category airplanes operated under Part 121 after a specified date. This action proposes a new rule which would require, within two years, replacement of ceiling and sidewall (including door and bulkhead) cargo compartment fire resistant liner panels in Class C and D cargo compartments greater than 200 cubic feet in volume in certain transport category airplanes.

Timetable:

Action	Date	FR Cite
NPRM	08/31/86	

Small Entity: No

Agency Contact: Gary L. Killion, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2112**

RIN: 2120-AC04

1704. ● + ULTRALIGHT REGISTRATION AND MARKING

Significance: Agency Priority

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1401; 49 USC 1402; 49 USC 1421 to 1430; 49 USC 1423; 49 USC 1522; 49 USC 1655(c); 49 USC 1347; 49 USC 1357(d)(2); 49 USC 1372; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1432

CFR Citation: 14 CFR 1; 14 CFR 45; 14 CFR 103

Legal Deadline: None

Abstract: This notice proposes to establish registration and marking requirements for powered ultralight aircraft. These requirements are needed to enforce existing ultralight air traffic safety requirements effectively and to enable the FAA to issue important safety information to powered ultralight operators. The FAA intends that these requirements will better protect the safety of other airspace users and persons and property on the ground from powered ultralight accidents.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: Joseph Gwiazdowski, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 426-8361**

RIN: 2120-AC09

1705. ● + PART 23 AIRWORTHINESS REVIEW - NOTICE NO. 1 (CRASHWORTHINESS)

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This notice proposes changes to the airworthiness standards to enhance cabin safety and occupant protection by raising the level of crashworthiness for new designs of small airplanes type certificated after a certain date.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Additional Information: This notice is the first of several planned notices resulting from a regulatory review of Part 23 that was conducted in late 1984.

Analysis: Regulatory Evaluation 12/12/85

Agency Contact: Earsa L. Tankesley, Manager, Regulations & Policy Office, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo 64106, **816 374-6930**

RIN: 2120-AC16

1706. REVIEW: PART 21--CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 21

Legal Deadline: None

Abstract: This part prescribes procedural requirements for the issuance of type certificates and changes to those certificates; the issuance of production certificates; the issuance of airworthiness certificates; and the issuance of export airworthiness approvals. In addition it prescribes rules governing the holders of these certificates and procedural requirements for the approval of certain materials, parts, processes, and appliances. The review will also analyze the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: M. C. Beard, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8235**

RIN: 2120-AB09

1707. REVIEW: PART 67--MEDICAL STANDARDS AND CERTIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 67

Legal Deadline: None

Abstract: This part prescribes the medical standards and procedures that apply to the issuance of medical certificates to airmen. The review will also analyze the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

DOT—FAA

Proposed Rule Stage

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: William Hark, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3802

RIN: 2120-AB13

1708. REVIEW: PART 141--PILOT SCHOOLS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 141

Legal Deadline: None

Abstract: This part prescribes the requirements for issuing pilot school certificates, provisional pilot school certificates, and associated ratings and the general operating rules for the holders of those certificates and ratings; the personnel and aircraft requirements for a pilot school or a provisional pilot school certificate; and the facilities an applicant must have available to hold a pilot school or provisional pilot school certificate. Also prescribed are the curriculum and course outline requirements for the issuance of a pilot school or provisional pilot school certificate or rating; the requirements for the issuance of an examining authority to the holder of a pilot school certificate and the privileges and limitations of that authority; and the operating rules that are applicable to a pilot school or provisional pilot school certificated under this part. The review will also analyze the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: John S. Kern, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8237

RIN: 2120-AB14

1709. REVIEW: PART 121 -- CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1421 to 1430 Federal Aviation Act of 1958, Secs. 601-610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: Review of rules governing the certification and operations of air carriers, supplemental air carriers, and commercial air carriers engaging in: (1) interstate or overseas transportation under a certificate of public convenience and necessity; (2) foreign air transportation under a certificate of public convenience and necessity; (3) charter flights or other special service operations; and (4) carriage of persons or property in air commerce for compensation or hire. These regulations are being reviewed to comply with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: John S. Kern, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8237

RIN: 2120-AB27

1710. REVIEW: PART 135 -- AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421 to 1430 Federal Aviation Act of 1958, Secs. 601-610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 135

Legal Deadline: None

Abstract: Review of rules governing: (1) air taxi operations conducted under Part 298; (2) transportation of mail by aircraft conducted under a postal service contract; and (3) carriage of persons or property for compensation or hire as a commercial operator in specified aircraft. These regulations are being reviewed to comply with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: John S. Kern, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8237

RIN: 2120-AB28

1711. ● REVIEW: CARRIAGE OF WEAPONS AND OTHER DANGEROUS OBJECTS AT WASHINGTON NATIONAL AIRPORT AND WASHINGTON DULLES INTERNATIONAL AIRPORT

Significance: Nonsignificant

Legal Authority: 49 USC 2401 or 2407; 49 USC 2421 to 2433

CFR Citation: 14 CFR 159.79

Legal Deadline: None

Abstract: Amendment to clarify existing rules governing the carriage of weapons and other dangerous objects on Washington National Airport and Dulles International Airport so that rule more closely conforms to regulations governing aviation security and to existing local ordinances. The change would make it easier for the public to comply with airports' rules without compromising airport security.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Edward S. Faggen or Jana E. McIntyre, Legal Counsel, Attorney, Department of Transportation, Federal Aviation Administration, Metropolitan Washington Airports, Washington National Airport, Hangar 9, Washington, DC 20001, 703 557-8123

RIN: 2120-AC01

DOT—FAA

Proposed Rule Stage

1712. OBJECTS AFFECTING NAVIGABLE AIRSPACE

Significance: Nonsignificant

Legal Authority: 49 USC 1304 Federal Aviation Act of 1958, Sec. 104; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611; 49 USC 1501 Federal Aviation Act of 1958, Sec. 1101

CFR Citation: 14 CFR 77

Legal Deadline: None

Abstract: Would revise and reorganize 14 CFR Part 77 in a more logical sequence and present regulatory requirements relating to proposed construction or alteration and their impact on navigable airspace. It is also intended to clarify and strengthen agency actions in determining whether a particular object would be a hazard to air navigation.

Timetable:

Action	Date	FR Cite
Notice of Review	06/19/78	43 FR 26322
Review Conference	12/08/80	
National Airspace Review Begins	07/09/84	
NPRM	03/00/86	

Small Entity: No

Additional Information: Docket No. 16920.

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: Gene Falsetti, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8790**

RIN: 2120-AA09

1713. METROPOLITAN WASHINGTON AIRPORTS REGULATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 2401 to 2407; 49 USC 2421 to 2433

CFR Citation: 14 CFR 159

Legal Deadline: None

Abstract: Proposed revision to reflect changed operational conditions and policies and to simplify, clarify and consolidate the regulations pertaining to the National Capital Airports.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Edward S. Faggen, Department of Transportation, Federal Aviation Administration, Washington National Airport Hangar 9, Washington, DC 20001, **703 557-8123**

RIN: 2120-AA12

1714. ROTORCRAFT REGULATORY REVIEW PROGRAM NOTICE NO. 4

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This is the fourth of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the airframe and related equipment requirements in Parts 27 and 29 of the Federal Aviation Regulations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Analysis:

Regulatory Impact Analysis

Agency Contact: James Major, Department of Transportation, Federal Aviation Administration, PO Box 1689, Ft Worth, TX 76101, **817 877-2549**

RIN: 2120-AA29

1715. FOREIGN AIR CARRIERS AND OPERATORS OF CERTAIN LARGE U.S.- REGISTERED AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 to 1430 Fed Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 129; 14 CFR 135

Legal Deadline: None

Abstract: This document proposes changes in regulations pertaining to (1) U.S. registered aircraft operated by foreign persons in common carriage and (2) certain large U.S. registered airplanes not operated in common carriage.

Timetable:

Action	Date	FR Cite
NPRM	12/10/85	50 FR 50588
NPRM Comment Period End	04/10/86	

Small Entity: No

Additional Information: Docket No. 24856

Agency Contact: Lawrence P. Bedore, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8096**

RIN: 2120-AA42

1716. IMPLEMENTATION OF SAFER PROPULSION SYSTEM RECOMMENDATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would amend Sec 25.975 to require fuel tank vent protection during ground fires and Sec 25.1189 to require design practices which maximize the probability of engine fuel supply shut-off in a potential fire situation.

Timetable:

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 38078
ANPRM Comment Period End	01/25/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24251

Agency Contact: James M. Walker, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2116**

RIN: 2120-AA49

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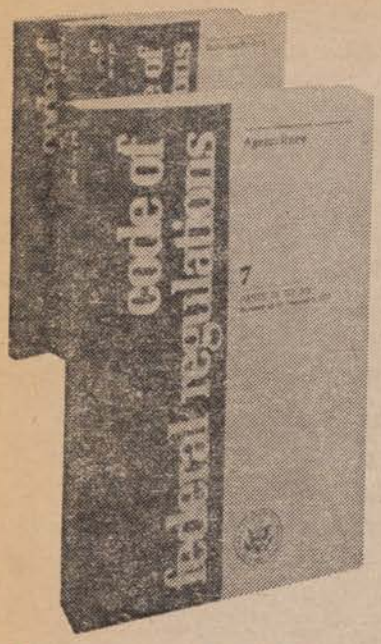
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[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

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Department of Transportation

Semiannual Regulatory Agenda

(Continued from Book 1)

1717. REGULATION OF MOTOR VEHICLES CARRYING PASSENGERS FOR HIRE AT WASHINGTON NATIONAL AIRPORT

Significance: Nonsignificant

Legal Authority: 49 USC 2401 to 2407; 49 USC 2421 to 2433

CFR Citation: 14 CFR 159.2; 14 CFR 199.4

Legal Deadline: None

Abstract: Amendment to require taxicab drivers and other drivers of ground vehicles carrying passengers for hire to and from Washington National Airport to obtain a permit from the FAA Metropolitan Washington Airports. Regulation would prescribe procedures for issuance and revocation of permits.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/83	48 FR 19838
NPRM	07/00/86	

Small Entity: Yes

Analysis: Regulatory Evaluation

Agency Contact: Edward S. Faggen, Department of Transportation, Federal Aviation Administration, Washington National Airport, Hangar 9, Washington, DC 20001, 703 557-8123

RIN: 2120-AA62

1718. FAR 23 AIRWORTHINESS REVIEW

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action would update Part 23 to be compatible with current technology, reduce the regulatory burden on the public and where possible, state the requirements more objectively.

Timetable:

Action	Date	FR Cite
Announcement of Review	01/31/83	48 FR 4290
Notice of Reopening of Comment Period	06/09/83	48 FR 26623
Compilation of Proposals and Announcement of Conference	10/22/84	49 FR 144
NPRM	00/00/00	

Small Entity: No

Additional Information: Docket No. 23494. Other regulatory projects affecting Part 23, and not needing analysis more in-depth than would occur as part of this review, are being included in this review to assure efficient use of the affected FAA rulemaking resources. Current projects in this category include the project to revise Part 23 to include Special Conditions and the project to amend Part 23 to include Marking Requirements for External Openable Exits. A public meeting is planned as a result of proposals received and four separate NPRM's are planned to resolve the known issues.

Analysis: Regulatory Evaluation 06/07/85

Agency Contact: Earsa L. Tankesley, Department of Transportation, Federal Aviation Administration, 601 E. 12th St., Kansas City, MO 64106, 816 374-6930

RIN: 2120-AA75

1719. ACCELERATED GROUND TRAINING - FLIGHT ENGINEERS' SKILL REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 63; 14 CFR 91; 14 CFR 125

Legal Deadline: None

Abstract: This proposed action would amend the regulations to allow the flight engineers' normal procedure practical test to be conducted in an approved flight simulator in lieu of conducting it, in flight, in an airplane.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. 22781.

Agency Contact: Gary Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8096

RIN: 2120-AA79

1720. INSTRUMENT FLIGHT RULE REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 135

Legal Deadline: None

Abstract: This proposed action would amend the regulations to: (1) allow operation of single-engine aircraft in IFR conditions; (2) permit IFR operations en route with a VFR buffer zone underneath the cloud ceiling and an IFR approach at destination; (3) change IFR minimums at U.S. military airports to be compatible with U.S. civil airport requirements; provide drift down standards during en route operations in IFR conditions in multi-engine aircraft; and provide consistency in regulations regarding references to instrument approach requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Additional Information: Docket No. 20164

Agency Contact: Roger E. Riviere, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8096

RIN: 2120-AA82

1721. AIRPLANE SIMULATOR USE IN AIRMAN CERTIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 61; 14 CFR 121

Legal Deadline: None

Abstract: This proposed action would amend the regulations to objectively match maneuver and procedure requirements with a catalog of simulation devices. The amendment should extend the maximum credit to simulation devices that objective requirements will permit.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: David C. Gilliom, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3460

RIN: 2120-AA83

1722. TRANSPORT ROTORCRAFT STRUCTURAL FATIGUE AND DAMAGE TOLERANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 611; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 29

Legal Deadline: None

Abstract: This notice proposes to change Section 29.571 governing the requirements for fatigue substantiation of transport category helicopter structure. It adds a requirement that damage tolerance criteria be used "unless shown to be impractical." The proposal is intended to obtain consistent use of state-of-the-art damage tolerant materials and design features in transport category aircraft.

Timetable:

Action	Date	FR Cite
ANPRM	01/06/83	48 FR 772
ANPRM Comment Period End	04/18/83	48 FR 772
NPRM	03/15/86	

Small Entity: No

Additional Information: Docket No. 23485.

Public meeting held on February 8, 1983.

Analysis: Regulatory Evaluation 09/16/85

Agency Contact: Robert T. Weaver, Department of Transportation, Federal Aviation Administration, PO Box 1689, Ft Worth, TX 76101, 817 877-2548

RIN: 2120-AA84

1723. FAR 23.49(B) STALL SPEEDS FOR SINGLE ENGINE AND MULTIENGINE AIRPLANES OF 6,000 LBS. OR LESS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 F.A. Act, Sec. 313; 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1423 F.A. Act, Sec. 603

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action would relieve the current 61-knot stall speed requirements of Part 23 by either deleting the requirement or specifying an alternative requirement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Additional Information: A new generation of turbo-powered, single-engine airplanes is being developed whose operating efficiency and performance will be greatly reduced if they are required to meet the current stall speed requirements. The object of this rulemaking activity is to permit design and certification of higher performance, single-engine airplanes that may achieve higher cruise speeds with better specific fuel consumption by increasing wing loading.

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/30/85

Agency Contact: Earsa Tankesley, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 374-6930

RIN: 2120-AA92

1724. AMENDMENT OF SECTIONS 91.171, 91.172, AND APPENDICES E AND F OF PART 43

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 43; 14 CFR 91

Legal Deadline: None

Abstract: This action would delay an October 15, 1982, compliance date to afford operators additional time to accomplish tests and inspections required by Sec. 91.171, correct inappropriate references, and delete a requirement for integrated system tests of ATC transponders by operators.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Charles J. Sarich, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8177

RIN: 2120-AA98

1725. NATIONAL AIRSPACE REVIEW (NAR) TERMINAL AIRSPACE TASK GROUP RECOMMENDATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a)

CFR Citation: 14 CFR 1; 14 CFR 71

Legal Deadline: None

Abstract: Would: (1) reclassify terminal control areas into one category; (2) apply the operating requirements of the

current Group I TCA to Group II TCA's; (3) require student pilots to obtain a logbook endorsement from a certified instructor pilot prior to operating in any TCA; (4) replace the term "airport traffic area" with the term "control tower area", (5) apply the two-way radio communications requirements of Section 91.87 for operations at an airport with an operating control tower operated by other entities; (6) adopt a new definition for airport traffic areas (control tower areas); (7) redefine control zones with a standard ceiling of 3,000 feet AGL; and (8) use nautical miles versus statute miles to describe certain terminal airspace designations.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/85	50 FR 5054
Final Action	01/00/86	
NPRM	05/00/86	
ANPRM Comment Period End	06/06/86	

Small Entity: No

Agency Contact: William C. Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8626**

RIN: 2120-AB02

1726. FATIGUE LIMIT TEST (PROPELLERS)

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 35

Legal Deadline: None

Abstract: Would revise Part 35 Fatigue Limit Test (Propellers) to add requirement for composite propellers to include environmental effects in fatigue evaluation bird impact and lightning protection.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 04/00/86

Agency Contact: M. Buckman, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, **617 273-7079**

RIN: 2120-AB05

1727. PART 61--CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602

CFR Citation: 14 CFR 61

Legal Deadline: None

Abstract: This part prescribes the requirements for issuing pilot and flight instructor certificates and ratings, the conditions under which these ratings are necessary, and the privileges and limitations of those certificates and ratings. The review will also analyze the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: John S. Kern, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8237**

RIN: 2120-AB12

1728. STANDARDS FOR APPROVAL OF A REDUCED V1 METHODOLOGY FOR TAKEOFF ON WET AND CONTAMINATED RUNWAYS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This notice proposes amendments to Parts 25, 121, and 135 of the Federal Aviation Regulations (FAR) to add new standards for transport category airplanes which would provide for approval of a reduced takeoff decision speed (V1) methodology for takeoff on wet and contaminated runways.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	
Next Action Undetermined		

Small Entity: No

Additional Information: All-Engine Flight Path portion removed to expedite reduced V1 rulemaking.

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: Denny Whitmire, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2119**

RIN: 2120-AB17

1729. STANDARDS FOR APPROVAL FOR HIGH ALTITUDE OPERATION OF SUBSONIC AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This proposal would review special conditions issued for high altitude operation and to consolidate and incorporate these special conditions into Part 25.

Timetable:

Action	Date	FR Cite
NPRM	05/31/86	

Small Entity: No

Affected Sectors: Multiple

Analysis: Regulatory Evaluation

Agency Contact: Mark Quam, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2134**

RIN: 2120-AB18

DOT—FAA

Proposed Rule Stage

1730. APPENDIX G, CONTINUOUS TURBULENCE CRITERIA

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This proposal would review Appendix G (Continuous Gust Design Criteria) of Part 25 for possible revision.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Iven Connally, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2120**

RIN: 2120-AB20

1731. REBUILT ENGINE MAINTENANCE RECORDS

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This action would propose to delete the rule that allows engine manufacturers to designate their overhaul engines as being "zero time engines."

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Robert J. Baker, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8098**

RIN: 2120-AB29

1732. MISCELLANEOUS OPERATIONAL AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958 Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958 Sec. 601; 49 USC 1423 Federal Aviation Act of 1958 Sec. 603; 49 USC 1424 Federal Aviation Act of 1958 Sec. 604

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This notice would propose to amend existing regulations pertaining to passenger compliance with no smoking and seatbelt signs and instructions given to them by crewmembers by upgrading those rules to ensure their enforceability.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: Undetermined

Agency Contact: Gary Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 426-8096**

RIN: 2120-AB45

1733. LOW FUEL QUANTITY INDICATORS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: To revise Far 25.1305 to include a requirement to install a means to alert the flightcrew of potentially unsafe low fuel quantities.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/86

Agency Contact: Neil Schalekamp, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2135**

RIN: 2120-AB46

1734. DEALER'S AIRCRAFT REGISTRATION CERTIFICATE

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1401 Federal Aviation Act of 1958, Sec 501

CFR Citation: 14 CFR 47

Legal Deadline: None

Abstract: Proposed amendment to expand eligibility for obtaining a Dealer's Registration Certificate to resident aliens and certain non-citizen corporations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Julie A. Stanford, Aircraft Regulation Specialist, Department of Transportation, Federal Aviation Administration, P.O. Box 25724, Oklahoma City, OK 73125, **405 686-2284**

RIN: 2120-AB49

1735. PART 157 REVIEW

Significance: Nonsignificant

Legal Authority: Secs 309, 313(a), 314, 72 Stat, 751.; 49 USC 1350; 49 USC 1354(a); 49 USC 1355

CFR Citation: 14 CFR 157

Legal Deadline: None

Abstract: Revision of FAR Part 157 to include issues relating to ultralight activities and to require notice of proposed traffic patterns and changes thereto. Pending completion of Regulatory Evaluation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: Brent Fernald, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8626

RIN: 2120-AB74

1736. PART 101 REVIEW PROGRAM

Significance: Nonsignificant

Legal Authority: Secs 307, 313(a), 402, 601, 602, 603, 902, 1110, 1302; 72 Stat 749; 49 USC 1348; 49 USC 1354; 49 USC 1372; 49 USC 1421; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1510; 49 USC 1522

CFR Citation: 14 CFR 101

Legal Deadline: None

Abstract: This Review Program is intended to provide full public participation in matters concerning FAA evaluation of the operation of moored balloons, kites, unmanned rockets, unmanned free balloons, and the possible inclusion of remotely piloted vehicle regulations. Pending completion of Regulatory Evaluation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Additional Information: Part 91 revision also required to provide comprehensive treatment of manned balloon operations and to clarify the respective applicability and requirements of both parts 91 and 101 with respect to balloon operations.

Analysis: Regulatory Evaluation

Agency Contact: Brent Fernald, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8626

RIN: 2120-AB75

1737. ENGINE FUEL AND INDUCTION SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Legal Deadline: None

Abstract: This advance notice proposes the addition of a new paragraph. FAR Section 33.35(f), to incorporate requirements for the fuel mixture to go to full-rich if a disconnect occurs in the mixture linkage.

Timetable:

Action	Date	FR Cite
ANPRM	02/28/86	

Next Action Undetermined

Small Entity: No

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: George Mulcahy, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, Federal Aviation Administration, NE Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7077

RIN: 2120-AB76

1738. HELICOPTER INSTRUMENT FLIGHT

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This project proposes to revise Appendix B of Parts 27 and 29 to permit IFR operations at airspeeds below the normal minimum instrument airspeed during approach and landing.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: The FAA has determined that adoption of this proposal will not result in an economic burden on the public. It is a relieving rule that removes a minimum speed limitation when certain optional performance standards are met.

Agency Contact: Jim S. Honaker, Department of Transportation, Federal Aviation Administration, P.O. box 1689, Fort Worth, TX 76101, 817 877-2552

RIN: 2120-AB87

1739. EXPANSION OF APPLICABILITY OF SECTION 43.17 TO INCLUDE ANY COUNTRY WITH APPROPRIATE BILATERAL AIRWORTHINESS AGREEMENT, INCLUDING MAINTENANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 106(g)

CFR Citation: 14 CFR 43

Legal Deadline: None

Abstract: The proposed amendment would revise Section 43.17 to accept the completion of maintenance, alteration or modification of an aircraft, engine, propeller, appliance, component, or part thereof, and for installation by a person authorized by the Civil Aviation Authority (CAA) of the foreign country having the Bilateral Airworthiness Agreement(BAA), which includes maintenance alteration, or modification, with the U.S., and for the import of those items into the U.S. when such work is done in accordance with the Schedule of Implementation Procedures for the BAA between the U.S. and the foreign country.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: Angelo Mastrullo, Department of Transportation, Federal Aviation Administration, 800

Independence Ave., SW, Washington, D.C. 20591, **202 426-8203**

RIN: 2120-AB89

1740. REVISED ONE-ENGINE-INOPERATIVE RATINGS FOR ROTORCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 27; 14 CFR 29; 14 CFR 33

Legal Deadline: None

Abstract: This project proposes to revise Parts 27, 29, and 33 to set forth qualifications and performance associated with optional 30-second/2-minute one-engine-inoperative (OEI) ratings for rotorcraft.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Analysis: Regulatory Evaluation 06/30/86

Agency Contact: **Wilbur F. Wells**, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Texas 76101, **817 877-2551**

RIN: 2120-AB90

1741. TURBINE BURST PROTECTION FOR TRANSPORT CATEGORY HELICOPTERS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 29

Legal Deadline: None

Abstract: The purpose of this project is a proposal to amend Part 29 to require design features or other provisions to minimize the hazards of failure of high speed rotors used in turbine engines in transport category helicopters.

Timetable:

Action	Date	FR Cite
NPRM	11/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 05/20/86

Agency Contact: **Wilbur F. Wells**, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, **817 877-2551**

RIN: 2120-AB91

1742. ANTI-BLOCKING DEVICE

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 106(g) Revised Pub. L. 97-449, January 12, 1983; 14 CFR 11.45; 49 USC 1354(a)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: Mr. John G. Rutty submitted a petition for rulemaking seeking to amend the FAR to require antiblocking and stuck microphone (ABD) relief circuitry operatively associated with aircraft voice communications radios employed in certain high-density air traffic areas. Action Pending Operational Evaluation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: **Brent Fernald**, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8626**

RIN: 2120-AB92

1743. OFFSHORE AIRSPACE REVIEW

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) F.A. Act, Section 307(a); 49 USC 1354(a) F.A. Act, Section 313(a)

CFR Citation: 14 CFR 71; 14 CFR 75

Legal Deadline: None

Abstract: User organizations recommended under the National Airspace Review to simplify the classification of offshore airspace designations.

Timetable:

Action	Date	FR Cite
ANPRM	07/29/85	50 FR 30798
ANPRM Comment Period End	10/28/85	50 FR 30798
Next Action Undetermined		

Small Entity: No

Analysis: Regulatory Evaluation 07/00/85

Agency Contact: **William C. Davis**, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8783**

RIN: 2120-AB93

1744. AIRSPACE RECLASSIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1354; 14 CFR 11.45; 14 CFR 11.65

CFR Citation: 14 CFR 71; 14 CFR 73; 14 CFR 75; 14 CFR 91; 14 CFR 103; 14 CFR 105; 14 CFR 1

Legal Deadline: None

Abstract: Users organizations recommended, under the National Airspace Review, to redesign the airspace system to a more simple system similar to the systems in place in Canada and proposed under ICAO recommendations.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/85	50 FR 5046
ANPRM Comment Period End	06/06/85	50 FR 5046
NPRM	05/07/86	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 01/01/86

Agency Contact: **William C. Davis**, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8783**

RIN: 2120-AB95

1745. ● TERMINAL CONTROL AREA (TCA) SAN DIEGO (MODIFICATION)

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510

CFR Citation: 49 CFR 71

Legal Deadline: None

Abstract: Terminal Control Areas (TCA) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled

aircraft in a higher density terminal environment.

Timetable:

Action	Date	FR Cite
NPRM	03/31/86	

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Gene Falsetti, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8783

RIN: 2120-AB98

1746. ● TRANSPONDER REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1502; 49 USC 1510; 49 USC 1522

CFR Citation: 14 CFR 99

Legal Deadline: None

Abstract: This proposal would require aircraft to have an operating transponder when operating into, within, or out of the United States through coastal air defense identification zones (ADIZ).

Timetable:

Action	Date	FR Cite
NPRM	03/31/86	

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Burton Chandler, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8783

RIN: 2120-AB99

1747. ● FLIGHT PLAN AND TRANSPONDER REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1502; 49 USC 1510; 49 USC 1522

CFR Citation: 14 CFR 99

Legal Deadline: None

Abstract: The proposal would require that all civil aircraft operating into, within, or out of the United States through a coastal air defense identification zone be operated under a field flight plan regardless of true airspeed. Each such operation by an aircraft equipped with a functioning air traffic control (ATC) transponder would have to be conducted with that transponder on and replying on the appropriate code or on a code assigned by ATC.

Timetable:

Action	Date	FR Cite
NPRM	03/31/86	

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Burton Chandler, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8783

RIN: 2120-AC00

1748. ● CHANGES REQUIRING A NEW TYPE CERTIFICATE

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 1651(b)(2); 42 USC 1857f-10; 42 USC 4321 et seq; EO 11514; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21

Legal Deadline: None

Abstract: This notice proposes to amend the Federal Aviation Regulations to permit certain aircraft product changes to be accomplished under amended type certification or supplemental type certification procedure in lieu of applying for a new type certificate. The granting of several exemptions emphasized the need for a review of established criteria mandating an application for a new type certificate. The availability of advanced, high performance, light-weight engines and superior replacement systems requires this rule change for the upgrading of older seasoned designs to increase safety, utility, performance, and reliability, and reduce operational cost. The rule remains unchanged for aircraft product modifications which are so extensive that a substantially complete investigation of compliance is required.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 09/00/86

Agency Contact: Heinz Hellebrand, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 426-8395

RIN: 2120-AC05

1749. ● PART 119 - CERTIFICATION AND OPERATIONS SPECIFICATIONS: AIR CARRIERS AND OTHER OPERATORS FOR COMPENSATION OR HIRE

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 1485; 49 USC 106(g)

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 129; 14 CFR 135

Legal Deadline: None

Abstract: The FAA proposes to update and clarify the certification and operations specifications requirements for persons who operate aircraft for compensation or hire by (1) codifying the Special Federal Aviation Regulation pertaining to the certification requirements and (2) consolidating into one part the certification and operations specifications requirements for persons who operate under Part 121 or Part 135. The proposal responds to the termination of the Civil Aeronautics Board (CAB) and to changes in the air transportation industry since the Airline Deregulation Act of 1978. The proposal would provide a guide enabling persons who operate aircraft for compensation or hire to determine the certification and operations requirements with which they must comply.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 04/00/86

Agency Contact: Larry Bedore, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 426-8096**

RIN: 2120-AC08

1750. ● GLIDERS AND BALLOONS

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421 to 1430; 49 USC 106(g); 49 USC 1355; 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125

CFR Citation: 14 CFR 43; 14 CFR 61; 14 CFR 91

Legal Deadline: None

Abstract: This notice proposes to amend the regulations to discontinue classifying glider and balloon assembly as preventive maintenance, except in certain circumstances; add training requirements for pilots in preflight assembly of gliders and balloons; and add preflight assembly and post assembly inspections to the preflight responsibilities for preflight assembly and inspection of gliders and balloons while simultaneously reducing the recording burden on the public.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 05/00/86

Agency Contact: Charles Schaffer, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 426-8203**

RIN: 2120-AC10

1751. ● AIRCRAFT IDENTIFICATION AND RETENTION OF FUEL SYSTEM MODIFICATION RECORDS

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421 to 1430; 49 USC 106(g); 49 USC 1355; 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 2121 to 2125

CFR Citation: 14 CFR 43; 14 CFR 45; 14 CFR 91

Legal Deadline: None

Abstract: The FAA proposes to require: (1) that 12-inch high nationality and registration marks (N-numbers) be displayed on aircraft that penetrate an Air Defense Identification Zone (ADIZ) or a Defense Early Warning Identification Zone (DEWIZ); (2) that a civil aircraft identification (ID) plate be displayed in a visible area on the exterior of an aircraft near the right rear-most entrance; and (3) that a copy of the FAA Form 337 for the installation of a temporary extended range fuel system be obtained and kept in the aircraft by the owner or operator until the system is removed. The U.S. Customs Service has requested the FAA to consider amending these regulations to assist in identifying aircraft suspected of being involved in drug trafficking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 05/00/86

Agency Contact: Joseph Gwiazdowski, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 426-8361**

RIN: 2120-AC11

1752. ● PART 23 AIRWORTHINESS REVIEW, NOTICE NO. 5 (EQUIPMENT, SYSTEMS, AND INSTALLATION)

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This proposed amendment to Part 23 would allow certification of small airplanes with systems critical to safe flight that are not now approved without special conditions, exemptions, or equivalent safety findings.

Timetable:

Action	Date	FR Cite
NPRM	08/01/86	

Small Entity: No

Additional Information: This notice results from a regulatory review of Part 23 that was conducted in late 1984.

Analysis: Regulator Evaluation

Agency Contact: Earsa L. Tankesley, Manager, Regulations & Policy Office, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo 64106, **816 374-6930**

RIN: 2120-AC14

1753. ● PART 23 AIRWORTHINESS REVIEW, NOTICE NO. 2

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec 313; 49 USC 1421 Federal Aviation Act of 1958, Sec 601; 49 USC 1423 Federal Aviation Act of 1958, Sec 603

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This notice will propose design requirements applicable to advancements in technology being incorporated into current designs, reducing the hazards from bird strike, allowing certification of spin resistant airplanes, reducing the regulatory burden in showing compliance with some requirements, and providing requirements for new technology that is being utilized in the development of small airplanes.

Timetable:

Action	Date	FR Cite
NPRM	03/24/86	

Small Entity: No

Additional Information: This notice results from a regulatory review of Part 23 that was conducted in late 1984.

Analysis: Regulatory Evaluation

Agency Contact: Earsa L. Tankesley, Manager, Regulations & Policy Office, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo 64106, **816 374-6930**

RIN: 2120-AC15

1754. ● AIRCRAFT REGISTRATION RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1401(a); 49 USC 1401(b); 49 USC 1402; 49 USC 1403(g); 49 USC 1405

CFR Citation: 14 CFR 47; 14 CFR 49

Legal Deadline: None

DOT—FAA

Proposed Rule Stage

Abstract: This is a recodification of 14 CFR Parts 47 and 49 in order to modernize these parts, making them compatible with modern business practices, in keeping with FAA policy.

The potential costs have not yet been assessed, but are considered to be negligible as the impact will be procedural and not substantive.

The potential benefits are the clarification of regulatory language and facilitation of procedures for registration of aircraft and recordation of conveyances affecting ownership of or interest in US civil aircraft.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Yes

Agency Contact: Alonso J. rodriguez, Attorney Advisor, Department of Transportation, Federal Aviation Administration, P.O. Box 25082, Oklahoma City, OK 73125, 405 686-2296

RIN: 2120-AC17

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Final Rule Stage

1755. + UPDATE OF PART 139

Significance: Regulatory Program

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1429 Federal Aviation Act of 1958, Sec. 609; 49 USC 1430 Federal Aviation Act of 1958, Sec. 610; 49 USC 1432 Federal Aviation Act of 1958, Sec. 612

CFR Citation: 14 CFR 139

Legal Deadline: None

Abstract: Revision of 14 CFR Part 139 to update and clarify the part including fire-fighting, rescue, and airport fueling operation requirements. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/23/85	50 FR 43094
NPRM Comment Period End	01/21/86	

Next Action Undetermined

Small Entity: Yes

Additional Information: This project was initiated on June 25, 1975, in response to a GAO evaluation of the FAA's Airport Certification Program and the result it has on improving the safety of Airports. Recent delays have occurred due to industry concerns over aviation fueling responsibilities. FAA has reviewed proposals presented by a group of aviation organizations and changes have been made to the NPRM. The NPRM was published in the Federal Register on October 23, 1985. The comment period closed on January 21, 1986.

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: Jose Roman, Jr., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3087

RIN: 2120-AA10

1756. + HIGH DENSITY AIRPORT TRAFFIC RULE

Significance: Regulatory Program

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: Would rescind the operations reservations rule as it applies to the John F. Kennedy, LaGuardia, and Chicago O'Hare Airports. Under the current rule, an operator must secure a reservation for any instrument flight rule departure or arrival operation at those airports during designated hours. The proposal is considered significant because of the public interest it is likely to generate.

Timetable:

Action	Date	FR Cite
NPRM	03/31/83	48 FR 13434
Interim Final Rule	03/06/84	49 FR 8237
Final Action	00/00/00	48 FR 8237

Small Entity: No

Additional Information: Docket No. 22471. The rule was originally promulgated to reduce air traffic congestion and delay. With the advent of improved programs, procedures, and air traffic flow management, the rule is felt to be unnecessary. On March 6, 1984, the FAA issued an interim final rule that amended the High Density Rule (49 FR 8237; March 6, 1984). The agency will reexamine within the next 6-9 months (from the 3/1/84 issuance date) the capability of the air traffic control system to handle the unusual demands that a less constrained system may create, such as significant airborne holding and multiple requests by operators for release from gates. This will be examined in connection with airport capacity and the experience levels of air traffic control personnel.

Analysis: Regulatory Evaluation 03/31/83

Agency Contact: John Watterson, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8783

RIN: 2120-AA72

1757. + METROPOLITAN WASHINGTON AIRPORTS POLICY

Significance: Regulatory Program

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(b) Federal Aviation Act of 1958, Sec. 307(b); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); Act for the Administration of Washington National Airport; Second Washington Airport Act; 64 Stat. 770, Sec. 4

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This rulemaking proposes to change the annual passenger ceiling at Washington National Airport from 16 million to 14.8 million or to a figure between 14.8 million and 16 million depending upon the highest annual

passenger level forecasted within the next 2 years. It also proposes to allow commuter carriers utilizing smaller, quieter aircraft to conduct a limited number of "stolrunway" operations at National Airport in addition to the operations permitted by the current limitations. This amendment is proposed to guide the future operation and development of Washington National and Dulles International Airports and to improve the quality of the environment in the areas around National. This rulemaking is considered to be significant because of possible public interest.

Timetable:

Action	Date	FR Cite
SNPRM	06/14/84	49 FR 24626
SNPRM Comment Period	07/16/84	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 21955.

Analysis: Regulatory Evaluation 06/14/84

Agency Contact: Edward P. Faberman, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3773

RIN: 2120-AA89

1758. + EXPANSION OF CVR/FDR EQUIPMENT REQUIREMENTS ON U.S. AIRCRAFT

Significance: Regulatory Program

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action proposes to change the regulations to expand the minimum flight data recorder (FDR) requirements for existing and newly manufactured pre-1969 type certificated aircraft operating under Part 121. This proposed action also would amend Part 135 to require cockpit voice recorders (CVR) on multiengine-powered, fixed-wing aircraft manufactured after a certain date if the aircraft requires two pilots and is certificated to carry six or more passengers. This is in response to an NTSB recommendation.

Timetable:

Action	Date	FR Cite
NPRM	01/08/85	50 FR 949
Notice Reopening Comment Period	04/18/85	50 FR 15528
NPRM Comment Period End	06/03/85	50 FR 15528
Final Action	07/00/86	

Small Entity: No

Additional Information: Docket No. 24418

Agency Contact: Frank Rock, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8323

RIN: 2120-AA95

1759. + IMPROVED FLAMMABILITY STANDARDS FOR MATERIALS USED IN THE INTERIORS OF TRANSPORT CATEGORY AIRPLANE CABINS

Significance: Regulatory Program

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: To develop a revision to FAR 25.853 to improve fire test methods of interior materials that will improve the safety in cabin seating environments. This regulation has been made significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/16/85	50 FR 15038
NPRM Comment Period End	07/15/85	
Comment period reopened	07/26/85	50 FR 30447
Comment period closed	09/09/85	
Final Action	04/30/86	

Small Entity: No

Additional Information: Docket No. 24594

Public Compliance Cost: Initial Cost: $4,000,000; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1987

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 04/00/85

Agency Contact: Gary L. Killion, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2112

RIN: 2120-AB23

1760. ● + SLOT ALLOCATION; INITIAL WITHDRAWAL AND REDISTRIBUTION OF SLOTS

Significance: Regulatory Program

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

CFR Citation: 14 CFR 93, Subpart S; 14 CFR 93, Subpark K

Legal Deadline: None

Abstract: The high density rule, 14 CFR Subpart K, limits the number of Air Carrier and Commuter operations at the four high density airports. On December 16, 1985, DOT issued new Subpart S to Part 93 providing that operating slots at high density airports may be bought and sold, effective April 1, 1986. Subparts provides that each operator will be allocated those slots held by the operator on December 16, 1985. Because there will be few slots available for new entrants, this proposal would ensure that five percent of the total slots at each airport are available for reallocation by lottery. The lottery would include a preference for new entrant carriers.

Timetable:

Action	Date	FR Cite
NPRM	12/16/85	50 FR 52199
NPRM Comment Period End	01/24/86	
Final Action	03/01/86	

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Edward Faberman, Deputy Chief Counsel, FAA, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 426-3773

RIN: 2120-AC02

DOT—FAA

Final Rule Stage

1761. + CERTIFICATION: STUDENT RECREATIONAL, RECREATIONAL, STUDENT OTHER THAN RECREATIONAL AND PRIVATE PILOTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602

CFR Citation: 14 CFR 61

Legal Deadline: None

Abstract: This petition proposes to establish a new concept in the certification of pilots to permit the issuance of a student recreational, a recreational, a student other than recreational, and a private pilot certificate. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/25/85	
NPRM Comment Period End	09/24/85	
Final Action	11/00/86	

Small Entity: No

Additional Information: Docket No. 24695

Agency Contact: Larry Williams, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8150

RIN: 2120-AA54

1762. + FIRE PROTECTION REQUIREMENTS FOR CARGO OR BAGGAGE COMPARTMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: To develop criteria for cargo compartment liners required for all categories of cargo compartments except Class A and to investigate compartment volume, ventilation and detection and fire prevention capabilities of certain approved self-extinguishing materials used for cargo compartment liners.

Timetable:

Action	Date	FR Cite
NPRM	08/08/84	49 FR 31830
Reopen comment period	10/12/84	49 FR 40041
Comment Period Closes	01/10/85	
Reopen comment period	04/03/85	50 FR 13226
Comment period closes	06/03/85	
Final Action	04/30/86	

Small Entity: No

Additional Information: Docket No. 24185. This regulation was formerly titled "Cargo Compartment Classification."

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 08/08/84

Agency Contact: Gary L. Killion, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2112

RIN: 2120-AA90

1763. + MODE S TRANSPONDER

Significance: Agency Priority

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1353 Federal Aviation Act of 1958, Sec. 312; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 43; 14 CFR 91; 14 CFR 121; 14 CFR 127; 14 CFR 135

Legal Deadline: None

Abstract: Proposes use of Mode S transponder within terminal control areas and generally above 12,500 feet MSL. Also proposes that ATCRBS transponder may be used in those airspace areas. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	10/18/83	48 FR 48364
NPRM	09/17/85	
NPRM Comment Period End	12/16/85	50 FR 37674

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Docket No. 23799. Mode S is considered to be the key airborne link to the new automated National Airspace System. It will also figure as a key component in data-linking information between air and ground.

Analysis: Regulatory Evaluation 09/17/85 (50 FR 37674)

Agency Contact: Gene Falsetti, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8783

RIN: 2120-AB03

1764. + PROTECTIVE BREATHING EQUIPMENT

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This action proposes to update the regulations applicable to protective breathing equipment (PBE) and require compliance with Technical Standard Order-C99 (TSO-C99). The proposed changes would specify additional requirements for portable PBE at all required hand fire extinguisher locations and training requirements for crewmembers using PBE.

Timetable:

Action	Date	FR Cite
NPRM	10/10/85	
NPRM Comment Period End	02/10/86	50 FR 41452

Next Action Undetermined

Small Entity: Yes

Additional Information: Docket No. 24792

Analysis: Regulatory Flexibility Analysis

Agency Contact: Roger E. Riviere, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8096

RIN: 2120-AB32

DOT—FAA

Final Rule Stage

1765. + CIVIL HELICOPTER NOISE CERTIFICATION

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 42 USC 4321 et seq. National Environmental Policy Act, Title I; EO 11514

CFR Citation: 14 CFR 21; 14 CFR 36

Legal Deadline: None

Abstract: Would revise noise certification standards for aircraft to add provisions applicable to helicopters. These would apply to civil helicopters in the normal, transport, and restricted categories, and would provide noise level limits and test procedures for the issuance of new and amended type certificates. It would also prohibit changes in type design of helicopters that might increase their noise levels beyond certain limits. Although this notice contains several provisions similar to those in an earlier notice, which was withdrawn in 1981, it differs from that notice in several important aspects. One is the absence of any limit on manufacture of older non-conforming types; another is the increased commonality between these proposed standards and those adopted by the International Civil Aviation Organization (ICAO).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Part 36 of the Federal Aviation Regulations (14 CFR Part 36) contains noise standards for aircraft type and airworthiness certification. As the part is currently organized, Subparts B and C and Appendices A, B, and C apply to transport category large airplane and subsonic turbojet powered airplanes regardless of category. Appendix F contains the provisions applicable to propeller driven light airplanes. This notice proposes to prescribe noise levels and test procedures for civil helicopters certificated in the normal, transport, and restricted categories. These proposals include rules governing the issuance of new and amended type certificates for helicopters for which application is made on and after the publication date of this notice. The proposed rule would prohibit certain growth or other design changes if those changes might result in noise levels beyond prescribed limits. The proposed rule also provides the test conditions and procedures for conducting helicopter noise tests to demonstrate compliance with the prescribed noise levels.

Analysis: Regulatory Evaluation 09/00/85; Environmental Analysis 09/00/85

Agency Contact: Richard N. Tedrick, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 755-9027

RIN: 2120-AB33

1766. + ELIMINATION OF AIRPORT DELAYS

Significance: Agency Priority

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 14 CFR 11.49

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This proposed rule is designed to alleviate increased delays throughout the air traffic system. If implemented, the FAA would alter current airline scheduling through a lottery process to more evenly space arrivals and departures throughout the day. Alternatives include voluntary schedule changes by the airlines. The rule, or the alternatives, would benefit the airline industry and the public by limiting delays. This regulation is significant because of its involvement with important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	08/20/84	49 FR 33082

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24206.

Agency Contact: Edward P. Faberman, Acting Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3775

RIN: 2120-AB42

1767. PILOT OXYGEN MASK REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1421 to 1430 Fed. Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: Proposed rule to permit certain widebody turbojet airplanes to operate up to flight level of 45,000 feet above sea level without requirements for the pilot to use supplemental oxygen.

Timetable:

Action	Date	FR Cite
NPRM	08/12/82	47 FR 35146
Final Action	11/00/86	

Small Entity: No

Additional Information: Docket No. 23243.

Analysis: Regulatory Evaluation 08/12/82

Agency Contact: Larry Bedore, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8096

RIN: 2120-AA11

1768. REVISION OF PART 91

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1402 Federal Aviation Act of 1958, Sec. 502; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 to 1430 Fed. Aviation Act of 1958, Secs. 602 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 91

DOT—FAA

Final Rule Stage

Legal Deadline: None

Abstract: This review deals with the air traffic and general operating rules in Part 91 - the most fundamental aviation regulations. This action would reorganize and rearrange the rules without substantive change, to make them easier to use and understand. (Phase I). A later action will review and revise them to eliminate unnecessary burdens in keeping with E.O. 12291. (Phase II). AOPA withdrew its petition on November 20, 1980, so the FAA could proceed with this two-step review. ANPRM 79-2 published the original AOPA petition for comment on January 22, 1979 (44 FR 4571). NPRM 79-2A proposing reorganization of Part 91 was published on September 10, 1981 (46 FR 45256). NPRM 79-2B extended the comment period to April 9, 1982 (December 10, 1981; 46 FR 60461). Comments received on NPRM 79-2A will form a basis for proceeding with Phase II.

Timetable:

Action	Date	FR Cite
ANPRM	01/22/79	44 FR 4571
NPRM	09/10/81	46 FR 45256
NPRM	03/20/85	50 FR 11282
NPRM Comment Period End	07/18/85	
Final Action	08/00/86	

Small Entity: No

Additional Information: Docket No. 18334.

Analysis: Regulatory Evaluation 09/10/81

Agency Contact: James R. Kelln, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8150**

RIN: 2120-AA13

1769. RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS - NOTICE OF LIEN

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1403 Federal Aviation Act of 1958, Sec. 503; 49 USC 1405 Federal Aviation Act of 1958, Sec. 505; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 49

Legal Deadline: None

Abstract: Proposed amendment to prescribe specific procedures for filing Notice of Lien with the Aircraft Registry. This proposal would also require release of the Notice filed upon satisfaction of the lien.

Timetable:

Action	Date	FR Cite
NPRM	01/13/75	40 FR 2445

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 14236.

Agency Contact: Les Dunlop, Aircraft Registration Program Officer, Department of Transportation, Federal Aviation Administration, PO Box 25724, Okla City, OK 73125, **405 686-2284**

RIN: 2120-AA14

1770. CESSNA FINANCE PETITION

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1403 Federal Aviation Act of 1958, Sec. 503; 49 USC 1405 Federal Aviation Act of 1958, Sec. 505; 49 USC 1406 Federal Aviation Act of 1958, Sec. 506; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 47

Legal Deadline: None

Abstract: Petition for rulemaking to amend Part 47 to provide all persons who hold a security interest in aircraft the same protection now afforded the seller of an aircraft under a conditional sales contract.

Timetable:

Action	Date	FR Cite
ANPRM	10/20/77	42 FR 55891
NPRM	05/22/80	45 FR 34826

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 17311.

Analysis: Regulatory Evaluation 05/22/80

Agency Contact: Les Dunlop, Aircraft Registration Program Officer, Department of Transportation, Federal Aviation Administration, PO Box 25724, Okla City, OK 73125, **405 686-2284**

RIN: 2120-AA15

1771. INOPERATIVE INSTRUMENTS OR EQUIPMENT

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec.313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421(a) to 1430 Fed. Av. Act 1958, Secs. 601(a) to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 43; 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135

Legal Deadline: None

Abstract: Proposed rule to revise Part 91 to include provisions that will allow the operation of powered aircraft with certain installed instruments and equipment inoperative. The proposal would consolidate minimum equipment list requirements presently contained in various parts of the Federal Aviation Regulations into one regulation.

Timetable:

Action	Date	FR Cite
NPRM	10/26/81	46 FR 52278

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 22320.

Analysis: Regulatory Evaluation 10/26/81

Agency Contact: John Lynch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8150**

RIN: 2120-AA19

1772. ROTORCRAFT REGULATORY REVIEW PROGRAM AMENDMENT NO. 3

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 1; 14 CFR 27; 14 CFR 29; 14 CFR 33

Legal Deadline: None

Abstract: This amendment changes Parts 1, 27, 29, and 33 in the area of propulsion system requirements. New rules or changes to rules are included in

the area of engine ratings, detailed combustion heater requirements, lightning protection, system tests, and oil requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/27/84	49 FR 46670
NPRM Comment Period End	03/26/85	
Final Action	10/15/86	

Small Entity: No

Analysis: Regulatory Evaluation 11/27/84

Agency Contact: Wilbur Wells, Department of Transportation, Federal Aviation Administration, PO Box 1689, Ft Worth, TX 76101, 817 877-2551

RIN: 2120-AA28

1773. ROTORCRAFT REVIEW NOTICE NO. 5-OPERATIONS AND MAINTENANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1341 Federal Aviation Act of 1958, Sec. 301; 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1402 Federal Aviation Act of 1958, Sec. 502; 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601; 49 USC 1430 Federal Aviation Act of 1958, Sec. 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 43; 14 CFR 45; 14 CFR 61; 14 CFR 91; 14 CFR 121; 14 CFR 127; 14 CFR 133; 14 CFR 135

Legal Deadline: None

Abstract: This is the fifth of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the operations and maintenance requirements pertaining to rotorcraft and covered in Parts 43, 45, 61, 91, 121, 127, 133, and 135 of the Federal Aviation Regulations. Part 1 would also be amended to add a definition of a Class D rotorcraft-load combination.

Timetable:

Action	Date	FR Cite
NPRM	03/12/85	
NPRM Comment Period End	07/10/85	50 FR 10144
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. 24550

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: Larry Williams, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8150

RIN: 2120-AA30

1774. STANDARDS FOR APPROVAL OF AN AUTOMATIC TAKEOFF THRUST CONTROL SYSTEM

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would review certain special conditions issued for Part 25 airplanes and incorporate in Part 25 those that have not been previously incorporated.

Timetable:

Action	Date	FR Cite
NPRM	04/27/84	49 FR 18240
Extension of Comment Period	07/20/84	49 FR 29410
NPRM Comment Period End	08/27/84	
Final Action	07/30/86	

Small Entity: No

Additional Information: The special conditions included in this project are automatic take-off thrust control systems (ATTCS). Docket No. 24046.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 04/27/84

Agency Contact: James M. Walker, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, 206 431-2116

RIN: 2120-AA46

1775. TRANSPORT CATEGORY AIRPLANE AIRWORTHINESS STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would amend the airworthiness standards contained in Part 25 applicable to transport category airplanes to: (1) relieve the regulatory burden wherever possible, (2) ensure the airworthiness standards are practicable for the light transport airplanes common to regional air carrier operation, and (3) update Part 25 for clarity and accuracy.

Timetable:

Action	Date	FR Cite
NPRM	12/03/84	49 FR 47358
NPRM Comment Period End	04/04/85	
Final Action Effective	07/30/86	

Small Entity: No

Additional Information: Docket No. 24344

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 12/03/84

Agency Contact: Gary Killion, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, 206 431-2112

RIN: 2120-AA47

1776. FY-1982 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. The proposed amendments are clarifying, editorial, or corrective in nature.

Timetable:

Action	Date	FR Cite
NPRM	10/03/83	48 FR 45214

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 23781.

Analysis: Regulatory Evaluation 10/03/83

Agency Contact: Ida Cronauer, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8357

RIN: 2120-AA50

1777. AMEND PART 23 TO INCLUDE EMPENNAGE FATIGUE REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action would provide for fatigue integrity of small airplane empennage structure where present Part 23 fatigue requirements apply only to the wing.

Timetable:

Action	Date	FR Cite
NPRM	02/28/86	

Next Action Undetermined

Small Entity: No

Additional Information: The FAA is evaluating additional data obtained from NASA.

Analysis: Regulatory Evaluation

Agency Contact: Earsa L. Tankesley, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, 816 374-6930

RIN: 2120-AA58

1778. NOISE STANDARDS: AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611

CFR Citation: 14 CFR 36

Legal Deadline: None

Abstract: Part 36 prescribes noise type certification standards for turbo jet powered airplanes and propeller driven small airplanes regardless of category. This review will examine the need to reorganize and realign the noise standards to make them more understandable and easier to use. This review would reorganize existing material into several new subparts, and utilize an improved numbering system to provide for the easier inclusion of future changes. Other improvements would be made by deleting redundancies, obsolete compliance dates, and making other minor changes. Additionally, Part 36 will be reviewed in accordance with Executive Order 12291 to reduce regulatory burdens on the public, including the preparation of both a Regulatory Evaluation and a Regulatory Flexibility Analysis.

Timetable:

Action	Date	FR Cite
NPRM		50 FR 4172
NPRM Comment Period End	04/24/85	

Next Action Undetermined

Small Entity: Yes

Additional Information: Will also consider Petition for Rulemaking from the Aerospace Industries of America (Docket No. 23340; Petition Notice No. PR-82-13). Comment Period closed January 20, 1983.

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 01/29/85; Environmental Assessment 07/00/85

Agency Contact: Richard Tedrick, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 755-9027

RIN: 2120-AA74

1779. REVISE PART 23 TO INCLUDE COMMUTER CATEGORY AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action would amend Part 23 to include airworthiness standards for multi-engine airplanes having a maximum passenger seating configuration, excluding any pilot seat, of 19 seats, and with a maximum takeoff weight of up to 19,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	11/15/83	48 FR 52010
Final Action	12/00/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 23516.

Analysis: Regulatory Evaluation 11/15/83

Agency Contact: Earsa L. Tankesley, Department of Transportation, Federal Aviation Administration, 601 E. 12th St., Kansas City, MO 64106, 816 374-6930

RIN: 2120-AA77

1780. GENERAL AVIATION SAFETY PANEL'S RECOMMENDATIONS ON WEATHER MINIMUMS

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: Would standardize weather minimums in all airspace at night.

Timetable:

Action	Date	FR Cite
NPRM	07/23/85	50 FR 30124
NPRM Comment Period End	09/23/85	50 FR 30124

Next Action Undetermined

Small Entity: No

Agency Contact: Burton Chander, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **203 406-8626**

RIN: 2120-AB04

1781. ELECTRONIC FUEL CONTROLS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Legal Deadline: None

Abstract: Would revise FAR 33.67 to incorporate requirements for electronic fuel controls for gas turbines.

Timetable:

Action	Date	FR Cite
NPRM	02/14/85	50 FR 6186
NPRM Comment Period End	07/29/85	
Final Action	10/00/86	

Small Entity: No

Additional Information: Notice to reopen comment period for an additional 30 days issued on June 6, 1985. Action taken in response to requests from several aviation organizations.

Analysis: Regulatory Evaluation 02/14/85 (50 FR 6186)

Agency Contact: H. Alden Jackson, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, **617 273-7078**

RIN: 2120-AB06

1782. TURBO PROP ENGINE PROPELLER BRAKE PROPOSALS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Legal Deadline: None

Abstract: Would revise Part 33 by adding a new section entitled "Engine Propeller Brake Systems Tests." This new section would require tests of the propeller brake with respect to ground locking, dynamic braking, and engine starts and stops.

Timetable:

Action	Date	FR Cite
NPRM	12/14/84	49 FR 48760
NPRM Comment Period End	02/25/85	50 FR 1542
Final Action	03/00/86	

Small Entity: No

Additional Information: Notice to extend comment period (50 FR 1542)

Analysis: Regulatory Evaluation 12/14/84 (49 FR 48760)

Agency Contact: Donald F. Perrault, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, **617 273-7081**

RIN: 2120-AB07

1783. TYPE CERTIFICATION PROCEDURES - SPECIAL CLASS OF AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958 Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958 Sec. 601; 49 USC 1423 Federal Aviation Act of 1958 Sec. 603; 49 USC 1424 Federal Aviation Act of 1958 Sec. 604

CFR Citation: 14 CFR 21

Legal Deadline: None

Abstract: This notice would propose to amend Part 21 to address procedures which will permit establishing airworthiness requirements for the type certification of a special class of aircraft such as gliders, airships, and compound aircraft for which no airworthiness standards have been issued under Chapter I of 14 CFR.

Timetable:

Action	Date	FR Cite
NPRM	10/18/85	50 FR 42368
NPRM Comment Period End	12/17/85	

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Docket No. 24804

Analysis: Regulatory Evaluation

Agency Contact: James Zahringer, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 426-8374**

RIN: 2120-AB44

1784. PART 95 INSTRUMENT FLIGHT RULES

Significance: Routine and Frequent

Legal Authority: 49 USC 1348 F.A. Act of 1958, Sec. 307; 49 USC 1510 F.A. Act of 1958, Sec. 1110

CFR Citation: 14 CFR 95

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2500. 04/00/85 - 04/00/86.

Timetable:

Action	Date	FR Cite
Total actions expected to end	04/00/87	

Small Entity: No

Agency Contact: Don Funai, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8277**

RIN: 2120-AA63

1785. AIRWORTHINESS DIRECTIVES

Significance: Routine and Frequent

Legal Authority: 49 USC 1354(a) F.A. Act, Sec. 313(a); 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1423 F.A. Act, Sec. 603; 49 USC 1431(b) F.A. Act, Sec. 611(b)

CFR Citation: 14 CFR 39

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--300. 04/00/85 - 04/00/86.

Timetable:

Action	Date	FR Cite
Total actions expected to end	04/00/87	

DOT—FAA

Final Rule Stage

Small Entity: No

Agency Contact: Jack McGrath, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8192

RIN: 2120-AA64

1786. STANDARD INSTRUMENT APPROACH PROCEDURES

Significance: Routine and Frequent

Legal Authority: 49 USC 1348 F.A. Act, Sec. 307; 49 USC 1354(a) F.A. Act, Sec. 313(a); 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1510 F.A. Act, Sec. 1110

CFR Citation: 14 CFR 97

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2800. 04/00/85 - 04/00/86.

Timetable:

Action	Date	FR Cite
Total actions expected to end	04/00/87	

Small Entity: No

Agency Contact: Don Funai, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8277

RIN: 2120-AA65

1787. AIRSPACE ACTIONS

Significance: Routine and Frequent

Legal Authority: 49 USC 1348(a) F.A. Act, Sec. 307(a); 49 USC 1354(a) F.A. Act, Sec. 313(a)

CFR Citation: 14 CFR 71; 14 CFR 73; 14 CFR 75

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--525. 04/00/85 - 04/00/86.

Timetable:

Action	Date	FR Cite
Total actions expected to end	04/00/87	

Small Entity: No

Agency Contact: John Watterson, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8783

RIN: 2120-AA66

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Completed Actions

1788. + USE OF ALCOHOL OR DRUGS; SUBMISSION TO ALCOHOL TESTS

Significance: Regulatory Program

Legal Authority: 49 USC 1429 Federal Aviation Act of 1958, Sec. 609; 49 USC 106(g); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602

CFR Citation: 14 CFR 61; 14 CFR 91; 14 CFR 65; 14 CFR 63

Legal Deadline: None

Abstract: Proposed rule which will subject Certificated Flight Crewmembers suspected of being under the influence of alcohol to blood-alcohol tests and establish a specific blood-alcohol content level at which a pilot is considered to be intoxicated. This rulemaking is significant because it may involve important departmental policy. Supplemental notice proposes to require crewmembers to submit to tests for alcohol given by law enforcement officers under certain conditions.

Timetable:

Action	Date	FR Cite
NPRM	07/27/81	46 FR 38480
SNPRM	04/17/85	50 FR 15376
SNPRM Comment Period Begin	06/17/85	
SNPRM Comment Period End	07/16/85	
Final Action	01/09/86	51 FR 1226
Final Action Effective	04/09/86	

Small Entity: No

Additional Information: Docket No. 21956.

Analysis: Regulatory Evaluation 07/27/81; Regulatory Evaluation 04/01/83

Agency Contact: Roger Baker, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8194

RIN: 2120-AA16

1789. + SLOT TRANSFER METHODS

Significance: Regulatory Program

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313; 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: The rule permits the purchase, sale, or trade of slots by any person at any high density airport. A use-or-lose provision is included to prevent the holding of unused slots. International and essential air service slots receive special treatment. Unallocated slots are distributed by lottery.

Timetable:

Action	Date	FR Cite
NPRM	06/07/84	49 FR 23806
NPRM Comment Period End	08/06/84	
Final Action	12/20/85	50 FR 52180
Final Action Effective	04/01/86	

Small Entity: No

Analysis: Regulatory Evaluation 12/00/85

Agency Contact: Edward P. Faberman, Acting Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3773

RIN: 2120-AB37

1790. + SLOT ALLOCATION ALTERNATIVE METHODS

Significance: Regulatory Program

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313; 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This notice set forth a procedure to be used if the scheduling committees are unable to allocate newly available slots at the high density airports. The proposal is, in part, a response to the recommendations made by a number of air carriers and commuters in response to the FAA's High Density Rulemaking. Those commenters stated that they are concerned that the scheduling committees may deadlock. A separate NPRM on the transfer of slots has also been issued. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	06/07/84	49 FR 23788
NPRM Comment Period End	08/06/84	
Final Action	12/20/85	50 FR 52180
Final Action Effective	04/01/86	

Small Entity: No

Analysis: Regulatory Evaluation 12/00/85

Agency Contact: Edward P. Faberman, Acting Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3773

RIN: 2120-AB38

1791. + AVIATION CONSUMER ACTION PROJECT PUBLIC CITIZEN HEALTH RESEARCH GROUP, PETITION TO AMEND PART 121 - MEDICAL EQUIPMENT REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121.309(d); 14 CFR 121.333(c)

Legal Deadline: None

Abstract: This notice proposes to require air carriers to provide medical equipment for use in the diagnosis and treatment of in-flight medical emergencies by qualified personnel. The notice further proposes to require air carriers to report such in-flight medical emergencies, how the medical equipment was used, and the disposition of the patient. The intended effect of this proposal is to enhance the potential for diagnosis and initial treatment of in-flight medical emergencies prior to care at a surface facility. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/14/85	50 FR 10444
NPRM Comment Period End	07/12/85	
Final Action	01/09/86	51 FR 1218
Final Action Effective	08/01/86	

Small Entity: No

Additional Information: Docket No. 21369

Agency Contact: Andrew Horne, M.D., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3435

RIN: 2120-AB40

1792. ● + AIRCRAFT FLEET MODERNIZATION STRATEGIES

Significance: Regulatory Program

Legal Authority: 49 USC 1348(c); 49 USC 1354(a); 49 USC 1421; 49 USC 1431(b); 49 USC 1655(c); 42 USC 4321 et seq.

CFR Citation: 14 CFR 21, (Revision); 14 CFR 23, (Revision); 14 CFR 25, (Revision); 14 CFR 36, (Revision); 14 CFR 91, (Revision)

Legal Deadline: None

Abstract: The FAA was directed by the Appropriations Committee of the U.S. House of Representatives (H. Report 99-256) to report on alternatives available to provide incentives to air carriers to accelerate modernization of the commercial aircraft fleet. This report will detail those alternatives, including a program of regulatory actions that might be taken by the FAA over a period of five to seven years, for implementation for up to fifteen years.

Timetable:

Action	Date	FR Cite
Public Hearing Announcement Public Hearing 12/10/85	12/01/85	50 FR 45701
Report to Congress (Reg. Program) Description of Regulatory Alternative for Fleet Modernization	04/01/86	

Small Entity: Undetermined

Additional Information: A public hearing was held on December 10, 1985, to afford interested parties the opportunity to present their views and data on issues raised in the preparation of the Report to Congress.

Government Levels Affected: Local, State, Federal

Agency Contact: Richard N. Tedrick, Manager, Noise Policy and Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 755-9027

RIN: 2120-AC03

1793. + SHOULDER HARNESSES IN NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec 313; 49 USC 1421 Federal Aviation Act of 1958, Sec 601; 49 USC 1423 Federal Aviation Act of 1958, Sec 603

CFR Citation: 14 CFR 23; 14 CFR 91

Legal Deadline: None

Abstract: This notice proposes to amend Parts 23 and 91 of the Federal Aviation Regulations (FAR) to require the installation of shoulder harnesses at

all seats of normal, utility, and acrobatic category airplanes with a passenger seating configuration, excluding pilot seats, of nine or less, manufactured one year after the effective date of the proposed amendment, and to require the pilot-in-command to brief passengers on how to fasten and unfasten their shoulder harness for takeoff and landings if shoulder harnesses are installed. This proposal responds to the conclusions of an FAA Crashworthiness Study Report, a Petition for Rulemaking from the General Aviation Manufacturers Association (GAMA), and Safety Recommendations from the National Transportation Safety Board (NTSB). This proposal will enhance the crashworthiness of small airplanes manufactured one year after the effective date of the proposed amendment. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/06/85	50 FR 9108
NPRM Comment Period End	06/20/85	
Final Action	11/13/85	50 FR 46872
Final Action Effective	12/12/85	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 05/00/85

Agency Contact: J. Robert Ball, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106, **816 847-5688**

RIN: 2120-AB43

1794. + TRANSPONDER ON

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 106(g); 14 CFR 11.45

CFR Citation: 14 CFR 91.24

Legal Deadline: None

Abstract: The notice proposed that all aircraft equipped with an operable radar beacon transponder have the transponder turned on while in controlled airspace.

Timetable:

Action	Date	FR Cite
NPRM	04/03/85	50 FR 19381
NPRM Comment Period End	06/24/85	
Final Action	11/01/85	
Final Action Effective	12/02/85	50 FR 45599

Small Entity: Undetermined

Agency Contact: Gene Falsetti, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8783**

RIN: 2120-AB94

1795. REVIEW: TERMINAL CONTROL AREAS (TCA'S): PHOENIX

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1510 Federal Aviation Act of 1958, Sec. 1110

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment.

Timetable:

Action	Date	FR Cite
NPRM	04/07/80	45 FR 23457
SNPRM	06/15/81	46 FR 31269
Withdrawn	09/18/85	50 FR 37865

Small Entity: No

Additional Information: Docket No. 18605/79-AWE-18.

Analysis: Regulatory Evaluation 06/15/81

Agency Contact: Lewis W. Still, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8626**

RIN: 2120-AA22

1796. PART 91 REVIEW LOST COMMUNICATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: Proposed amendment to simplify lost communications procedures.

Timetable:

Action	Date	FR Cite
NPRM	11/20/84	49 FR 46749
NPRM Comment Period End	01/28/85	
Final Action	08/05/85	50 FR 31587

Small Entity: No

Additional Information: Docket No. 16431.

Agency Contact: Paul Smith, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8783**

RIN: 2120-AA08

1797. PARACHUTE JUMPING, NOTICE AND AUTHORIZATION REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 105

Legal Deadline: None

Abstract: Proposed amendments would require notice of parachute jumps in terms of above mean sea level and would require ATC authorization for jumps in/into a terminal control area.

Timetable:

Action	Date	FR Cite
NPRM	12/27/85	50 FR 52933
NPRM Comment Period End	02/25/86	
Withdrawn	00/00/00	

Small Entity: No

Agency Contact: Gene Falsetti, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8783**

RIN: 2120-AA21

1798. TERMINAL CONTROL AREA (TCA) NEW YORK (MODIFICATION)

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec 307(a); 49 USC

1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1510 Federal Aviation Act of 1958, Sec. 1110

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment.

Timetable:

Action	Date	FR Cite
NPRM	01/08/81	46 FR 2088
Withdrawn	09/18/85	50 FR 37866

Small Entity: No

Additional Information: Docket No. 18605.

Analysis: Regulatory Evaluation 01/08/81

Agency Contact: Lewis W. Still, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8783

RIN: 2120-AA24

1799. TERMINAL CONTROL AREA (TCA) LAS VEGAS (MODIFICATION)

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1510 Federal Aviation Act of 1958, Sec. 1110

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment.

Timetable:

Action	Date	FR Cite
NPRM	08/20/81	
Final Action	07/12/82	47 FR 30052

Small Entity: No

Agency Contact: Lewis W. Still, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8626

RIN: 2120-AA25

1800. FLIGHT OPERATIONS CONTROL SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313 (a); 49 USC 1421 to 1430 Fed. Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: Based upon a Transamerican Airlines (TIAS) and World Airways (WRLS) joint petition for rulemaking, the FAA is considering amending Part 121 to allow among other things all operations to be conducted under a flight operations control system. Advance Notice 80-16 (14 FR 67103) issued Oct. 2, 1980, published the entire petition and requested comments to assist the FAA in determining what if any regulatory proposals should be developed.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/80	45 FR 67103
Withdrawn	01/10/86	51 FR 1330

Small Entity: No

Additional Information: Docket No. 18591.

Agency Contact: Roger E. Riviere, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8096

RIN: 2120-AA26

1801. AIRPORT IMPROVEMENT PROGRAM

Significance: Nonsignificant

Legal Authority: PL 97-248 Airport and Airway Improvement Act of 1982

CFR Citation: 14 CFR 156, (Proposed)

Legal Deadline: None

Abstract: This action would prescribe requirements and procedures for applicants desiring to receive financial assistance under the Airport and Airway Improvement Act of 1982. The program provides grants for planning and developing public-use airports and the implementation of noise compatibility programs. Generally, to receive funds, the applicant must be a public agency; although, in some instances, private airport owners may receive funds. Contents of the regulation will be governed by the requirements of the Act and OMB Circular A-102.

Timetable:

Action	Date	FR Cite
Project Terminated	12/26/85	

Small Entity: Undetermined

Additional Information: In September 1982, legislation authorizing the Airport Improvement Program was enacted. This same legislation repealed the Airport and Airway Development Act of 1970 which authorized the Airport Development Aid Program (CFR Pt. 152).

Agency Contact: Edgar Williams, APP-510, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3857

RIN: 2120-AA73

1802. AVIATION INSURANCE: REVISION OF AIRCRAFT WAR RISK INSURANCE REGULATION

Significance: Nonsignificant

Legal Authority: 49 USC 1531 to 1542

CFR Citation: 14 CFR 198

Legal Deadline: None

Abstract: This rulemaking would revise the provisions of the Federal Aviation Regulations dealing with the Federal aviation insurance program. These revisions are necessary to reflect certain amendments to the Federal Aviation Act which broadened the scope of risks which may be insured by the administrator. This rule implements those legislative changes and, in addition, extensively revises the current aviation insurance regulations to better reflect current carrier insurance needs and commercial insurance practice.

Timetable:

Action	Date	FR Cite
NPRM	07/19/84	49 FR 35130
Final Action	12/16/85	50 FR 51332
Final Action Effective	01/15/86	

Small Entity: No

Additional Information: Docket No. 24223

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Kenneth W. Harris, Manager, Aviation Activity Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3711

RIN: 2120-AB85

1803. MCAS EL TORO, SPECIAL AIRPORT TRAFFIC AREA

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1354(a); 49 USC 1421; 49 USC 1422; 49 USC 1443; 49 USC 1472; 49 USC 1610; 49 USC 1522

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This advance notice proposes to establish a special airport traffic area at Marine Corps Air Station (MCAS), El Toro, California. The proposed rule would require pilots to establish and maintain two-way radio communications with, and receive authorization from, FAA coast terminal radar approach control facility. The action was requested by the United States Marine Corps to enhance the level of safety within the airspace from over Dana Point, California, to the MCAS at El Toro and to reduce the mid-air collision potential between unknown, uncontrolled aircraft and military aircraft arriving at MCAS El Toro.

Timetable:

Action	Date	FR Cite
ANPRM	06/18/84	49 FR 24982
ANPRM Comment Period End	09/07/84	49 FR 24982
Final Action	12/09/85	50 FR 50264
Final Action Effective	01/16/86	50 FR 50264

Small Entity: No

Agency Contact: William C. Davis, ATC Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8783

RIN: 2120-AB96

1804. ● CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Significance: Nonsignificant

Legal Authority: 5 USC 601 et seq.

CFR Citation: 14 CFR 61

Legal Deadline: None

Abstract: This part prescribes the requirements for issuing pilot and flight instructor certificates and ratings, the conditions under which those certificates and ratings are necessary, and the privileges and limitations of those certificates and ratings.

Timetable:

Action	Date	FR Cite
End Review	07/00/85	

Small Entity: No

Additional Information: Initial Regulatory Flexibility Act study found no section of Part 61 has a significant economic impact on a substantial number of small entities.

Agency Contact: Leonard Smith, Regulations Officer, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 426-8237

RIN: 2120-AC07

1805. ● AVIATION MAINTENANCE TECHNICIAN SCHOOLS

Significance: Nonsignificant

Legal Authority: 5 USC 601 et seq

CFR Citation: 14 CFR 147

Legal Deadline: None

Abstract: This part prescribes the requirements for issuing aviation maintenance technician school certificates and associated ratings and the general operating rules for the holders of those certificates and ratings.

Timetable:

Action	Date	FR Cite
End Review	06/25/85	

Small Entity: No

Additional Information: Initial Regulatory Flexibility Act study found no section of Part 147 has a significant economic impact on a substantial number of small entities.

Agency Contact: Leonard Smith, Regulations Officer, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 426-8237

RIN: 2120-AC12

1806. ● PILOT SCHOOLS

Significance: Nonsignificant

Legal Authority: 5 USC 601 et seq.

CFR Citation: 14 CFR 141

Legal Deadline: None

Abstract: This part prescribes the requirements for issuing pilot school certificates, provisional pilot school certificates, and associated ratings and the general operating rules for the holders of those certificates and ratings.

Timetable:

Action	Date	FR Cite
End Review	07/00/85	

Small Entity: No

Additional Information: Initial Regulatory Flexibility Act study found no section of Part 141 has a significant economic impact on a substantial number of small entities.

Agency Contact: Leonard Smith, Regulations Officer, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 426-8237

RIN: 2120-AC13

[FR Doc. 86-8639 Filed 04-18-86; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Prerule Stage

1807. COORDINATION OF FEDERAL AND FEDERALLY ASSISTED PROGRAMS AND PROJECTS

Significance: Nonsignificant

Legal Authority: EO 12372

CFR Citation: 49 CFR 17

Legal Deadline: None

Abstract: This revision would implement Executive Order 12372 and related OMB implementing procedures regarding intergovernmental review of Federal programs.

Timetable:

Action	Date	FR Cite
To Be Withdrawn	04/00/86	

Small Entity: No

Additional Information: The operating procedures governing intergovernmental review of FHWA programs are contained in 49 CFR 17 as published by the Office of the Secretary (48 FR 29264, 6/24/83). It has been determined that additional FHWA regulations are not necessary.

Agency Contact: Barna Juhasz, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0175

RIN: 2125-AA12

1808. ROADSIDE DESIGN GUIDE

Significance: Nonsignificant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Legal Deadline: None

Abstract: This regulation would amend the existing 1977 "Guide for Selecting, Locating, and Designing Traffic Barriers" (Barrier Guide) which is incorporated in 23 CFR Part 625 as a guide. The 1977 Barrier Guide will be replaced by a new guide to be titled "Roadside Design Guide." As soon as a workable draft guide is prepared, the FHWA will publish as Advance Notice of Proposed Rulemaking (ANPRM) requesting public comment on the application of the "Roadside Design Guide" to Federal projects. The ANPRM will consist of: A complete explanation as to how the "Roadside Guide "has been updated and a detailed description of the procedures that will be taken to effectuate Federal adoption. The public comment period could extend as many as 180 days.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/86	

Small Entity: No

Additional Information: Depending on the status of the draft "Roadside Design Guide" relating to its content, a second ANPRM could be issued. After that "Roadside Design Guide" has been formally approved for use by the States, the FHWA will then issue a Notice of Proposed Rulemaking (NPRM) with another public comment period. Only when this process culminates in a thorough review and analysis of all public comments will a decision to issue Final Rule be made.

Analysis: Reg. Evaluation 05/00/86

Agency Contact: James H. Hatton, Jr., Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0313

RIN: 2125-AB44

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Proposed Rule Stage

1809. + PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 110

CFR Citation: 49 CFR 393

Legal Deadline: Statutory, April 30, 1986

Abstract: This rulemaking action responds to section 210 of the Motor Carrier Safety Act of 1984. Section 210 requires the Department to open Part 393 of the Federal Motor Carrier Safety Regulations (FMCSR), which concerns the parts and accessories necessary for the safe operation of commercial motor vehicles for public comment and review. In essence, Part 393 is the basis for the vehicle inspection currently performed on vehicles operated by motor carriers subject to the jurisdiction of the DOT. Public comment has been requested pursuant to an ANPRM 01/10/85. An NPRM will be issued which will represent an analysis and review of comments received.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/85	50 FR 1245
ANPRM Comment Period End	02/25/85	50 FR 1245
NPRM	04/00/86	
Final Action	10/00/86	

Small Entity: No

Additional Information: On January 10, 1985, an ANPRM was published (50 FR 1245) which addressed two (2) Parts of the FMCSR. Comments were requested on Part 393 (Parts and Accessories) and Part 396 (Inspection and Maintenance). This rulemaking has been split and each Part will be addressed in separate rulemaking actions. For the rulemaking action dealing with Inspection, Repair and Maintenance, see "Nonsignificant Rulemaking" portion of agenda.

Analysis: Reg. Evaluation 04/00/86

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590, 202 755-1011

RIN: 2125-AB45

1810. + FEDERAL MOTOR CARRIER SAFETY REGULATIONS: GENERAL

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 390

Legal Deadline: Statutory, April 30, 1986

Abstract: This rulemaking action will address the general provisions

regarding the Motor Carrier Safety Regulations (FMCSR) contained in Part 390 of 49 CFR. This rulemaking is being undertaken to implement section 206 of the Motor Carrier Safety Act (MCSA) of 1984 which mandated the reissuance of the FMCSR. Part 390 deals with motor carrier definitions and general provisions regarding motor carrier operations. This entry appeared in the last agenda (April 1985) entitled "Retail Fertilizer Distribution Exemption." Pursuant to section 206 of the MCSA, the ANPRM on retail fertilizer distribution exemption (2/10/82, 47 FR 5273) was withdrawn on 1/23/85 (50 FR 2998). This rulemaking action will incorporate the comments made to the 2/10/82 ANPRM since the provisions relating to exemptions for retail fertilizer equipment are contained in Part 390.

Timetable:

Action	Date	FR Cite
Fertilizer ANPRM fertilizer	02/10/82	47 FR 5273
ANPRM	01/23/85	50 FR 2999
Fertilizer ANPRM Withdrawn Fertilizer	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	50 FR 2998
NPRM	04/00/86	
Final Action	10/00/86	

Small Entity: No

Analysis: Reg. Evaluation 04/00/86

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 755-1011

RIN: 2125-AA34

1811. + DISQUALIFICATION OF DRIVERS (TRAFFIC RECORDS)

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 206; 23 USC 315

CFR Citation: 49 CFR 391

Legal Deadline: Statutory, April 30, 1986

Abstract: Revisions are being proposed in response to section 206 of the Motor Carrier Safety Act of 1984. The proposed revisions will require motor carriers to insure that drivers which operate (1) commercial motor vehicles transporting certain classes of hazardous materials (11/M) or (2) cargo tank commercial motor vehicles requiring placards meet additional or more stringent qualification requirements.

Timetable:

Action	Date	FR Cite
ANPRM	09/27/82	47 FR 42383
ANPRM	01/23/85	50 FR 2998
Initial ANPRM Withdrawn	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	50 FR 2998
NPRM	04/00/86	
Final Action	10/00/86	

Small Entity: No

Additional Information: An initial ANPRM was published on 9/27/82 (47 FR 42383). This ANPRM was withdrawn on January 23, 1985 (50 FR 2998) pursuant to section 206 of the Motor Carrier Safety Act of 1984, which mandated the reissuance of regulations pertaining to commercial motor carrier safety. The comments received to the initial ANPRM (9/27/82) will be incorporated into this rulemaking action. A 60 day public comment period will be provided for the NPRM.

Analysis: Reg. Evaluation 04/00/86

Agency Contact: Mr. J. J. Fulnecky, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 755-1011

RIN: 2125-AA79

1812. + TRUCK SIZE AND WEIGHT; TRAILER LENGTHS

Significance: Regulatory Program

Legal Authority: PL 97-424, Sec 133; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413; PL 97-424, Sec 416

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: An analysis of comments to the March 1, 1985 NPRM indicates insufficient rationale to establish semitrailer lengths in 11 States. Therefore, a supplemental request for information was made of FHWA field offices and the trucking industry (through the 60 NR committee) to try to reach a supportable length in the remaining States. That supplemental information was due September 1, 1985. There still remains insufficient rationale for establishing semitrailer lengths in 5 States. After carefully considering a number of options, it has been determined to issue a supplemental NPRM.

Timetable:

Action	Date	FR Cite
NPRM	03/01/85	50 FR 8342
NPRM Comment Period End	04/30/85	50 FR 8342
Supplemental NPRM	04/00/86	
Final Action	12/00/86	

Small Entity: No

Additional Information: A Regulatory Impact Analysis has been prepared for the June 5 rulemaking and is available for inspection in the headquarters office of FHWA, 400 Seventh Street, S.W., Washington, D.C.

Analysis: Regulatory Evaluation (min. impact) 03/01/85 (50 FR 8342)

Agency Contact: Edwin E. Rugenstein, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-5370

RIN: 2125-AB26

1813. + INSPECTION, REPAIR, AND MAINTENANCE

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 210; PL 98-554, Sec 204; 23 USC 315

CFR Citation: 49 CFR 396; 49 CFR 390; 48 CFR 393

Legal Deadline: None

Abstract: The FHWA is seeking public comment concerning the development of Federal commercial motor vehicle inspection standards which would be applicable to motor carriers engaged in interstate or foreign commerce. This action is required by section 210 of the Motor Carrier Safety Act of 1984. The proposed revisions will require motor carriers to comply with Federal inspection standards, a State inspection program or an authorized self-inspection program. The FHWA also proposes to add two definitions contained in section 204 of the Motor Carrier Safety Act of 1984.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/85	50 FR 1245
ANPRM Comment Period End	02/24/85	

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	10/00/86	

Small Entity: Undetermined

Additional Information: The NPRM will propose revisions after having fully taken into account the public comments received to the ANPRM (01/10/85, 50 FR 1245). The 1/10/85 ANPRM also solicited comments on the provisions relating to the parts and accessories necessary for the safe operation of commercial motor vehicles. This section (parts and accessories) and comments made thereto will be the subject of a separate rulemaking action. See "Nonsignificant Rulemakings" portion of agenda.

Analysis: Regulatory Evaluation 04/00/86

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 755-1011

RIN: 2125-AB34

1814. + FEDERAL MOTOR CARRIER SAFETY REGULATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 390 to 399

Legal Deadline: Statutory, April 30, 1986

Abstract: Section 206 of the Motor Carrier Act of 1984 (Pub. L 98-554) (the Act) directs the Secretary of Transportation to issue regulations pertaining to commercial motor vehicle safety. The Department has issued regulations, the Federal Motor Carrier Safety Regulations (FMCSR), on this subject under earlier authority (49 U.S.C. 3102). The purpose of this advance notice of proposed rulemaking (ANPRM) is to identify and solicit comment on specific changes which should be made to the FMCSR prior to reissuance in order to effectuate the purposes of the Act. The purposes of the Act are to ensure that: commercial motor vehicles are safely maintained, equipped, loaded and operated; the responsibilities of drivers do not impair their ability to drive safely; the physical condition of drivers is adequate to enable them to drive safely; and the operation of the vehicles does not have deleterious effects on drivers. This rulemaking will be a comprehensive effort, and thus the Agency will incorporate certain other regulatory actions which have been proposed but have not yet been completed. There is no alternative to the overall reissuance of the FMCSR. However, (cont)

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	

Next Action Undetermined

Small Entity: No

Additional Information: (ABSTRACT CONT:) the agency intends to propose specific changes to the FMCSR which will then be fully analyzed, including a full range of alternatives to each proposal. Similarly, potential costs and benefits cannot now be identified, but rather must await the development of a notice of proposed rulemaking. This rulemaking is significant because of substantial public interest. Due to the amount of subject matter which this rulemaking action addresses, each Part (390-399) will be addressed in separate rulemakings. Comments received in response to this action will be considered as appropriate regarding the separate rulemaking actions. See "Priority Rulemakings" and "Other Rulemakings" portions of the agenda for actions resulting from this entry.

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 755-1011

RIN: 2125-AB35

1815. + HOURS OF SERVICE

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 395

Legal Deadline: Statutory, April 30, 1986

Abstract: Section 206 of the Motor Carrier Safety Act of 1984 (Act) directs the DOT to reissue regulations pertaining to commercial motor vehicle safety. On November 23, 1984, the FHWA published a final rule at 49 FR 46145 regarding Hours of Service in order to comply with an opinion of the United States Court of Appeals for the District of Columbia Circuit. A docket was opened (MC-99-1) in order to request comments for further consideration of revisions to the requirement of the driver's record of duty status. Pursuant to section 206 of the Act, an ANPRM was issued (1/23/85; 50 FR 2998) and again requested comments regarding the requirement for recorded hours of service. This rulemaking action will incorporate all comments received to the above mentioned published rulemaking actions. This document will consider the possible elimination of certain items required on the driver's record of duty status and extending the 12-hour limitation in the 100 mile radius exemption to 15 hours or permitting a 50 mile radius rule as an option with the 15 hour rule. This rulemaking is considered significant because of the potential cost savings which may result from (con't)

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	50 FR 2998
NPRM	04/00/86	
Final Action	10/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: the reduction in requirements for maintaining the driver's record of duty status. Previous RIN for published final rule on 11/23/84 is 2125-AB22.

Analysis: Reg. Evaluation 04/00/86

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 755-1011

RIN: 2125-AB39

1816. + TRUCK SIZE AND WEIGHT; LANE WIDTHS

Significance: Regulatory Program

Legal Authority: 23 USC 315; PL 97-424, Sec 416; PL 98-554, Sec 105; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: By this action, the FHWA is taking steps to implement the 12-foot wide lane provisions contained in the Surface Transportation Assistance Act of 1982 (STAA) as amended by the Tandem Truck Safety Act of 1984 (TTSA). An ANPRM published 4/1/85

at 50 FR 12825 identified for re-examination specific routes on the National Network containing sections with lanes less than 12 feet wide in those States which do not otherwise permit 102-inch wide vehicles on the National Network, pursuant to State law. These States are Alabama, Florida, Kentucky, Maryland, Missouri, New Hampshire, New Jersey, New York, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virginia. After a review, FHWA intends to propose the deletion of highways with lane widths less than 12 feet wide if such designation is found to be inconsistent with highway safety. The FHWA is soliciting information, data and comments concerning these routes that may assist in the review.

Timetable:

Action	Date	FR Cite
ANPRM	04/01/85	50 FR 12825
ANPRM Comment Period End	05/16/85	50 FR 12825
NPRM	03/12/86	51 FR 8511
NPRM Comment Period End	05/11/86	51 FR 8511
Final Action	12/00/86	

Small Entity: No

Additional Information: Further Agency Contact is Mr. D. C. Oliver, (202) 426-0825. Also, a Regulatory Impact Analysis which had been prepared for the June 5, 1984, final rule on truck size and weight provisions is available for inspection in the headquarters office of FHWA, 400 Seventh Street, SW, Washington, DC.

Analysis: Reg. Evaluation 03/00/86

Agency Contact: Edwin E. Rugenstein, Department of Transportation, Federal Highway Administration, 400 7th Street, SW, Washington, DC 20590, **202 426-5370**

RIN: 2125-AB43

1817. + SAFETY FITNESS DETERMINATION

Significance: Regulatory Program

Legal Authority: PL 98-554, Sec 215; 49 USC 3102

CFR Citation: 49 CFR 385

Legal Deadline: None

Abstract: Section 215 of the Motor Carrier Safety Act of 1984 requires the FHWA, in cooperation with the Interstate Commerce Commission, to establish a procedure to determine the safety fitness of owners and operators of commercial motor vehicles including persons seeking new or additional operating authority as motor carriers. Comments are being requested regarding the proposed changes in the current safety rating procedures and a new proposed "provisional safety rating" for those carriers who have not previously been assigned a safety rating or who intend to be a new entrant into the motor carrier industry. It has been determined that this rulemaking action is a significant regulation under the regulatory policies and procedures of the Department of Transportation because of the total estimated indirect benefits that may result.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Additional Information: A 45 day public comment period will be provided.

Analysis: Reg. Evaluation 04/00/86

Agency Contact: Gary E. Curtis, Department of Transportation, Federal Highway Administration, 400 4th Street, SW, Washington, DC 20590, **202 426-1724**

RIN: 2125-AB46

1818. ● + EMPLOYEE SAFETY AND HEALTH STANDARDS

Significance: Regulatory Program

Legal Authority: PL 98-554, Sec 206; 49 USC App 2505

CFR Citation: 49 CFR 399

Legal Deadline: Statutory, April 30, 1986

Abstract: The Federal Highway Administration (FHWA) is considering proposing to revise Part 399 of the Federal Motor Carrier Safety Regulations (FMCSR) to implement Section 206 of the Motor Carrier Safety Act of 1984. This proposal would establish the duties of employers and drivers regarding employee safety and health. A motor carrier would be responsible for furnishing to each driver a place of employment that is free from recognized hazards that cause or are likely to cause death or injury to drivers. A driver would be responsible for cooperating with a motor carrier's safety program. It is anticipated that this general duty rule will cover those aspects of the driver environment (such as hot surfaces, lack of insulation, and broken equipment in or on the vehicle) that are not covered by present standards under the FMCSR.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Analysis: Reg Evaluation (Minimal Impact) 04/00/86

Agency Contact: Mr. Neill L. Thomas, Chief, Development Branch, Bureau of Motor Carrier Safety, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 755-1011**

RIN: 2125-AB50

1819. ● + DRIVING A MOTOR VEHICLE

Significance: Regulatory Program

Legal Authority: PL 98-554, Sec 206; 49 USC App 2505

CFR Citation: 49 CFR 392

Legal Deadline: Statutory, April 30, 1986

Abstract: The Federal Highway Administration (FHWA) is proposing to amend Part 392 of the Federal Motor Carrier Safety Regulations (FMCSR) to (1) relax the requirement concerning a spare set of corrective lenses, (2) add language to include pretrip inspection of hazardous materials laden vehicles and cargo tanks, (3) require drivers of hazardous materials-laden vehicles to notify emergency response personnel anytime a vehicle is disabled because of an accident or if the driver suspects and unintentional release of hazardous materials, (4) strengthen the disqualification criteria of drivers of hazardous materials-laden vehicles, (5) require a means of communication between the driver and passengers on an articulated vehicle, (6) delete the time requirement for the operation of head lamps, and (7) delete the prohibited practice rule concerning unauthorized passengers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	10/00/86	

Small Entity: No

Analysis: Reg Evaluation (Minimal Impact) 04/00/86

Agency Contact: Mr. Neill L. Thomas, Chief, Development Branch, Bureau of Motor Carrier Safety, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 755-1011

RIN: 2125-AB51

1820. ● + TRUCK SIZE AND WEIGHT; SPECIALIZED EQUIPMENT

Significance: Agency Priority

Legal Authority: 23 USC 315; 49 USC 2311(d)

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: An ANPRM has been issued requesting public comment on a petition to designate a particular combination of vehicles as specialized equipment under the provisions of section 411(d) of the Surface Transportation Assistance Act of 1982 (STAA). The FHWA is specifically requesting comments on particular safety and central characteristics of a vehicle combination referred to as a "maxi-cube." The FHWA is also considering the adoption of a definition for the term "specialized."

Timetable:

Action	Date	FR Cite
ANPRM	12/27/85	50 FR 52940
ANPRM Comment Period End	02/10/86	50 FR 52940
NPRM	04/00/86	

Small Entity: No

Analysis: Reg Evaluation (Minimal Impact) 04/00/86

Agency Contact: Ed Rugenstein, Department of Transportation, Federal Highway Administration, 202 426-5370

RIN: 2125-AB48

1821. + AIR QUALITY PROCEDURES FOR USE IN FEDERAL-AID HIGHWAY AND FEDERALLY FUNDED TRANSIT PROGRAMS

Significance: Agency Priority

Legal Authority: 23 USC 109(h); 23 USC 109(j); 23 USC 315; 42 USC 4332; 42 USC 7401; 42 USC 7506

CFR Citation: 23 CFR 770

Legal Deadline: None

Abstract: This regulation proposes to consolidate and amend existing air quality requirements for transportation projects into a single amended air quality regulation. The amended regulation is intended to streamline and simplify (1) the process of determining which highway projects are exempt from the Federal assistance limitations of section 176(a) of the Clean Air Act (CAA), and (2) the conformity and priority procedures contained in 23 CFR 770. The amendments are also intended to provide more authority and flexibility to State and local agencies and to meet the objectives of the CAA in the most cost-effective and expeditious manner. The amendments are significant because they involve important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: James Getzewich, (202) 426-7182, of UMTA.

Analysis: Reg. Evaluation 03/00/86

Agency Contact: James M. Shrouds, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4838

RIN: 2125-AB10

1822. REVIEW: GENERAL MATERIALS REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 117; 23 USC 128

CFR Citation: 23 CFR 635D

Legal Deadline: None

Abstract: This regulation would simplify procedures relating to general material requirements for Federal-aid construction work.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Additional Information: An initial NPRM was issued on 01/29/81 (46 FR 9642). It has been determined to issue another NPRM based on further review.

Analysis: Reg. Evaluation (Minimal impact) 07/00/86

Agency Contact: B.B. Myers, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0392

RIN: 2125-AA19

1823. STATE HIGHWAY AGENCY CONSTRUCTION CONTRACT EQUAL OPPORTUNITY COMPLIANCE REVIEW PROGRAM REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 23 USC 112(b); 23 USC 140(a); 23 USC 315

CFR Citation: 23 CFR 230

Legal Deadline: None

Abstract: The proposed revisions would amend the existing FHWA regulation governing construction contract equal employment opportunity (EEO) compliance procedures, which concern the employment practices of construction contractors on Federal highway projects. This proposal would eliminate existing detailed compliance procedures and allow States flexibility in adopting a procedure with respect to contract compliance.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Analysis: Reg. Evaluation 05/00/86

Agency Contact: Glen R. Reed, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0471

RIN: 2125-AB08

1824. CONTRACT PROCEDURES

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 117; 23 USC 128

CFR Citation: 23 CFR 635

Legal Deadline: None

Abstract: This revision to an existing regulation would simplify Federal-aid contract procedures.

Timetable:

Action	Date	FR Cite
NPRM	08/18/78	43 FR 36685
Supplemental NPRM	03/00/87	

Small Entity: No

Additional Information: An initial NPRM was issued on 08/18/78, 43 FR 36685. It has been determined to issue another NPRM after further review.

Analysis: Reg Evaluation 03/00/87

Agency Contact: B.B. Myers, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0392

RIN: 2125-AA18

1825. PAVEMENT DESIGN POLICY

Significance: Nonsignificant

Legal Authority: 23 USC 109(a)(b)(c); 23 USC 315

CFR Citation: 23 CFR 626; 23 CFR 625

Legal Deadline: None

Abstract: The existing regulation on pavement design would be modified to eliminate unnecessary requirements and duplicative provisions. Currently, the Federal Highway Administration (FHWA) uses the "American Association of State Highway and Transportation Officials (AASHTO) Interim Guide for Design of Pavement Structures, 1972," Chapter III Revised, 1981, to evaluate the adequacy of the proposed pavement designs for Federal-aid projects. AASHTO has approved a new Pavement Design Guide. FHWA will solicit public comment on the revised guide and evaluate whether the revised guide should be adopted for application on Federal-aid projects.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Additional Information: A Federal Register notice was published on 4/24/85 (50 FR 16103) outlining and explaining the procedural steps the FHWA would take to effectuate Federal adoption of the revised guide.

Analysis: Reg. Evaluation (Minimal impact) 04/00/86

Agency Contact: Leon Noel, Department of Transportation, Federal Highway Administration, 400 Seventh Street, NW, Washington, DC 20590, 202 426-0327

RIN: 2125-AA88

1826. HIGHWAY CONSTRUCTION OR ALTERATION NECESSITATED BY CONSTRUCTION OF WATER RESOURCES DEVELOPMENT PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 109(a); 23 USC 315; 23 USC 101(d)

CFR Citation: 23 CFR 620

Legal Deadline: None

Abstract: The proposed regulation would prescribe policies and procedures for the coordination of highway and water resources development projects; the financing of the alteration of highway on any of the Federal-aid highway systems made necessary by the construction of water resources development projects; and the financing of new highway construction through areas that may be inundated by proposed water resources development projects.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Additional Information: A 60 day comment period will be provided.

Analysis: Reg. Evaluation (Minimal impact) 04/00/86

Agency Contact: Daniel O'Connor, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 472-7690

RIN: 2125-AB04

1827. FEDERAL-AID PROGRAMS APPROVAL AND PROJECT AUTHORIZATION

Significance: Nonsignificant

Legal Authority: 23 USC 105; 23 USC 106; 23 USC 118; 23 USC 134; 23 USC 315

CFR Citation: 23 CFR 630

Legal Deadline: None

Abstract: This action addresses FHWA's programming and authorization policies and procedures for projects under the Federal-aid program. The purpose of this action will be to determine if revisions are warranted in order to improve overall management of the Federal-aid highway program.

Timetable:

Action	Date	FR Cite
ANPRM	08/03/84	49 FR 31079
NPRM	04/00/86	

Small Entity: Undetermined

Analysis: Reg. Evaluation (Minimal impact) 04/00/86

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0450

RIN: 2125-AB18

1828. RAILROAD-HIGHWAY PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 109(e); 23 USC 120(d); 23 USC 130; 23 USC 315; 23 USC 405

CFR Citation: 23 CFR 646

Legal Deadline: None

Abstract: The FHWA is proposing to amend its regulation prescribing policies and procedures for advancing Federal-aid and direct Federal highway projects involving railroad facilities. The proposed amendment will incorporate and clarify existing FHWA policy regarding participation with Federal-aid highway funds in providing specified horizontal and vertical clearances for railroad overpass and underpass structures at highways. Upon a review of comments received to the NPRM, it has been decided that a supplemental NPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	02/20/85	50 FR 7067
NPRM Comment Period End	04/22/85	
Supplemental NPRM	07/00/86	

Small Entity: No

Additional Information: A 60-day comment period is being provided.

Analysis: Regulatory Evaluation (min. impact) 02/20/85 (50 FR 7067)

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0450

RIN: 2125-AB25

1829. EQUAL EMPLOYMENT OPPORTUNITY ON FEDERAL AND FEDERAL-AID CONSTRUCTION CONTRACTS (INCLUDING SUPPORTIVE SERVICES)

Significance: Nonsignificant

Legal Authority: 23 USC 140; 23 USC 315

CFR Citation: 23 CFR 230A

Legal Deadline: None

Abstract: This revision will amend and update the existing policies and procedures relative to the equal employment opportunity program on Federal and Federal-aid highway construction contracts. In addition, this revision will amend the on-the-job (OJT) training special provisions and procedures for implementation of OJT supportive services programs to increase program effectiveness and address the current need for upgrading minorities and women in the skilled construction trades.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Undetermined

Analysis: Regulatory Evaluation (min. impact) 12/00/86

Agency Contact: B.B. Myers, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0392

RIN: 2125-AB27

1830. ● AGREEMENT PROVISIONS REGARDING OVERRUNS IN CONTRACT TIME

Significance: Nonsignificant

Legal Authority: 23 USC 101(a); 23 USC 104; 23 USC 109; 23 USC 110; 23 USC 113; 23 USC 115; 23 USC 120(f); 23 USC 121(c); 23 USC 125; 23 USC 315; 23 USC 320

CFR Citation: 23 CFR 630

Legal Deadline: None

Abstract: The revised regulations would require each State highway agency (SHA) to keep liquidated damage provisions current so that amounts recovered through contractor assessments would at a minimum cover SHA's average daily construction engineering cost attributable to the contract time overrun. The FHWA rate table presently in the regulation would be removed and the provisions for FHWA recovery of costs would be modified.

Timetable:

Action	Date	FR Cite
NPRM	03/18/86	51 FR 4217
NPRM Comment Period End	05/02/86	51 FR 4217
Final Action	08/00/86	

Small Entity: No

Analysis: Reg Evaluation (Minimal Impact) 04/00/86

Agency Contact: Bob B. Myers, Department of Transportation, Federal Highway Administration, 202 426-0392

RIN: 2125-AB49

1831. WRITTEN EXAMINATION

Significance: Nonsignificant

Legal Authority: 49 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 391.35

Legal Deadline: None

Abstract: This rulemaking action will be issued in order to implement section 206 of the Motor Carrier Safety Act of 1984. Section 206 requires the reissuance by the FHWA of regulations pertaining to commercial motor carrier safety. Options available to the FHWA regarding the requirement for a written examination for commercial vehicle drivers include (1) rescission of the requirement; (2) retaining the requirement and updating the questions; and, (3) revising the requirement to a pass/fail situation.

Timetable:

Action	Date	FR Cite
Initial ANPRM	03/04/82	47 FR 4256
ANPRM	01/23/85	50 FR 2998
Initial ANPRM Withdrawn	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	50 FR 2998
NPRM	07/00/86	

Small Entity: No

Additional Information: An initial ANPRM on the written examination was published on 3/4/82 (47 FR 4256). Pursuant to section 206 of the Motor Carrier Safety Act of 1984, which required the reissuance of the Federal Motor Carrier Safety Regulations, the initial ANPRM was withdrawn on 1/23/85 (50 FR 2998). Comments made to the initial ANPRM have been incorporated into this rulemaking action.

Analysis: Reg. Evaluation 07/00/86

Agency Contact: Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 755-1011

RIN: 2125-AA33

1832. RAILROAD GRADE CROSSINGS

Significance: Nonsignificant

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 392.10

Legal Deadline: None

Abstract: The FHWA is considering a revision that would make this Federal regulation more consistent with the Uniform Vehicle Code with respect to stopping requirements. No action is anticipated within the next 12 months.

Timetable:

Action	Date	FR Cite
ANPRM	11/18/82	47 FR 51904

Next Action Undetermined

Small Entity: No

Agency Contact: Joseph J. Fulnecky, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 755-1011

RIN: 2125-AA36

1833. ADMINISTRATION OF NEGOTIATED CONTRACTS

Significance: Nonsignificant

Legal Authority: 23 USC 315; 23 USC 104(f); 23 USC 114(a); 23 USC 307(c); 23 USC 402

CFR Citation: 23 CFR 172

Legal Deadline: None

Abstract: Revisions to the existing regulation will be made to update

minimum requirements and to conform to the new Federal acquisition regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Additional Information: A 60-day comment period will be provided.

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation (min. impact) 06/00/86

Agency Contact: Max Inman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0562

RIN: 2125-AB30

1834. HIGHWAY BEAUTIFICATION: OUTDOOR ADVERTISING: TECHNICAL AMENDMENT

Significance: Nonsignificant

Legal Authority: 23 USC 131; 23 USC 315

CFR Citation: 23 CFR 750

Legal Deadline: None

Abstract: The FHWA is proposing to amend its regulations in order to clarify existing FHWA policy that temporary political campaign signs and other signs, displays, and devices associated with Federal, State, or local elections may be permitted without violating the Highway Beautification Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: A 45-day public comment period will be provided.

Analysis: Regulatory Evaluation (min. impact) 10/00/85

Agency Contact: Edward V. A. Kussy, Department of Transportation, Federal Highway Administration, 700 Seventh Street, SW, Washington, DC 20590, 202 426-0791

RIN: 2125-AB32

1835. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

Significance: Routine and Frequent

Legal Authority: 23 USC 109(b); 23 USC 109(d); 23 USC 402(a)

CFR Citation: 23 CFR 655

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2. 12/00/86.

Timetable:

Action	Date	FR Cite
Total actions expected to end	12/00/86	

Small Entity: No

Analysis: Reg. Evaluation (Min. Impact) 12/00/86

Agency Contact: P. Russell, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0411

RIN: 2125-AA37

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Final Rule Stage

1836. + SPLASH/SPRAY SUPPRESSANT DEVICES ON TRUCK TRACTORS, SEMITRAILERS AND TRAILERS

Significance: Regulatory Program

Legal Authority: 49 USC 2314; 49 USC 3102; Section 414 of STAA of 1982

CFR Citation: 49 CFR 393

Legal Deadline: None

Abstract: Section 414 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424) states that Congress declares the visibility on wet roadways in the Interstate System should be improved by reducing splash and spray from truck tractors, semitrailers and trailers. Congress instructed the Secretary to establish, by regulation, minimum standards with respect to the performance and installation of splash and spray suppression devices on truck tractors, semitrailers and trailers. Further, Congress mandated that all vehicles in use 5 years from date of enactment be equipped with such devices. The revisions to 49 CFR 393 will implement this mandate. This rulemaking is considered significant because of its economic impact on the motor carrier industry.

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14630
Comment Period Extended	06/11/85	50 FR 24549
NPRM Comment Period End	08/12/85	50 FR 24549
Determination of Next Appropriate Action	12/00/86	

Small Entity: Yes

Additional Information: The public comment period was extended to 8/12/85 by a notice published on 6/11/85 (50 FR 24549).

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20591, 202 755-1011

RIN: 2125-AA84

1837. + TRUCK SIZE AND WEIGHT; INTERPRETATION AND POLICY STATEMENT; PROPOSED RULEMAKING

Significance: Regulatory Program

Legal Authority: 23 USC 315; PL 97-424, Sec 133; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413; PL 97-424, Sec 416

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: The FHWA is proposing to provide a statement of FHWA interpretation and policy addressing the size and weight provisions contained in the Tandem Truck Safety Act of 1984 (TTSA) which amended the Surface Transportation Assistance Act of 1982 (STAA). This action addresses (1) conditions under which segments of the National System of Interstate and Defense Highways may be deleted from the National Truck Network, (2) conditions affecting the designation of new routes on the Federal-Aid Primary System as part of the National Truck Network, and (3) new provisions for 102-inch wide 28 1/2-foot semi-trailers. The issue relative to the qualifications of highways previously designated with lane widths less than 12 feet is the subject of a separate rulemaking action. See "Nonsignificant Rulemakings" portion of agenda.

Timetable:

Action	Date	FR Cite
NPRM	09/18/85	50 FR 37970
NPRM Comment Period End	11/04/85	50 FR 37970
Final Action	04/00/86	

Small Entity: No

Additional Information: This action had previously been characterized as significant in the agenda. Upon further review, it has been determined that since this rulemaking proposes to technically amend the June 5, 1984, final rule on Truck Size and Weight and to finalize certain issues left unresolved, it is not considered significant. A Regulatory Impact Analysis has been prepared for the June 5 rulemaking and is available for inspection in the Headquarters office of FHWA, 400 Seventh Street, SW, Washington, D.C.

Analysis: Regulatory Evaluation 09/18/85 (50 FR 37970)

Agency Contact: Edwin E. Rugenstein, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-5370

RIN: 2125-AB28

1838. + TRUCK SIZE AND WEIGHT; AUTOMOBILE TRANSPORTERS

Significance: Regulatory Program

Legal Authority: 23 USC 315; PL 97-424, Sec 133; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413; PL 97-424, Sec 416

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: The FHWA is proposing revisions to certain provisions established by the final rule on truck size and weight published at 49 CFR 23302 on June 5, 1984. This action proposes: (1) a definition for an automobile-transporter; (2) a minimum 75-foot overall length for a stinger-steered automobile-transporter; (3) the allowance of triple saddlemount combinations with a minimum length of 65 feet; and, (4) no overall length limitations for conventional tractor-semitrailer automobile transporters when the semitrailer is 48 feet in length. The purpose of this rulemaking action is to clarify and further define certain issues contained in the June 5, 1984, final rule.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/84	49 FR 38956
ANPRM Comment Period End	11/17/84	49 FR 38956
NPRM	11/25/85	50 FR 48431
NPRM Comment Period End	01/09/86	50 FR 48431
Final Action	07/00/86	

Small Entity: No

Additional Information: A Regulatory Impact Analysis which had been prepared for the June 5, 1984, final rule on truck size and weight provisions is available for inspection in the Headquarters office of FHWA, 400 Seventh Street, SW, Washington, DC.

Analysis: Reg. Evaluation (Min. Impact) 11/25/85 (50 FR 48431)

Agency Contact: Edwin E. Rugenstein, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-5370

RIN: 2125-AB42

1839. + ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 4321 et seq; 23 USC 101 et seq; 49 USC 1601 et seq; 49 USC 303(c); 49 USC 303

CFR Citation: 23 CFR 771; 49 CFR 622; 23 CFR 790; 23 CFR 635.309; 23 CFR 640.107; 23 CFR 650.109; 23 CFR 712.204

Legal Deadline: None

Abstract: This regulation covers the preparation of environmental impact statements and related documents and compliance with other Federal environmental requirements under FHWA and UMTA grant programs. The changes are intended to streamline the project development process and provide increased decisionmaking authority to agency field offices. The amendments are significant because they involve important departmental policy. They are needed to reduce burdens associated with the environmental review process.

Timetable:

Action	Date	FR Cite
Notice and Request for Comments on Priority Review	04/13/81	46 FR 21620
NPRM	08/01/83	48 FR 34894
Final Action	04/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: A. Marner, UMTA (202) 426-0096.

Analysis: Regulatory Evaluation 08/01/83 (48 FR 34894)

Agency Contact: Fred Skaer, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0106

RIN: 2125-AA05

1840. HIGHWAY PLANNING PROGRAM ADMINISTRATION

Significance: Nonsignificant

Legal Authority: 23 USC 104; 23 USC 307; 23 USC 315

CFR Citation: 23 CFR 420, Subpart A; 23 CFR 450, Subpart C

Legal Deadline: None

Abstract: This revision to an existing regulation would reflect policy changes in management of the highway planning and research program, e.g., allowing separate projects for components of the program (urbanized area planning,

statewide planning, research and development), and applying matching rates to time periods rather than a fiscal year fund, etc. NPRM was published January 11, 1979 (44 FR 2400). As a result of comments received to the Docket, as well as internal coordination, FHWA is considering combining this regulation with 23 CFR Part 450, Subpart C, Metropolitan Planning Funds, since both deal with program administration. A revised NPRM combining parts 420 and 450 and incorporating requirements mandated by the Surface Transportation Assistance Act of 1982 was published on 3/28/85 (50 FR 12328).

Timetable:

Action	Date	FR Cite
NPRM	01/11/79	44 FR 2400
NPRM	03/28/85	50 FR 1238
NPRM Comment Period End	05/28/85	50 FR 1238
Final Action	04/00/86	

Small Entity: No

Additional Information: Docket No. 78-24. CFR CITATION: FHPM 4-1-2-1 and 4-4-7 also applies.

Analysis: Reg. Evaluation (Minimal impact) 03/28/85 (50 FR 12328)

Agency Contact: Barna Juhasz, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0175

RIN: 2125-AA10

1841. USE AND DISPOSITION OF PROPERTY PREVIOUSLY ACQUIRED BY STATES FOR WITHDRAWN INTERSTATE SEGMENTS

Significance: Nonsignificant

Legal Authority: 23 USC 103(e)(5)(6); PL 96-106, Sec 2(c)

CFR Citation: 23 CFR 480

Legal Deadline: None

Abstract: Federal Highway Administration regulations in 23 CFR Part 480 prescribe the circumstances under which states must repay the Federal Government for the Federal contribution to the purchase of property for Interstate highway projects that are later withdrawn. Congress, in Public Law 96-106, amended 23 U.S.C. 103(e) to change the circumstances under which repayment must be made. This revision to an existing regulation would incorporate the legislative changes in 23 CFR Part 480, and narrows the scope of the regulation by eliminating situations other than Interstate withdrawals from its coverage.

Timetable:

Action	Date	FR Cite
NPRM	11/20/80	45 FR 76705
NPRM	09/20/85	50 FR 38130
NPRM Comment Period End	11/19/85	50 FR 38130
Final Action	04/00/86	

Small Entity: No

Additional Information: This regulation was formerly titled Review: Payback Regulation Amendments.

Analysis: Reg. Evaluation (Minimal impact) 09/20/85 (50 FR 38130)

Agency Contact: C. L. Shufflebarger, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0404

RIN: 2125-AA11

1842. EMERGENCY RELIEF

Significance: Nonsignificant

Legal Authority: 23 USC 101; 23 USC 120(f); 23 USC 315; 42 USC 5155

CFR Citation: 23 CFR 668

Legal Deadline: None

Abstract: This rulemaking will revise procedures for the administration of emergency funds for the repair or reconstruction of Federal-aid highways, which are found to have suffered serious damage by natural disasters over a wide area or catastrophic failures. These revisions will improve the effectiveness of program implementation.

Timetable:

Action	Date	FR Cite
NPRM	09/17/85	50 FR 37688
NPRM Comment Period End	12/16/85	50 FR 37688
Final Action	04/00/86	

Small Entity: No

Additional Information: This rulemaking resulted from a review of the regulation (RIN 2125-AA50).

Analysis: Reg. Evaluation (Minimal impact) 09/17/85 (50 FR 37688)

Agency Contact: J. A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0450

RIN: 2125-AA50

1843. ACCELERATION OF PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 140; 23 USC 315; Surface Transportation Assistance Act of 1982, Sec. 129

CFR Citation: 23 CFR 630

Legal Deadline: None

Abstract: This revision would expedite the processing of Federal-aid highways projects by promoting wider use of the findings and recommendations of the demonstration project carried out under section 141 of the 1976 Federal-Aid Highway Act. This action is also being taken pursuant to section 129 of the Surface Transportation Assistance Act of 1982.

Timetable:

Action	Date	FR Cite
ANPRM	08/26/83	48 FR 38854
ANPRM Comment Period End	11/25/83	48 FR 57330
To be withdrawn	04/00/86	

Small Entity: No

Additional Information: Additional Information: An interim policy statement was published 6/6/83 (48 FR 25181) to implement acceleration methods for selected projects within existing regulations. Initially, FHWA had considered issuing a new regulation as a vehicle for accelerating Federal-aid projects pursuant to Section 129 of the STAA of 1982. However, it has been determined that the objectives of Section 129 can be best implemented by revisions to existing regulations. Therefore, separate regulations will not be issued regarding the acceleration program. This approach received the concurrence of Deputy Administrator Lamm on April 11, 1984. This regulation will be withdrawn.

Analysis: Reg. Evaluation (Minimal impact) 08/26/83 (48 FR 38854)

DOT—FHWA

Final Rule Stage

Agency Contact: S. M. Silence, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0334

RIN: 2125-AA87

1844. EROSION AND SEDIMENT CONTROL ON HIGHWAY CONSTRUCTION PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 109(g); 23 USC 315; 23 USC 109(h); 33 USC 1323

CFR Citation: 23 CFR 650

Legal Deadline: None

Abstract: The proposed regulation will adopt AASHTO Guide Specifications for water pollution control. It has been determined that AASHTO Specifications are adequate and appropriate for managing and enforcing erosion and sediment control activities on Federal-aid projects.

Timetable:

Action	Date	FR Cite
NPRM	01/18/85	50 FR 2694
NPRM Comment Period End	03/18/85	
Final Action	05/00/86	

Small Entity: No

Additional Information: A 60 day comment period will be provided.

Analysis: Reg. Evaluation (Minimal impact) 01/18/85 (50 FR 2694)

Agency Contact: Daniel S. O'Connor, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 472-7690

RIN: 2125-AB05

1845. NAVIGATIONAL CLEARANCES FOR BRIDGES

Significance: Nonsignificant

Legal Authority: 23 USC 144(h); 23 USC 315; 33 USC 401; 33 USC 491; 33 USC 511; 33 USC 525; 33 USC 535

CFR Citation: 23 CFR 650

Legal Deadline: None

Abstract: The proposed regulation would establish FHWA policy and would set forth coordination procedures for Federal-aid highway bridges which require navigational clearances.

Timetable:

Action	Date	FR Cite
NPRM	04/11/85	50 FR 14251
NPRM Comment Period End	07/11/85	50 FR 14251
Final Action	04/00/86	

Small Entity: No

Additional Information: A 90 day comment period was provided.

Analysis: Reg. Evaluation (Minimal impact) 04/11/85 (50 FR 14251)

Agency Contact: Philip Thompson, Hydraulics Engineer, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7690

RIN: 2125-AB07

1846. EQUAL EMPLOYMENT OPPORTUNITY ON FEDERAL AND FEDERAL-AID CONSTRUCTION CONTRACTS (INCLUDING SUPPORTIVE SERVICES); REPORT REQUIREMENTS

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: The FHWA is amending its regulation on recordkeeping and reporting requirements for on-the-job training on Federal-aid construction contracts. The revised regulation would no longer require contractors to submit the Federal-Aid Highway Construction Contractor's Semi-Annual Training Report (OMB No. 2125-0021) and would no longer require State Highway Agencies to complete and submit the Federal-Aid Highway Construction Semi-Annual Training Report (OMB No. 2125-0021). In addition, the specific recordkeeping requirement and documentation of contractor performance under the training special provision would be eliminated. The revisions are being proposed as a result of an effort to carry out an internal Cost Avoidance, Reduction, Efficiency, and Effectiveness (CARE) program.

Timetable:

Action	Date	FR Cite
NPRM	11/22/82	47 FR 52470
NPRM Comment Period End	12/22/82	47 FR 52470
Final Action	11/00/86	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 11/22/82 (47 FR 52470)

Agency Contact: B.B. Myers, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0392

RIN: 2125-AB15

1847. REQUIRED CONTRACT PROVISIONS

Significance: Nonsignificant

Legal Authority: 23 USC 114; 23 USC 315

CFR Citation: 23 CFR 633

Legal Deadline: None

Abstract: This revision will update the existing regulation by including in the required contract provisions new labor standard provisions issued by the Department of Labor, disadvantaged business requirements issued by the Department of Transportation, changes in subcontracting requirements previously issued by FHWA and contract termination provisions issued by Office of Management and Budget.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/86	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 04/00/86

Agency Contact: B.B. Myers, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0392

RIN: 2125-AB20

1848. CONTRACT PROCEDURES; ADVERTISING FOR BIDS; NONCOLLUSION AFFIDAVIT

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 315

CFR Citation: 23 CFR 635

Legal Deadline: None

Abstract: The revisions would require all persons submitting bids on a Federal-aid highway project to submit with the bid an affidavit on non-collusion. The submission of an affidavit of non-collusion will serve to

notify bidders that collusion on bidding is a violation of law and will serve in a court or administrative hearing as evidence of intent when other evidence that demonstrates the act of collusion is presented.

Timetable:

Action	Date	FR Cite
NPRM	03/27/85	50 FR 12037
NPRM Comment Period End	05/28/85	50 FR 12037
Final Action	04/00/86	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 03/27/85 (50 FR 12037)

Agency Contact: Mr. Hugh T. O'Reilly, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0780

RIN: 2125-AB21

1849. SAMPLES AND TESTING OF MATERIALS AND CONSTRUCTION

Significance: Nonsignificant

Legal Authority: 23 USC 114; 23 USC 204; 23 USC 206; 23 USC 209; 23 USC 210; 23 USC 315

CFR Citation: 23 CFR 637

Legal Deadline: None

Abstract: The FHWA is proposing to provide a more effective policy and procedure with regard to sampling and testing of materials and construction in Federal-aid highway projects. The amendments will clarify requirements and provide additional guidance in the areas of acceptance sampling and testing laboratory inspection programs and material certifications.

Timetable:

Action	Date	FR Cite
NPRM	09/20/85	50 FR 38136
NPRM Comment Period End	11/04/85	50 FR 38136
Final Action	08/00/86	

Small Entity: No

Analysis: Regulatory Evaluation (min. impact) 09/20/85 (50 FR 38136)

Agency Contact: B.B. Myers, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0392

RIN: 2125-AB31

1850. LABOR AND EMPLOYMENT

Significance: Nonsignificant

Legal Authority: 23 USC 113; 23 USC 315

CFR Citation: 23 CFR 635

Legal Deadline: None

Abstract: This amendment would revise the existing regulation prescribing the inclusion of prevailing wage rates determined by the Secretary of Labor in advertisements and contracts for Federal-aid highway projects. The proposed amendment would preclude the payment of Federal-aid funds for the excess labor costs due to State prevailing wage rates which are higher than those determined by the Department of Labor on Federal-aid projects.

Timetable:

Action	Date	FR Cite
NPRM	09/27/85	50 FR 30137
NPRM Comment Period End	11/12/85	50 FR 30137
Final Action	04/00/86	

Small Entity: No

Analysis: Reg. Evaluation (minimal impact) 04/00/86

Agency Contact: Hugh T. O'Reilly, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0780

RIN: 2125-AB37

1851. ● DESIGN STANDARDS FOR HIGHWAYS; TECHNICAL AMENDMENTS

Significance: Nonsignificant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625; 23 CFR 655

Legal Deadline: None

Abstract: The FWHA is updating the list of publications which are incorporated by reference in 23 CFR Part 625 for application on Federal-aid projects. This list includes citations to publications containing standards, specifications, policies, guides, and references which are approved for application in the geometric and structural design of federally funded highways. The revisions amend the regulations by (1) updating citations to reflect current publication dates and titles; (2) removing obsolete references; (3) relocating references to the appropriate section; (4) correcting references to incorporate prior rulemaking actions; and (5) redesignating and adding certain publications that contain guidance and informational material to a new section. While the revisions are nonsubstantive in nature, they will serve to clarify existing rule which was last completely updated in 1978.

Timetable:

Action	Date	FR Cite
Final Action	05/00/86	

Small Entity: No

Analysis: Reg Evaluation (Minimal Impact) 05/00/86

Agency Contact: Mr. Seppo I. Sillan, Department of Transportation, Federal Highway Administration, 202 426-0312

RIN: 2125-AB47

1852. COMPLIANCE WITH MOTOR CARRIER NOISE STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 325

Legal Deadline: None

Abstract: The FHWA is considering amending the noise emission standards to add a new minimum distance of 31 feet from which to measure highway noise. FHWA is also considering eliminating the correction factor which allowed a variance for noise tests taken at hard sites, e.g., asphalt, compared to those taken at soft sites, e.g. grassy areas.

Timetable:

Action	Date	FR Cite
NPRM	04/03/80	45 FR 22120

Next Action Undetermined

Small Entity: No

Agency Contact: Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 755-1011

RIN: 2125-AA27

1853. ● QUALIFICATION OF DRIVERS; DRUGS

Significance: Nonsignificant

DOT—FHWA

Final Rule Stage

Legal Authority: 49 USC 3102; 49 USC App 2505

CFR Citation: 49 CFR 391

Legal Deadline: None

Abstract: This rulemaking action will amend the Federal Motor Carrier Safety Regulations (FMCSR) by revising the prohibitive language of the nonalcoholic drug medical standard for interstate or foreign commerce drivers. The revisions would prohibit the use of certain nonalcoholic drugs whereas the current rule prohibits the driver from having a current clinical diagnosis of drug dependence. The change is being proposed because the present language could allow known drug users to continue to drive commercial motor vehicles in spite of the knowledge of their drug use.

Timetable:

Action	Date	FR Cite
NPRM	10/01/85	50 FR 40040
NPRM Comment Period End	10/31/85	50 FR 40040
Final Action	03/00/86	

Small Entity: No

Analysis: Reg Evaluation (Minimal Impact) 10/01/85 (50 FR 40040)

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, **202 755-1011**

RIN: 2125-AB52

1854. TRANSFER OF FEDERAL-AID HIGHWAY FUNDS

Significance: Nonsignificant

Legal Authority: Surface Transportation Assistance Act of 1982, Sec. 116

CFR Citation: 23 CFR 160, Subpart A; 23 CFR 160, Subpart B; 23 CFR 160, Subpart C

Legal Deadline: None

Abstract: This regulation revision will reflect the required statutory changes included in section 116 of the STAA of 1982 regarding the transfer of Interstate construction funds.

Timetable:

Action	Date	FR Cite
Final Action	10/00/86	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 10/00/86

Agency Contact: Larry C. Hanna, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0674**

RIN: 2125-AA64

1855. FEDERAL-AID HIGHWAY PROGRAMS: STATE INTERNAL AUDIT RESPONSIBILITIES

Significance: Nonsignificant

Legal Authority: PL 98-502 Single Audit Act of 1984; 23 USC 315

CFR Citation: 23 CFR 12

Legal Deadline: None

Abstract: Revisions to the existing regulation will be made to comply with the requirements of P.L. 98-502, the Single Audit Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	10/24/85	50 FR 43233
NPRM Comment Period End	10/24/85	50 FR 43233
Final Action	04/00/86	

Small Entity: No

Additional Information: A 60-day comment period will be provided.

Analysis: Regulatory Evaluation (min. impact) 10/24/85 (50 FR 43233)

Agency Contact: Max Inman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0562**

RIN: 2125-AB29

1856. CERTIFICATION OF ENFORCEMENT OF HEAVY VEHICLE USE TAX

Significance: Nonsignificant

Legal Authority: 23 USC 141(d); 23 USC 315

CFR Citation: 23 CFR 669

Legal Deadline: None

Abstract: This final rule establishes procedures to be followed by each State for certifying that it is obtaining proof of payment of the heavy vehicle use tax imposed by section 4481 of the Internal Revenue Code of 1954, as amended, before such vehicles are lawfully registered in the State.

Timetable:

Action	Date	FR Cite
Final Action	04/00/86	

Small Entity: No

Additional Information: A 45-day public comment period will be provided.

Analysis: Regulatory Evaluation (min. impact) 04/00/86

Agency Contact: Thomas R. Weeks, Chief, Highway Users and Funding Division, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0170**

RIN: 2125-AB36

1857. PUBLIC HEARINGS AND LOCATION DESIGN APPROVAL

Significance: Nonsignificant

Legal Authority: 23 USC 101 et seq; 23 USC 109(h); 23 USC 128; 23 USC 315; 49 USC 1651; 49 USC 1657(e)(1)

CFR Citation: 23 CFR 790; 23 CFR 771.111(h); 23 CFR 635.309; 23 CFR 650.109

Legal Deadline: None

Abstract: The existing regulation contains duplicative provisions that are contained in 23 CFR 771. The rescission of 23 CFR 790 will simplify and consolidate project development processes preceding PS & E (Plans, Specifications, and Estimates) under the NEPA process and will consolidate requirements for public hearings in a single regulation. This rulemaking action will be combined with RIN #2125-AA05 for clarity.

Timetable:

Action	Date	FR Cite
NPRM	01/31/85	50 FR 4525
NPRM Comment Period End	03/04/85	50 FR 4525
Final Action	04/00/86	

Small Entity: No

Analysis: Reg. Evaluation 01/31/85 (50 FR 4525)

Agency Contact: Florence Mills, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0303**

RIN: 2125-AB09

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Completed Actions

1858. + NOTIFICATION, REPORTING AND RECORDING OF ACCIDENTS

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 394

Legal Deadline: Statutory, April 30, 1986

Abstract: The revision deals primarily with revising the truck and bus accident report forms. Being considered are (1) the consolidation of both forms into one, (2) reducing the number of copies to be filed and (3) raising the reporting threshold from the present $2,000 to a higher figure. The NPRM issued on 1/16/84 (49 FR 1912) has been withdrawn pursuant to section 206 of the Motor Carrier Safety Act of 1984. Section 206 requires the reissuance of regulations concerning commercial motor vehicle safety by April 30, 1986. The comments received in response to the NPRM will be incorporated into this rulemaking action.

Timetable:

Action	Date	FR Cite
Initial NPRM	01/16/84	49 FR 1912
ANPRM	01/23/85	50 FR 2998
Initial NPRM Withdrawn	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	50 FR 2998
Final Action Effective	01/00/86	51 FR 6121
Final Action	02/20/86	51 FR 6121

Small Entity: No

Additional Information: The ANPRM on Accident Report published on 1/16/84 (49 FR 1912) was formally withdrawn by notice published 1/23/85 (50 FR 2998). This action was taken pursuant to section 206 of the Motor Carrier Safety Act of 1984. A second NPRM is scheduled to be published in October 1985.

Analysis: Reg. Evaluation 10/00/85

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 755-1011

RIN: 2125-AA35

1859. + OUTDOOR ADVERTISING CONTROL AND ACQUISITION

Significance: Agency Priority

Legal Authority: 23 USC 131; 23 USC 148; 23 USC 315

CFR Citation: 23 CFR 750, Subpart G

Legal Deadline: None

Abstract: This amendment would have provided a definition of "effective control" of outdoor advertising as required by 23 U.S.C. 131. It would also have set further requirements for signs exempt from control under the statute and established the basic framework for State development of police power regulations and procedures. This action is being terminated because after a further review, it has been determined that no further regulatory action is necessary. Any future rulemaking actions will depend on the results of current legislative initiatives to revise the Highway Beautification Act.

Timetable:

Action	Date	FR Cite
Action Terminated	12/27/85	

Small Entity: No

Agency Contact: Robert Harter, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0142

RIN: 2125-AA04

1860. SKID ACCIDENT REDUCTION PROGRAM

Significance: Nonsignificant

Legal Authority: 23 USC 109(a)(b)(c); 23 USC 315; 23 USC 401; 23 USC 402; 49 USC 1655

CFR Citation: 23 CFR 626; 23 CFR 1204

Legal Deadline: None

Abstract: The FHWA issued an ANPRM to solicit comments on the adequacy of the current policy on skid accident reduction. Comments were also requested on several specific issues raised concerning the current policy. Twenty-nine formal replies were received including twenty-two from State highway agencies. The FHWA has completed field reviews of the effectiveness of skid accident reduction programs in selected States. Based on comments received to the public docket and a further review of current programs, it has been determined that new regulations are unnecessary. Therefore, the ANPRM issued on 5/25/84 (49 FR 22105) has been withdrawn. (01/13/86; 51 FR 1389).

Timetable:

Action	Date	FR Cite
ANPRM	05/25/84	49 FR 22105
ANPRM Comment Period End	09/25/84	49 FR 22105
Withdrawn	01/13/86	51 FR 1389

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 01/00/86

Agency Contact: Leon Noel, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0327

RIN: 2125-AA90

1861. MASS TRANSIT AND SPECIAL USE HIGHWAY PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 137 (Sec 118 of STAA); 23 USC 142 (Sec 120 of STAA); 23 USC 146 (Sec 163 of STAA); 23 USC 149; 23 USC 315

CFR Citation: 23 CFR 810

Legal Deadline: None

Abstract: The existing regulation has been revised to incorporate statutory changes mandated by the Surface Transportation Assistance Act of 1982 (STAA) and to make other revisions to update references to other regulations or statutes and to reflect administrative changes. The revisions provide the basic criteria for determining whether mass transit and special use highway projects are eligible for Federal-aid funding under 23 USC 137, 142, and 149. This rulemaking consolidates previous projected rulemakings under the headings Fringe and Corridor Parking and High Occupancy Lanes.

Timetable:

Action	Date	FR Cite
NPRM	04/26/84	49 FR 17968
NPRM Comment Period End	06/25/84	49 FR 17969
Final Action	08/22/85	50 FR 33915
Final Action Effective	09/22/85	50 FR 33915

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: George Schoener, (202) 426-0210.

Analysis: Reg. Evaluation (Minimal impact) 08/22/85 (50 FR 33915)

Agency Contact: James Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0450

RIN: 2125-AB01

1862. PARTICIPATION IN CONTRACT CLAIM AWARDS AND SETTLEMENTS

Significance: Nonsignificant

Legal Authority: 23 USC 110; 23 USC 120; 23 USC 315

CFR Citation: 23 CFR 635

Legal Deadline: None

Abstract: The revisions address the extent to which Federal-aid highway funds may participate in awards and settlements of Federal-aid highway contract claims brought by private contractors against State Highway Agencies. The revisions clarify the existing regulation by specifying more definitive criteria in determining eligibility for participation. It is anticipated that the revised regulation would enable State Highway Agencies to submit more specific information supporting their requests for participation determinations more consistent State-to-State.

Timetable:

Action	Date	FR Cite
NPRM	03/27/84	49 FR 11678
NPRM Comment Period End	07/30/84	49 FR 23663
Final Action	10/16/85	50 FR 41882
Final Action Effective	11/15/85	50 FR 41882

Small Entity: No

Additional Information: Docket No. 84-3

Analysis: Reg. Evaluation (Minimal impact) 10/16/85 (50 FR 41882)

Agency Contact: B. B. Myers, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0392

RIN: 2125-AB02

1863. SUPPORTIVE SERVICES FOR DISADVANTAGED AND WOMEN BUSINESS ENTERPRISES

Significance: Nonsignificant

Legal Authority: 23 USC 140; 23 USC 101; 23 USC 304; 23 USC 315

CFR Citation: 23 CFR 230

Legal Deadline: None

Abstract: This regulation prescribes procedures for supportive services programs to provide training and assistance to minority, disadvantaged and women business enterprises in Federal-aid highway contracting activities. It implements the statutory provisions of Section 119(b) of the Surface Transportation Assistance Act of 1982.

Timetable:

Action	Date	FR Cite
Final Action	12/16/85	50 FR 51242
Final Action Effective	12/16/85	50 FR 51242

Small Entity: Undetermined

Additional Information: The FHWA has opened a public docket (85-32) and invites comments on the procedures adopted in the regulation for program implementation.

Analysis: Reg. Evaluation (Minimal impact) 12/16/85 (50 FR 51242)

Agency Contact: B.B. Myers, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0392

RIN: 2125-AB19

1864. THE ACQUISITION FUNCTION

Significance: Nonsignificant

Legal Authority: 42 USC 4633; 42 USC 4651 to 4655; 23 USC 315; 23 USC 323; 42 USC 2000d-l

CFR Citation: 23 CFR 710; 23 CFR 712; 23 CFR 713; 23 CFR 720

Legal Deadline: None

Abstract: On March 5, 1985 (50 FR 8955), the Department of Transportation issued a final rule which prescribed uniform departmental procedures for compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601 et seq.) (Uniform Act). This rulemaking action will rescind FHWA's regulations which have been superseded by the DOT regulations of 3/5/85.

Timetable:

Action	Date	FR Cite
Final Action Effective	07/03/85	50 FR 34091
Final Action Rescission	08/23/85	50 FR 34091

Small Entity: No

Analysis: Reg. Evaluation (Minimal Impact) 08/23/85 (50 FR 34091)

Agency Contact: Douglas A. Wubbels, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0142

RIN: 2125-AA23

1865. RELOCATION ASSISTANCE

Significance: Nonsignificant

Legal Authority: 42 USC 4601 et seq; 23 USC 315

CFR Citation: 23 CFR 740

Legal Deadline: None

Abstract: This revision would reduce Federal requirements related to the relocation assistance program. On March 5, 1985 (50 FR 8955), the Department of Transportation issued a final rule which prescribed uniform departmental procedures for compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601 et seq.) (Uniform Act). This rulemaking action will rescind FHWA's regulations which have been superseded by the DOT regulations of 3/5/85.

Timetable:

Action	Date	FR Cite
Final Action Effective	07/03/85	50 FR 34091
Final Action Rescission	08/23/85	50 FR 34091

Small Entity: No

Analysis: Reg. Evaluation (Min. Impact) 08/23/85 (50 FR 34091)

Agency Contact: Robert J. Moore, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0116

RIN: 2125-AA81

DOT—FHWA

Completed Actions

1866. RELOCATION ASSISTANCE-MOVING PAYMENTS-MOVING EXPENSE SCHEDULES

Significance: Routine and Frequent

Legal Authority: 42 USC 4601 et seq; 23 USC 315

CFR Citation: 49 CFR 25

Legal Deadline: None

Abstract: By notice published on January 14, 1986, at 51 FR 1591 and under the authority on 42 U.S.C. 4601 et seq. and 23 U.S.C. 315, the moving expense schedules will henceforth be published in the form of Federal Register notices.

Timetable:

Action	Date	FR Cite
Final Action	01/14/86	51 FR 1591
Action Terminated		

Small Entity: No

Agency Contact: Gerald Starkweather, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0117

RIN: 2125-AA38

[FR Doc. 86-9639 Filed 04-18-86; 8:45 am]

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DEPARTMENT OF TRANSPORTATION (DOT)

National Highway Traffic Safety Administration (NHTSA)

Prerule Stage

1867. + REVIEW: UNIFORM TIRE QUALITY GRADING

Significance: Regulatory Program

Legal Authority: 15 USC 1423

CFR Citation: 49 CFR 575

Legal Deadline: None

Abstract: This regulation requires that tires be graded in three areas of performance: treadwear, traction, and temperature resistance. The information is to be molded on tire sidewalls, provided on a removable paper label, and published in the vehicle manufacturer's consumer information booklet. The evaluation is to determine to what degree the information is used, how it is used, and the cost of providing grading information.

Timetable:

Action	Date	FR Cite
Begin Review	02/00/86	
End Review	02/00/87	

Small Entity: Undetermined

Agency Contact: Frank G. Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, NNP-10, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1574

RIN: 2127-AB77

1868. ● + REVIEW: IMPACT PROTECTION FOR THE DRIVER FROM THE STEERING CONTROL SYSTEM

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.203

Legal Deadline: None

Abstract: This review involves detailed quantitative analysis of factors limiting the performance of energy-absorbing steering assemblies in cars and an evaluation of the assemblies' fatality and injury reduction in light trucks.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/86	
End Review	12/31/87	

Small Entity: Undetermined

Agency Contact: Frank G. Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, NNP-10, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1574

RIN: 2127-AB78

1869. + REVIEW: CHILD SEATING SYSTEMS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.213

Legal Deadline: None

Abstract: This regulation was selected for review because of public interest.

Timetable:

Action	Date	FR Cite
Begin Review	11/00/84	
End Review	12/31/85	
Next Action Undetermined		

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1574

RIN: 2127-AA70

1870. ● + LIGHTING SIMPLIFICATION--POTENTIAL AMENDMENTS TO SIMPLIFY FMVSS 108 LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Proposes a comprehensive review of headlighting requirements of FMVSS No. 108 which may be simplified, while being consistent with motor vehicle safety. The agency has concentrated its efforts into five principal areas. The first is the feasibility of a standard directed toward on-board original equipment headlighting performance rather than toward performance of individual aftermarket headlamps in a laboratory environment. The second is the desirability of specifications for headlamp life. The third concerns the necessity of dimensional specifications for headlamp equipment. The fourth is the issue of headlamp aim. The fifth is the elimination of obsolete photometric requirements.

DOT—NHTSA **Prerule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	10/22/85	50 FR 42735
ANPRM Comment Period End	03/06/86	51 FR 1542
NPRM	12/00/86	

Small Entity: Undetermined

Additional Information: Docket No. 85-15, Notice 1.

Docket No. 85-15, Notice 2.

Federal Register Notice (51 FR 1542) extends comments period from a closing date of Jan. 21, 1986 to March 6, 1986.

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB87

1871. ● + SIDE IMPACT PROTECTION HEAD/NECK PROTECTION AND OCCUPANT EJECTION MITIGATION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.214

Legal Deadline: None

Abstract: Would propose amending the current standard to include head/neck protection and to mitigate ejection through side windows and doors.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/86	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB85

1872. REVIEW: LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 25 USC 1392; 25 USC 1401; 25 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: The standard requires passenger cars sold after Oct. 1, 1985 to be equipped with center high-mounted stop lamps. The evaluation will determine the reduction of rear-impact collisions that occurs after the lamps are introduced in the vehicle fleet, as well as the cost of the lamps.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/85	
Preliminary Report	01/01/87	
Interim Report	01/01/88	
End Review	10/01/89	

Small Entity: Undetermined

Agency Contact: Frank G. Ephraim, Director, Office of Standards Evalution, Department of Transportation, National Highway Traffic Safety Administration, NPP-10, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1574**

RIN: 2127-AB76

1873. OCCUPANT PROTECTION IN INTERIOR IMPACT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.201

Legal Deadline: None

Abstract: This standard, which is applicable to passenger cars, light trucks and buses, and multi-purpose passenger vehicles, includes requirements for padded instrument panels, seat backs, sun visors and arm rests. Its purpose is to provide impact protection for occupants. This regulation was selected for review because of costs, safety benefits and public interest.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	12/00/86	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1574**

RIN: 2127-AB16

1874. SEATING SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.207

Legal Deadline: None

Abstract: This regulation was selected for review because of costs.

Timetable:

Action	Date	FR Cite
Begin Review	05/00/86	
End Review	10/00/86	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1574**

RIN: 2127-AA69

1875. SCHOOL BUS SEATING SYSTEM

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.222

Legal Deadline: None

Abstract: This regulation was selected for review because of public interest.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/85	
End Review	06/00/86	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1574**

RIN: 2127-AA65

1876. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 301 - FUEL SYSTEM INTEGRITY

Significance: Nonsignificant

Legal Authority: EO 12291

CFR Citation: 49 CFR 571.301

Legal Deadline: None

Abstract: This standard, which is applicable to passenger cars, light trucks, and school buses, specifies requirements for the integrity of motor vehicle fuel systems. The purpose of the standard is to reduce deaths and injuries caused by fires which result from fuel spillage or after motor vehicle

crashes. This evaluation follows up and expands on a prior study on passenger cars which showed that while the regulation was effective in preventing deaths and injuries, the incidence of crash fires appeared to be increasing. This evaluation will also provide the initial assessment of the regulation as it applies to light trucks. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Act Review is not required. The rule will still be reviewed as a priority review item. Subsequent to completion of the study and provision for public comment, the Agency will consider whether changes should be made in the standard's requirements.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/85	
End Review	06/00/86	

Small Entity: No

Agency Contact: Frank Ephraim, Director, Office of Program Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1574

RIN: 2127-AB43

DEPARTMENT OF TRANSPORTATION (DOT)

National Highway Traffic Safety Administration (NHTSA)

Proposed Rule Stage

1877. + REVIEW: SIDE DOOR STRENGTH

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.214

Legal Deadline: None

Abstract: This regulation provides minimum standards for side door crash resistance for passenger cars under static test conditions. NHTSA estimates that the standard saves 2,800 lives and averts 7,000 injuries a year. A recurring cost of $300 million (an additional cost of $38 per vehicle) is associated with the requirement. An initial review of this regulation, originally promulgated in 1974, was completed in 1979.

Timetable:

Action	Date	FR Cite
Comments docketed		
Evaluation Report published	12/06/82	47 FR 54839

Next Action Undetermined

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1574

RIN: 2127-AA59

1878. + REVIEW: UNIFORM TIRE QUALITY GRADING

Significance: Regulatory Program

Legal Authority: 15 USC 1423

CFR Citation: 49 CFR 575

Legal Deadline: None

Abstract: Would include rolling resistance for tires as a substitute for top temperature resistance grade in the Uniform Tire Quality Grading Standards.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Robert Shelton, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0846

RIN: 2127-AA52

1879. + COMMERCIAL VEHICLE CONSPICUITY

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Would improve the conspicuity of commercial vehicles by establishing in FMVSS 108 performance requirements for the total lighting and marking system of commercial vehicles (excluding headlights).

Timetable:

Action	Date	FR Cite
ANPRM	05/27/80	45 FR 35405

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 80-9.

Research underway.

Analysis: Regulatory Flexibility Analysis

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA12

1880. ● + SIDE IMPACT PROTECTION: THORAX PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.214

Legal Deadline: None

Abstract: Would propose amending the current standard to upgrade thoracic protection in passenger car side impacts.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Undetermined

DOT—NHTSA **Proposed Rule Stage**

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB86

1881. ● + INSURER REPORTING REQUIREMENTS (THEFT PREVENTION STANDARD)

Significance: Regulatory Program

Legal Authority: 15 USC 2032

CFR Citation: 49 CFR 544

Legal Deadline: Statutory. First annual reports required to be filed with agency by 10/24/86.

Abstract: As required by Title VI of the Cost Savings Act, insurance companies will be required to file annual reports with NHTSA. These reports are intended to develop information that will help prevent or discourage the theft of motor vehicles, prevent or discourage the sale and distribution in interstate commerce of parts removed from stolen vehicles, and help reduce the cost to consumers for comprehensive insurance coverage for motor vehicles.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
NPRM Comment Period End	05/00/86	

Small Entity: Undetermined

Agency Contact: Charles Gauthier, Department of Transportation, National Highway Traffic Safety Administration, NRM-22, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1740**

RIN: 2127-AB82

1882. + ANTHROPOMORPHIC TEST DUMMIES

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: Would provide performance criteria for the adult surrogate dummies which would be required in dynamic testing of vehicles if Standard 214, Side Door Strength, is upgraded.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA48

1883. + SPLASH AND SPRAY SUPPRESSION DEVICES

Significance: Regulatory Program

Legal Authority: 49 USC 2314

CFR Citation: 49 CFR 583

Legal Deadline: Statutory. Standard for new vehicles is now required to take effect one year after final rule is published.

Abstract: In accordance with the mandate of section 414 of the Surface Transportation Assistance Act of 1982, would establish minimum standards with respect to the performance of splash and spray suppression devices on truck tractors, semitrailers and trailers. Would also establish minimum standards with respect to the installation of splash and spray suppression devices on new vehicles. This regulation is significant because it is potentially controversial.

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14632
NPRM Comment Period Extended	02/13/86	51 FR 5383
NPRM Comment Period End	04/14/86	51 FR 5383
Determination of Next Appropriate Action	12/00/86	

Small Entity: Yes

Additional Information: NHTSA's rulemaking would only affect new vehicles and equipment. However, section 414 of the Surface Transportation Assistance Act also mandates that the Department of Transportation establish minimum standards with respect to the installation of splash and spray devices for vehicles already in service. The Federal Highway Administration will conduct the rulemaking to satisfy that mandate. The Federal Highway Administration has classified its rulemaking as major. The costs of that rulemaking are expected to be much greater than NHTSA's rulemaking since (1) the population of vehicles in service is many times the annual production of new trucks, (2) a truck manufacturer will pay less per unit for each splash and spray suppression device when ordered in large quantities, and (3) the labor time to install the devices is far less for a new truck manufacturer, since it can be done at the assembly plant. In 1984, the Surface Transportation Assistance Act was amended to change the implementation date from 1/1/85, for new vehicles and 1/1/88, for vehicles in service, to one year after publication of the Final Rule for new vehicles & 3 years later for vehicles in service.

Analysis: Preliminary Regulatory Evaluation 04/12/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA97

1884. + HEAVY TRAILER STABILITY

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is proposing a new regulation to add a requirement that 102-inch wide trailers be equipped with axle tracks having a minimum axle width of 77 inches. An advanced notice of proposed rulemaking seeking comments on the safety issue raised by the petition was published on May 22, 1984 (49 FR 21551). This rulemaking is significant because of the possible substantial impact on the industry and because it is a joint venture involving two operating administrations.

Timetable:

Action	Date	FR Cite
ANPRM	05/22/84	49 FR 21551
ANPRM Comment Period End	08/20/84	49 FR 21551
NPRM	05/00/86	

DOT—NHTSA

Proposed Rule Stage

Small Entity: Yes

Additional Information: This regulation is a joint endeavor of NHTSA and the Bureau of Motor Carrier Safety (BMCS). A departmental task force was formed in February 1985 to analyze the economic issues associated with this undertaking. Thus, further public action awaits the results of the task force analysis, which are anticipated in 1986.

Analysis: To Be Determined 05/00/86

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AB42

1885. ● REVIEW: 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
NPRM	06/00/86	

Small Entity: No

Agency Contact: Kathleen C. DeMeter, Ass't Chief Counsel for General Law, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1834

RIN: 2127-AB79

1886. FLAMMABILITY OF SCHOOL BUS INTERIOR MATERIALS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: Would utilize guidelines prescribed by UMTA to define flammability characteristics of School Bus Interior Materials.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Yes

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA44

1887. SEATING REFERENCE POINT/MOTOR VEHICLE DRIVER'S EYE RANGE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: Would update the definition of Seating Reference Point to incorporate latest industry practices.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/82	47 FR 9865
NPRM	04/00/86	

Small Entity: No

Additional Information: Docket No. 82-05.

Analysis: Regulation Evaluation (Minimal) 10/00/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA46

1888. PASSENGER CAR BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: Would propose a New Standard No. 135, "Passenger Car Brake System", which would replace Standard No. 105, "Hydraulic Brake System," as it applies to that vehicle type. New Standard would differ from the existing one primarily in that it contains a revised and shortened test procedure based on a draft harmonized international procedure developed by the United Nations Economic Commission for Europe (ECE).

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19744
NPRM Comment Period End	12/16/85	
Extends comment period to 09/17/85	01/13/86	
SNPRM	07/00/86	

Small Entity: No

Additional Information: Docket No. 79-18.

Analysis: Preliminary Regulatory Evaluation 05/10/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA13

1889. HYDRAULIC AND AIR BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.105; 49 CFR 571.121

Legal Deadline: None

Abstract: In response to a petition for rulemaking, would amend the brake burnish procedures specified for vehicles over 10,000 pounds by Standards No. 105 and No. 121. Based on comments to NPRM of 06/27/83 (48 FR 29560) a new NPRM is deemed necessary.

Timetable:

Action	Date	FR Cite
SNPRM	05/23/85	50 FR 21313
Comment Period Ends	11/19/85	50 FR 21313
NPRM	06/00/86	48 FR 29560

Small Entity: No

Additional Information: Docket Nos. 70-27 and 83-07. NPRM, Docket No. 70-27, Notice 26; Docket No. 83-07, Notice 1.

Analysis: Regulatory Evaluation (Minimal) 05/23/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA92

1890. BRAKE HOSES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.106

Legal Deadline: None

Abstract: Response to grant of a petition to amend the tensile strength test for air brake hose which is included in Section 7.3.10 of FMVSS No. 106.

Timetable:

Action	Date	FR Cite
ANPRM	03/20/85	50 FR 11209

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AB74

1891. REAR VIEW MIRROR SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: Would amend FMVSS No. 111 to improve mirror systems for trucks, buses and multipurpose passenger vehicles with a GVWR over 10,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 71-3a. NPRM, Notice 4.

Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA21

1892. REAR VIEW MIRROR SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: Would amend FMVSS No. 111 to improve mirror systems for trucks, buses and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 71-3a. NPRM, Notice 4.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA23

1893. HEAVY DUTY VEHICLE BRAKE SYSTEMS (FORMERLY TRUCK AND TRAILER BRAKE SYSTEMS)

Significance: Nonsignificant

Legal Authority: 15 USC 1392 National Traffic & Motor Vehicle Safety Act of 1966; 15 USC 1407 National Traffic & Motor Vehicle Safety Act of 1966

CFR Citation: 49 CFR 571.121; 49 CFR 571.105

Legal Deadline: None

Abstract: Would establish a new brake standard for all trucks, buses and trailers with a Gross Vehicle Weight Rating (GVWR) over 10,000 pounds. This standard would replace Standard No. 121, Air Brake Systems, and that portion of Standard No. 105, Hydraulic Brake Systems, that applies to vehicles with a GVWR over 10,000 pounds. It would also establish new requirements for heavy trailers having other than air-actuated brakes. In developing the standard, the agency will consider compatibility with international regulations. Research programs in support of this new standard and possible future upgradings of the standard will investigate such long-term advanced braking system concepts as automatic brake adjustors, load-sensing proportioning valves, air driers, and retarders for heavy trucks, buses and trailers. This rule is considered significant because of the level of public and Congressional interest. It is necessary to prevent and reduce the severity of accidents involving heavy vehicles by providing increased accident avoidance capability.

Timetable:

Action	Date	FR Cite
ANPRM	02/15/79	44 FR 9783
ANPRM	02/28/80	45 FR 13155

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 79-03. ANPRM, Notice 1; Second ANPRM, Notice 3.

Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA00

1894. AIR BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: Would revise the requirements in Standard No. 121 for parking and emergency brake functions for trailers. Based on comments to NPRM of 02/23/81 (46 FR 37952) a new NPRM is deemed necessary.

Timetable:

Action	Date	FR Cite
NPRM	07/23/81	46 FR 37952
SNPRM	09/00/86	

Small Entity: No

Additional Information: Docket No. 79-03. NPRM, Notice 5.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA27

1895. WINDSHIELD GLAZING MATERIALS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.205

Legal Deadline: None

Abstract: This regulation was selected for review because of costs, and safety benefits.

Timetable:

Action	Date	FR Cite
Evaluation Report published	02/00/85	

Next Action Undetermined

Small Entity: No

Additional Information: Evaluation Report will be completed.

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1574**

RIN: 2127-AA73

1896. SEAT BELT ASSEMBLY ANCHORAGES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.210

Legal Deadline: None

Abstract: Would propose amending Standard No. 210 to harmonize the strength of the anchorage test with the United Nations Economic Commission for Europe (ECE) Regulation No. 14 and to upgrade other requirements and clarify language.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Analysis: Evaluation type to be determined 04/00/86

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA95

1897. WINDSHIELD MOUNTING

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.212

Legal Deadline: None

Abstract: This regulation was selected for review because of costs, and safety benefits.

Timetable:

Action	Date	FR Cite
Evaluation Report published	02/00/85	

Next Action Undetermined

Small Entity: No

Additional Information: Evaluation report will be completed.

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1574**

RIN: 2127-AA74

1898. ● CERTIFICATION OF SPEED LIMIT ENFORCEMENT

Significance: Nonsignificant

Legal Authority: 23 USC 141; 23 USC 154; 23 USC 118; 23 USC 315

CFR Citation: 23 CFR 659; 49 CFR 1.50; 49 CFR 1.48

Legal Deadline: None

Abstract: The Department will review the existing 55 MPH procedural regulations to determine if they can be made more efficient and to update the regulation where necessary. Provisions addressing the effect of future compliance (for a State found not to be in compliance in a given fiscal year) on the reinstatement of funds withheld will also be reviewed.

Timetable:

Action	Date	FR Cite
NPRM	02/28/86	
NPRM Comment Period End	03/30/86	
Final Action	04/30/86	
Final Action Effective	04/30/86	

Small Entity: No

Government Levels Affected: State

Agency Contact: Sam Whitehorn, Attorney, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 472-5577**

RIN: 2127-AB88

1899. VEHICLE CLASSIFICATION - COMPACT VANS/STATION WAGONS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407; 15 USC 2001

CFR Citation: 49 CFR 571; 49 CFR 523

Legal Deadline: None

Abstract: Would invite comment on possible amendments to the safety and fuel economy regulations, with respect to the manner in which compact vans/station wagons and certain other vehicles are classified.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: S. Wood, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2992**

RIN: 2127-AA57

DOT—NHTSA **Proposed Rule Stage**

1900. VOLUNTARY TIRE REGISTRATION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407; 15 USC 1418; 15 USC 1421

CFR Citation: 49 CFR 574

Legal Deadline: None

Abstract: This regulation requires that independent tire dealers provide customers with a card to register newly purchased tires so that the customer may send in the completed card. These dealers were formerly required to register the tires for the customer, a requirement which has been retained for manufacturer-owned stores. The Motor Vehicle Safety and Cost Savings Authorization Act of 1982 requires that an evaluation be conducted.

Timetable:

Action	Date	FR Cite
Begin Review	07/00/83	
Prelim. Evaluation Report Published	09/27/85	50 FR 188

Next Action Undetermined

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1574

RIN: 2127-AB18

1901. CONSUMER INFORMATION - WET STOPPING DISTANCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 575.105

Legal Deadline: None

Abstract: Would develop a new rule for consumer information if tests indicate that there are significant differences in wet stopping distances among different models of cars on asphalt or concrete road surfaces.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Robert Shelton, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0846

RIN: 2127-AA56

DEPARTMENT OF TRANSPORTATION (DOT) — Final Rule Stage

National Highway Traffic Safety Administration (NHTSA)

1902. ● + REVIEW: FEDERAL MOTOR VEHICLE SAFETY STANDARDS; SCHOOL BUS PASSENGER SEATING AND CRASH PROTECTION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.222

Legal Deadline: None

Abstract: Would amend Federal Motor Vehicle Safety Standard No. 222, School Bus Passenger Seating and Crash Protection to set requirements for safety belts when belts are voluntarily installed on school buses having gross vehicle weight ratings greater than 10,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	10/10/85	50 FR 41368
NPRM Comment Period End	11/25/85	50 FR 41368
Final Action	06/00/86	
Final Action Effective	10/00/86	

Small Entity: No

Additional Information: Notice grants a petition for rulemaking submitted by the Wayne Corporation and proposes an amendment to Federal Motor Vehicle Safety Standard No. 222, "School Bus Passenger Seating and Crash Protection."

Agency Contact: Robert Williams, Department of Transportation, National Highway Traffic Safety Administration, NRM-12, 400 Seventh Steet, SW, Washington, DC 20590, 202 426-2264

RIN: 2127-AB84

1903. + TRUCK REAR UNDERRIDE PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: Would require protective devices to reduce vehicle penetration under the rear-ends of heavy trucks and trailers (without resulting in overly severe forces being transmitted to restrained and unrestrained occupants in vehicles that crash into the devices).

Timetable:

Action	Date	FR Cite
NPRM	01/08/81	46 FR 2136

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Docket No. 1-11. NPRM, Notice 8.

Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA43

1904. + PEDESTRIAN PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: Would reduce adult pedestrian leg injuries and child injuries through modification of the bumper area.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7015

Next Action Undetermined

Small Entity: Yes

Additional Information: Docket No. 78-19. NPRM, Notice 1. Research underway.

DOT—NHTSA

Final Rule Stage

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA45

1905. + ANTHROPOMORPHIC TEST DUMMIES

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571; 49 CFR 572

Legal Deadline: None

Abstract: Proposes to adopt the hybrid III test Dummy as an alternative to the Part 572 Test Dummy in testing done in accordance with Standard No. 208, Occupant Crash Protection. Would amend Standard No. 208 and Part 572.

Timetable:

Action	Date	FR Cite
NPRM	04/08/85	50 FR 14602
NPRM Comment Period End	06/11/85	50 FR 14602
Final Action	04/00/86	

Small Entity: Not Applicable

Analysis: Preliminary Regulatory Evaluation 04/08/85

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB68

1906. + OCCUPANT CRASH PROTECTION - TEST PROCEDURES AND OTHER ISSUES

Significance: Regulatory Program

Legal Authority: 15 USC 1392 National Traffic and Motor Vehicle Safety Act ETC; 15 USC 1407 National Traffic and Motor Vehicle Safety Act ETC

CFR Citation: 49 CFR 571.208; 49 CFR 572

Legal Deadline: None

Abstract: This rulemaking addresses the test procedures used in compliance testing, the dummy used for such testing, and the oblique angle test requirement in the automatic occupant crash protection standard. It also addresses some related issues including the standard's applicability to convertibles, reporting requirements for manufacturers, and the exercise of "due care" by manufacturers, in complying with the standard. This rulemaking will consider whether the Hybrid III dummy or a variation may be substituted for the dummy currently specified in 49 CFR 572 at some future time with corresponding changes in, or additions to the injury criteria established by the existing Federal Motor Vehicle Safety Standard 208. The costs and benefits of these various proposed changes are not yet known. This regulation is significant because of its involvement with departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14589
NPRM Comment Period End	05/28/85	50 FR 14589
Final Action	03/00/86	

Small Entity: Undetermined

Analysis: Regulatory Impact Analysis; Preliminary Regulatory Evaluation 04/12/85

Agency Contact: Barry Felrice, Associate Administrator for Rulemaking, Department of Transportation, National Highway Traffic Safety Administration, NRM-01, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1810**

RIN: 2127-AB20

1907. ● + POST-1986 PASSENGER CAR FUEL ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 531

Legal Deadline: Statutory. Amendments reducing the fuel economy standard for a particular model year are required to be made by the beginning of a model year.

Abstract: This rule would amend the average fuel economy standard applicable to passenger automobiles manufactured in model years (MYs) 1987 and 1988, within a range between 26.0 mpg and 27.5 mpg for each model year. The agency previously granted several petitions relating to these and other model years. General Motors (GM) and Ford had petitioned for a reduction in the MY 1986 and thereafter standards, from 27.5 mpg to 26.0 mpg. (The agency has completed rulemaking with respect to their petitions for MY 1986.) The Center For Auto Safety and Environmental Policy Institute had petitioned for an increase in the MY 1987 to 1990 standards. The agency will consider the petitions regarding model years after MY 1988 at a later time.

Timetable:

Action	Date	FR Cite
NPRM	01/22/86	51 FR 2912
Final Action	08/31/86	

Small Entity: No

Agency Contact: Robert Shelton, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 755-9384**

RIN: 2127-AB75

1908. ● + PETITIONS FOR EXEMPTIONS FROM THE VEHICLE THEFT PREVENTION STANDARD

Significance: Regulatory Program

Legal Authority: 15 USC 2025

CFR Citation: 49 CFR 543

Legal Deadline: Statutory. Statute requires petitions for exemption to be submitted 8 months before start of production of passenger vehicle line.

Abstract: Establishes procedures to be followed by manufacturers in preparing and submitting petitions for exemptions from the vehicle theft prevention standard. Passenger motor vehicle manufacturers may petition NHTSA for these exemptions for vehicle lines whose standard equipment includes an antitheft device that is likely to be as effective as compliance with the vehicle theft prevention standard in deterring and reducing vehicle theft. Procedures are also established which the agency will follow in processing these petitions and in reaching determinations on whether they should be granted. These procedures have been issued as an interim final rule for MY 1987 and as a proposed rule for MYs 1988 and thereafter.

Timetable:

Action	Date	FR Cite
NPRM	01/07/86	51 FR 715
Interim Final Rule	01/07/86	51 FR 715
Final Action	06/00/86	

Small Entity: No

DOT—NHTSA

Final Rule Stage

Analysis: Preliminary Regulatory Evaluation 01/00/86

Agency Contact: Charles Gauthier, Department of Transportation, National Highway Traffic Safety Administration, DOT/NHTSA NRM-20, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1740

RIN: 2127-AB81

1909. + CRASHWORTHINESS RATINGS

Significance: Regulatory Program

Legal Authority: 15 USC 1401; 15 USC 1941

CFR Citation: 49 CFR Chapter 5

Legal Deadline: None

Abstract: Ratings: Would require manufacturers to disseminate crashworthiness performance information concerning their cars to the public, to provide consumers with comparative information on the crashworthiness performance of new car models. This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7025

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 79-17. NPRM, Notice 1. Comment due date extended to October 22, 1981 by notice published April 2, 1981 (46 FR 19947; Notice 2).

Analysis: Regulatory Impact Analysis

Agency Contact: Charles Gauthier, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1740

RIN: 2127-AA03

1910. + NATIONAL MINIMUM DRINKING AGE

Significance: Agency Priority

Legal Authority: 23 USC 158

CFR Citation: 23 CFR 1206, (New)

Legal Deadline: None

Abstract: Would prescribe requirements necessary to implement 23 U.S.C. 158, which provides penalties for States that don't adopt twenty-one as the Minimum Drinking Age. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	09/27/85	50 FR 39140
NPRM Comment Period End	10/28/85	50 FR 39140
Final Action	03/00/86	

Small Entity: No

Government Levels Affected: State

Agency Contact: George Reagle, Associate Administrator, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0837

RIN: 2127-AB30

1911. + CHILD RESTRAINT SYSTEMS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 213

Legal Deadline: None

Abstract: Would amend Standard No. 213 "Child Restraint Systems" by requiring those child restraints equipped with a tether strap to pass the 30 mile per hour(mph) test without attaching the tether strap and eliminating the requirement that tethered restraints be subjected to the 20 mph test.This action is considered significant due to substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/28/85	50 FR 27633
NPRM Comment Period End	08/19/85	50 FR 27633
Final Action	03/00/86	

Small Entity: Not Applicable

Analysis: Preliminary Regulatory Evaluation 06/28/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AB72

1912. ● REVIEW: FEDERAL MOTOR VEHICLE SAFETY STANDARDS, "LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT"

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: Proposes an amendment to Motor Vehicle Safety Standard No. 108, "Lamps, Reflective Devices, and Associated Equipment" that would amend the specifications for the standardized replaceable light source. This would allow a manufacturer to determine the diameter of the glass capsule, while specifying the location of the black cap, for assuring the interchangeability of the standardized light source in different lamp designs to achieve the required photometric performance.

Timetable:

Action	Date	FR Cite
NPRM	09/18/85	50 FR 37882
NPRM Comment Period End	11/04/85	50 FR 37882
Final Action	06/00/86	
Final Action Effective	06/00/86	

Small Entity: Yes

Additional Information: The notice implements the grants of petitions for rulemaking submitted by General Electric Company, North American Phillips Corporation, General Motors Corporation and Hella KG. By this action the agency is also denying a petition from the Valeo Group (CIBIE-Marchal of France).

Agency Contact: Richard L. Van Iderstine, Department of Transportation, National Highway Traffic Safety Administration, NRM-01, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2720

RIN: 2127-AB83

1913. CONTROLS AND DISPLAYS

Significance: Nonsignificant

DOT—NHTSA

Final Rule Stage

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.101

Legal Deadline: None

Abstract: Would amend Standard No. 101 to permit greater flexibility in the illumination and identification of controls and displays. The proposal would allow gauges to have a two-level lighting intensity, rather than being continuously variable over a wide range. It would distinguish between critical telltales, such as the turn signal indicators, which must be visible under all lighting conditions, and less significant telltales, such as the water temperature indicator, which would be permitted the same range of intensity as gauges. The term, "informational readout display" would be eliminated as no longer useful. To accommodate new display technologies, the proposal would permit the cancellation of messages, but would require them to be retrievable by the driver. The use of specified words to identify controls would be permitted, as an alternative to the symbols now required for many controls. This action was initiated in response to several petitions for rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	09/12/85	50 FR 37240
NPRM Comment Period End	10/28/85	50 FR 37240
Final Action	04/00/86	

Small Entity: No

Additional Information: Docket No. 1-18. NPRM, Notice 21. The comments to the Notice of Proposed Rulemaking, NPRM, of 02/01/82 (47 FR 4541) and an agency task force review have led to the decision to issue a new NPRM on the subject.

Analysis: Regulatory Evaluation (minimal) 09/12/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA06

1914. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: In response to a petition, would delete the requirement for use of a "Test Bulb" with stringent filament location specifications in testing lamp assemblies.

Timetable:

Action	Date	FR Cite
NPRM	09/03/85	50 FR 35583
NPRM Comment Period End	11/18/85	50 FR 42970
Final Action	04/00/86	

Small Entity: No

Analysis: Regulatory Evaluation (Minimal) 09/03/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA16

1915. LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: In response to a petition, Safety Standard No. 108 (Lamps, Reflective Devices and Associated Equipment) would be amended to permit the use of two new miniature standardized replaceable light sources in replaceable bulb headlamp systems, and an improved version of the H-4 European light source designed for U.S. safety needs.

Timetable:

Action	Date	FR Cite
NPRM	05/13/85	50 FR 19961
NPRM Comment Period End	06/27/85	50 FR 19961
Final Action	04/00/86	

Small Entity: No

Analysis: Preliminary Regulatory Evaluation 05/13/85; Final Regulatory Evaluation 10/05/85

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, Office of Vehicle Safety Standards, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AB37

1916. REAR VIEW MIRRORS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: This proposal would amend FMVSS 111 by establishing requirements for passenger cars to: a) reduce the blind areas by upgrading mirror visibility using improved compliance testing procedures, b) upgrade occupant protection requirements and add pedestrian protection requirements using shatter resistant and breakaway or foldaway tests, c) set specifications for day-night reflectance requirements to reduce headlight glare, d) set specifications for convex mirror quality and use, and e) minimize obstruction of the forward view by establishing mirror location specifications. FR to permit use of passenger side convex mirrors published. FR responding to petitions and clarifying 1982 FR published. The agency plans to terminate rulemaking with respect to remaining issues.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657
Final Action to permit use of passenger side convex mirrors published	09/02/82	47 FR 38698
Final Action responding to petitions and clarifying 1982 FR published	08/26/83	48 FR 38842

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 71-3a. NPRM, Notice 4; FR, Notice 6; FR, Notice 7.

Action to be terminated with respect to other issues.

DOT—NHTSA

Final Rule Stage

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA88

1917. REFEREE BRAKE FLUIDS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.116

Legal Deadline: None

Abstract: Would amend the requirements of Standards 106 and 116 to specify new material composition for the referee brake fluid used for compatibility testing. The referee brake fluid currently specified is difficult to obtain and would be replaced by new materials specified by SAE.

Timetable:

Action	Date	FR Cite
NPRM	03/07/85	50 FR 9294
NPRM Comment Period End	05/06/85	50 FR 9294
Final Action	06/00/86	

Small Entity: No

Analysis: Regulatory Evaluation (Minimal) 03/07/85

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AB09

1918. STEERING CONTROL REARWARD DISPLACEMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.204

Legal Deadline: None

Abstract: Would extend the applicability of the Standard from vehicles with an unloaded weight of 4,000 pounds to vehicles with an unloaded weight of 5,500 pounds.

Timetable:

Action	Date	FR Cite
NPRM	04/04/85	50 FR 13402
NPRM Comment Period End	07/19/85	50 FR 20919
Final Action	08/00/86	

Small Entity: No

Analysis: Regulatory Flexibility Analysis; Preliminary Regulatory Evaluation 04/04/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA32

1919. OCCUPANT CRASH PROTECTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 14 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: Proposes an amendment to standard No. 208, Occupant Crash Protection, to upgrade the safety requirements for new trucks, buses and multipurpose passenger vehicles with a gross vehicle weight rating of more than 10,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	05/24/85	50 FR 23041
NPRM Comment Period End	07/15/85	
Final Action	08/00/86	

Small Entity: Undetermined

Analysis: Regulatory Evaluation (Minimal) 05/24/85

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AB71

1920. MOTORCYCLE HELMETS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.218

Legal Deadline: None

Abstract: The proposal would add new headform sizes to FMVSS 218.

Timetable:

Action	Date	FR Cite
NPRM	09/27/85	50 FR 39144
NPRM Comment Period End	11/26/85	50 FR 39144
Final Action	07/00/86	

Small Entity: Undetermined

Analysis: Preliminary Regulatory Evaluation 09/27/85 (50 FR 39144)

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA40

1921. AIR BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: Would amend the brake application and release timing requirements and test devices in FMVSS No. 121 in order to better simulate the real world performance with respect to towing and towed units, especially multi-trailer combinations.

Timetable:

Action	Date	FR Cite
NPRM	05/14/85	50 FR 20113
NPRM Comment Period End	06/28/85	50 FR 20113
NPRM Comment Period Extended to 12-30-85	12/30/85	50 FR 27032
Final Action	08/00/86	

Small Entity: No

Analysis: Regulatory Evaluation (minimal) 05/14/85

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AB12

1922. INCENTIVE GRANT CRITERIA FOR ALCOHOL TRAFFIC SAFETY PROGRAMS--AMENDMENT

Significance: Nonsignificant

Legal Authority: 23 USC 408

CFR Citation: 23 CFR 1309

Legal Deadline: None

Abstract: Would amend the 408 grant program to expand the scope of the

regulation to include programs for the treatment, rehabilitation of and research into drugged driving and to establish a special grant for states with minimum sentencing requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/16/85	50 FR 20438
NPRM Comment Period End	06/17/85	
Final Action	04/00/86	

Small Entity: No

Government Levels Affected: State

Agency Contact: George Reagle, Assoc. Administrator for Traffic Safety Prgm, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0837**

RIN: 2127-AB23

1923. CONSUMER INFORMATION--STOPPING DISTANCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 575.101

Legal Deadline: None

Abstract: Would modify requirements for stopping distance consumer information. A notice was published approving various alternatives concerning the requirement to provide stopping distance information. Comments are under review and analysis.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	48 FR 30166
NPRM Comment Period End	08/05/83	
Final Action	07/00/86	

Small Entity: No

Additional Information: Docket No. 83-09. NPRM, Notice 1.

Agency Contact: Charles Gauthier, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1740**

RIN: 2127-AA50

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Completed Actions

1924. + SEAT BELT ASSEMBLIES

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: On April 12, 1985, NHTSA issued a notice proposing modifications to certain aspects of the comfort and convenience performance requirements in Standard No. 208, Occupant Crash Protection. The agency's purpose was to clarify the intent of the requirements and to address the concerns raised in petitions for reconsideration received from seven vehicle manufacturers regarding the final rule on comfort and convenience issued on January 8, 1981. This rule sets comfort and convenience performance requirements for both manual and automatic safety belt assemblies installed in motor vehicles with a GVWR of 10,000 pounds or less. The April 12, 1985 notice also proposed to change the effective date of the comfort and convenience requirements. A final rule setting the effective date as September 1, 1986, was issued on August 23, 1985. Two petitions for reconsideration have been received.

Timetable:

Action	Date	FR Cite
Previous NPRM	01/08/81	46 FR 2064
Final Action	01/08/81	46 FR 2064
Final Action deferring effective date to 09/01/83	02/18/82	47 FR 7254
NPRM to defer effective date to 09/01/85	11/15/82	47 FR 51432
Final Action to defer effective date to 09/01/85	06/02/83	48 FR 24717
NPRM	04/12/85	71 FR 14580
NPRM Comment Period End	05/28/85	71 FR 14580
Final Action	11/06/85	50 FR 46056
Reply to petitions for reconsideration	03/00/86	44 FR 77210
Final Action Effective	09/01/86	50 FR 34152

Small Entity: No

Additional Information: Docket No. 74-14. NPRM, Notice 17; FR, Notice 19; FR deferring effective date, Notice 24; NPRM for additional deferral of effective date, Notice 29. FR for additional deferral, Notice 30.

Analysis: Final Regulatory Evaluation 08/23/85 (50 FR 34152)

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA35

1925. + OCCUPANT CRASH PROTECTION - RESPONSE TO PETITIONS FOR RECONSIDERATION

Significance: Regulatory Program

Legal Authority: 15 USC 1392 National Traffic and Motor Vehicle Safety Act ETC; 15 USC 1407 National Traffic and Motor Vehicle Safety Act ETC

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: Sixteen petitions for reconsideration of the Secretary's final rule on Standard No. 208 were received. On August 30 1985, the agency responded to all of the issues raised by the petitioners except those having to do with the criteria for mandatory safety belt use laws. The agency will respond to petitions on that issue at a later date.

Timetable:

Action	Date	FR Cite
Final Action	08/30/85	50 FR 35233
Final Action Effective	10/15/85	50 FR 35233

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Barry Felrice, Associate Administrator for Rulemaking, Department of Transportation, National Highway Traffic Safety Administration, NRM-01, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1810**

RIN: 2127-AB45

1926. + MY 1986 PASSENGER CAR FUEL ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 531

Legal Deadline: Statutory. Amendments reducing the fuel economy standard for a particular model year are required to be made by the beginning of a model year.

Abstract: This rule amends the average fuel economy standard applicable to passenger automobiles manufactured in MY 1986 by reducing it from 27.5 mpg to 26.0 mpg. This action was initiated in response to petitions for rulemaking submitted by General Motors and Ford.

Timetable:

Action	Date	FR Cite
Grant for petition for Rulemaking	11/28/84	49 FR 6770
Request for comments	12/10/84	49 FR 48064
NPRM	07/22/85	50 FR 29912
Final Action	10/04/85	50 FR 40528
Final Action Effective	11/04/85	50 FR 40528

Small Entity: No

Analysis: Regulatory Impact Analysis

Agency Contact: Robert Shelton, Director, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 755-9384**

RIN: 2127-AB32

1927. + MY 1987 LIGHT TRUCK FUEL ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 533

Legal Deadline: Statutory. Light truck fuel economy standards are required to be set at least 18 months prior to the beginning of the model year.

Abstract: In accordance with the mandatory requirements of Section 502 (b) of the Motor Vehicle Information and Cost Savings Act, this rule establishes light truck average fuel economy standards for model year 1987. The initial NPRM proposed standards for model year 1986 and 1987. The Standards for model year 1986 were published on October 22, 1984 (49 FR 41250).

Timetable:

Action	Date	FR Cite
NPRM	03/08/84	49 FR 8637
NPRM Comment Period End	04/09/84	49 FR 8637
Final Action	10/03/85	50 FR 40398
Final Action Effective	11/04/85	50 FR 40398

Small Entity: No

Analysis: Regulatory Impact Analysis

Agency Contact: Robert Shelton, Director, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 755-9384**

RIN: 2127-AB33

1928. + MY 1988 LIGHT TRUCK FUEL ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 533

Legal Deadline: Statutory. Light truck fuel economy standards are required to be set at least 18 months prior to the beginning of the model year.

Abstract: In accordance with the mandatory requirements of Section 502(b) of the Motor Vehicle Information and Cost Savings Act, this rulemaking would establish light truck average fuel economy standards for model year 1988.

Timetable:

Action	Date	FR Cite
NPRM	01/24/86	51 FR 3221
Final Action	01/24/86	51 FR 3221

Small Entity: No

Agency Contact: Robert Shelton, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 755-9384**

RIN: 2127-AB69

1929. + THEFT PREVENTION STANDARD

Significance: Regulatory Program

Legal Authority: PL 98-547 Motor Vehicle Theft Law Enforcement Act of 1984

CFR Citation: 49 CFR 541

Legal Deadline: Statutory, September 24, 1985

Abstract: In response to the provisions of the Motor Vehicle Theft Law Enforcement Act of 1984, establishes a new standard that requires certain major vehicle parts, determined to have high theft potential to be marked with the vehicle identification number or a derivative thereof.

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19728
NPRM Comment Period End	06/10/85	50 FR 19728
Final Action	10/24/85	50 FR 43166
Final Action Effective	04/24/86	50 FR 42166

Small Entity: Yes

Government Levels Affected: Local, State, Federal

Analysis: Final Regulatory Evaluation 10/24/85

Agency Contact: Charles Gauthier, Director, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1740**

RIN: 2127-AB31

1930. + PROCEDURES FOR SELECTION OF COVERED VEHICLES; MOTOR VEHICLE THEFT LAW ENFORCEMENT ACT OF 1984

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 542

Legal Deadline: Statutory. For existing lines, final selections required to be made by 10/25/85. For new lines in future years, final selections required to be made 6 months before start of production.

Abstract: Sets forth procedures for selecting high theft motor vehicle lines to be covered under the proposed vehicle theft prevention standard.

Timetable:

Action	Date	FR Cite
NPRM	06/20/85	50 FR 25603
NPRM Comment Period End	07/05/85	50 FR 25603
Final Action	08/28/85	50 FR 34831
Final Action Effective	11/01/85	50 FR 34831

Small Entity: Not Applicable

Analysis: Reg. Evaluation (Minimal) 08/28/75

Agency Contact: Charles Gauthier, Department of Transportation, National Highway Traffic Safety Administration, NRM-20, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1740**

RIN: 2127-AB73

1931. + UNIFORM TIRE QUALITY GRADING STANDARDS - TREADWEAR AMENDMENTS

Significance: Regulatory Program

Legal Authority: 15 USC 1423

CFR Citation: 49 CFR 575

Legal Deadline: None

Abstract: Would amend treadwear grading procedures of the Uniform Tire Quality Grading Standards to assure greater reliability of grading information for consumers. Test procedures would be amended to reduce variability. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Preliminary Regulatory Evaluation	04/00/86	

Small Entity: No

Additional Information: Merged with RIN 2127-AA51, Uniform Tire Quality Grading

Analysis: Preliminary Regulatory Evaluation 04/00/86

Agency Contact: Robert Shelton, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0846**

RIN: 2127-AB21

1932. + SEAT BELT ASSEMBLY ANCHORAGES

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.210

Legal Deadline: None

Abstract: This rule amends Standard No. 210. Seat Belt Assembly Anchorages, to permit the securing of child safety seats, by requiring all vehicles with automatic restraint systems at the right front passenger seating position to be equipped with anchorages for a lap belt at that position if the automatic restraint cannot be used to secure a child safety seat.

Timetable:

Action	Date	FR Cite
NPRM	12/11/80	45 FR 81625
Final Action	10/10/85	50 FR 41356
Final Action Effective	09/01/87	50 FR 41356

Small Entity: Not Applicable

Analysis: Final Regulatory Evaluation 10/10/85

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB70

1933. + CHILD SEATING SYSTEMS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.213

Legal Deadline: None

Abstract: Amends FMVSS 213 to change its buckle release pressure requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/05/83	48 FR 20259
Final Action	08/21/85	50 FR 33722
Final Action Effective	02/18/86	50 FR 33722

Small Entity: No

Additional Information: Docket No. 74-09. NPRM, Notice 12.

Analysis: Regulatory Evaluation (Minimal) 08/21/85 (50 FR 33722)

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA80

1934. + PROCEDURES FOR TRANSITION TO NEW NATIONAL DRIVER REGISTER

Significance: Agency Priority

Legal Authority: 23 USC 401 Note

CFR Citation: 23 CFR 1325

Legal Deadline: None. The notice replying to letters requesting reconsideration is not subject to a legal deadline. However, if the NDR includes an abstract request mechanism, the agency's pilot test program of the NDR will be affected; this program has a statutory deadline of 04/25/85. Congress may delay this deadline to 04/25/86.

Abstract: The National Driver Register Act of 1982 directs the agency to establish a new National Driver Register (NDR) that will assist states in electronically exchanging information about problem drivers. This rulemaking establishes the procedures for making an orderly transition from the current NDR system to the electronic system mandated by the Act. This regulation is significant because it involves important departmental policy. On December 2, 1985, a request for comments (50 FR 49409) was published in the Federal Register. The agency had received a number of letters pertaining to a statement made in the preamble to the final rule (50 FR 28191) regarding procedures for transition to the new National Driver Register (NDR). In the December 2, 1985 notice, the agency indicated that it would reconsider its decision not to include a driver license abstract request mechanism in the NDR and requested further comments from the public. Letters requesting reconsideration have been received and a reply to these letters will be issued.

Timetable:

Action	Date	FR Cite
NPRM	10/01/84	49 FR 38648
NPRM Comment Period End	10/31/84	
Final Action	07/11/85	50 FR 28191
Final Action Effective	08/12/85	50 FR 28191
Request for comments on issue in preamble	12/02/85	50 FR 49409

Action	Date	FR Cite
Reply to letters for reconsideration	03/00/86	

Small Entity: No

Additional Information: CFR citation to be determined.

Government Levels Affected: State

Analysis: Regulatory Evaluation 10/01/84

Agency Contact: Clay Hatch, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4800

RIN: 2127-AA98

1935. WINDSHIELD DEFOGGERS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.103

Legal Deadline: None

Abstract: In response to a petition for rulemaking, requires windshield defogging systems in passenger cars, multipurpose passenger vehicles, trucks and buses built for sale in parts of the United States other than the continental portion. (Defogging systems are already required for vehicles built for sale in the continental United States.)

Timetable:

Action	Date	FR Cite
NPRM	07/14/83	48 FR 32200
Final Action	11/27/85	50 FR 48772
Final Action Effective	09/01/87	50 FR 48772

Small Entity: No

Additional Information: Docket No. 83-10. NPRM, Notice 1.

Analysis: Regulatory Evaluation 11/27/85 (50 FR 48772)

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA91

1936. HYDRAULIC BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: Notice in Federal Register on 1/15/86 terminated rulemaking to amend Standard No. 105. The agency has concluded that smaller brake fluid reservoirs would unnecessarily result in an added safety risk without any compensatory safety benefits.

Timetable:

Action	Date	FR Cite
NPRM	07/28/83	48 FR 34306
Terminated	01/15/86	51 FR 1826

Small Entity: No

Additional Information: Docket No. 70-27.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA94

1937. BRAKE HOSES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.106

Legal Deadline: None

Abstract: Amends portions of the standard that relate to adhesion properties of hose layers on air and vacuum brake hoses. This action resulted from a petition for rulemaking.

Timetable:

Action	Date	FR Cite
Notice granting petition for Rulemaking	02/18/82	47 FR 7293
NPRM	05/22/85	50 FR 21090
NPRM Comment Period End	07/22/85	50 FR 21090
Final Action	01/07/86	51 FR 603

Small Entity: No

Additional Information: Docket No. 82-02.

Analysis: Regulatory Evaluation (Minimal) 05/22/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA90

1938. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: In response to a petition for rulemaking, provides an alternative location for front identification lamps on vehicles whose overall width exceeds 80 inches, allowing them to be mounted on the top of the vehicle.

Timetable:

Action	Date	FR Cite
NPRM	02/22/82	47 FR 7911
Final Action	09/11/85	50 FR 36995
Final Action Effective	10/11/85	50 FR 36995

Small Entity: No

Additional Information: Docket No. 82-04. NPRM, Notice 1.

Analysis: Regulatory Evaluation (minimal) 09/11/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA18

1939. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Withdrawn because glare problem appeared minimal and there was a demonstrable safety benefit in maintaining the current location.

Timetable:

Action	Date	FR Cite
Withdrawn	08/09/85	50 FR 32241

Small Entity: No

Additional Information: Docket No. 82-03.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA19

1940. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: This standard, which is applicable to both motor vehicles and equipment, specifies requirements for original and replacement lamps, reflective devices, and associated equipment necessary for signaling and for the safe operation of motor vehicles during darkness and other conditions of reduced visibility. The standard was reviewed because of its relatively high costs. The review was limited to the standard's requirement for side marker lamps. The review is completed. An evaluation report was published in July 1983. Public comments were received, summarized and docketed. Project has been cancelled.

Timetable:

Action	Date	FR Cite
Evaluation Report published	08/01/83	48 FR 34783
End Review	12/01/85	
Comments docketed	00/00/00	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1574**

RIN: 2127-AA60

1941. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Amends FMVSS 108 to allow installation of a modulating headlamp on motorcycles.

Timetable:

Action	Date	FR Cite
NPRM	09/23/82	47 FR 42009
SNPRM	08/28/84	49 FR 34049
Final Action	07/22/85	50 FR 29676
Final Action Effective	08/21/85	50 FR 29776

Small Entity: No

Additional Information: Docket No. 82-16. NPRM, Notice 1.

Analysis: Regulatory Evaluation (Minimal) 07/22/85 (50 FR 29676)

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA77

1942. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: In response to a petition, would amend Safety Standard No. 108 to allow clearance and identification lamps of large vehicles to flash when the hazard warning system is operating. Rulemaking was terminated on the grounds that no benefits to safety would accrue and that the potential would exist for a degradation of safety.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	12/10/84	49 FR 42965
Final Action	10/18/85	50 FR 42195
Final Action Effective	10/18/85	50 FR 42195
NPRM	10/25/85	49 FR 42965

Small Entity: No

Analysis: Regulatory Evaluation (Minimal) 10/18/85 (50 FR 42195)

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB35

1943. LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: In response to a petition, Safety Standard No. 108 (Lamps, Reflective Devices and Associated Equipment), was amended to permit simultaneous use of lower and upper beams, and co-aiming but not optional availability of an auxiliary filament in a lower beam lamp, for Type F sealed beam headlamp systems.

Timetable:

Action	Date	FR Cite
NPRM	05/13/85	50 FR 19986
NPRM Comment Period End	06/12/85	50 FR 19986
Final Action	03/19/86	51 FR 9454

Small Entity: No

Additional Information: This proposed rulemaking is a continuation of the final rule (49 FR 50176) in which Type F sealed beam headlamp system was permitted for use on new motor vehicles after July 1, 1985.

Analysis: Regulatory Evaluation (Minimal) 05/13/85

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB39

1944. HIGHWAY SAFETY STANDARDS

Significance: Nonsignificant

Legal Authority: 23 USC 402

CFR Citation: 23 CFR 1204

Legal Deadline: None

Abstract: This joint NHTSA/FHWA rulemaking amends seven of the 18 Highway Safety Standards to clarify these standards and eliminate apparent Federal paperwork burdens on State governments.

DOT—NHTSA

Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34513
NPRM Comment Period End	10/01/84	49 FR 34513
Final Action	11/04/85	50 FR 45815
Final Action Effective	11/04/85	50 FR 45815

Small Entity: No

Government Levels Affected: State

Agency Contact: George Reagle, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0837

RIN: 2127-AA96

1945. DEFECT AND NONCOMPLIANCE REPORTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 573

Legal Deadline: None

Abstract: This rule deleted certain information currently required to be included in the quarterly reports submitted to NHTSA by a motor vehicle or motor vehicle equipment manufacturer conducting a defect or noncompliance notification campaign.

Timetable:

Action	Date	FR Cite
NPRM	03/27/85	50 FR 12056
NPRM Comment Period End	05/28/85	50 FR 12056
Final Action	01/06/86	51 FR 397
Final Action Effective	01/06/86	51 FR 397

Small Entity: No

Analysis: Regulatory Evaluation (minimal) 01/06/86

Agency Contact: George Parker, Associate Administrator for Enforcement, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-9700

RIN: 2127-AB44

[FR Doc. 86-8639 Filed 04-18-86; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Railroad Administration (FRA)

Prerule Stage

1946. + SPECIAL SAFETY INQUIRY; RAIL-HIGHWAY GRADE CROSSING SAFETY

Significance: Regulatory Program

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: The inquiry will obtain information from the public to assist in evaluating possible future courses of action to enhance public safety at railroad-highway grade crossings.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	06/18/84	49 FR 24968
Public Hearing, St. Paul, Minnesota	07/16/84	
Notice of Special Safety Inquiry	12/24/84	49 FR 49961
Public Hearing, Washington, D.C. begins 01/23/85	01/24/85	
Summary Report on Hearings	07/16/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. RSSI - 84-3.

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0897

RIN: 2130-AA27

1947. REVIEW: REGULATORY FLEXIBILITY ACT REVIEWS

Significance: Nonsignificant

Legal Authority: PL 96-354

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: In accordance with the Regulatory Flexibility Act (RFA) review plan published in the Federal Register on June 30, 1981 (46 FR 33693), FRA has not selected any specific regulations for RFA review at this time. Instead, FRA has established a plan to develop regulatory definitions of the criteria used in the RFA for the selection of regulations to be reviewed. A notice was published in the Federal Register on August 3, 1981 (46 FR 39461) initiating a safety inquiry to evaluate the effectiveness of the safety regulatory program as it applies to small railroads.

Timetable:

Action	Date	FR Cite
Review Plan	06/30/81	46 FR 33693
Notice of Safety Inquiry Review	08/03/81	46 FR 39461

Next Action Undetermined

Small Entity: Yes

Agency Contact: Lawrence I. Wagner, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-8836

RIN: 2130-AA10

1948. REVIEW OF LOCOMOTIVE CAB SAFETY

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 437; 45 USC 22; 45 USC 23; 45 USC 28; 45 USC 34

CFR Citation: 49 CFR 229

Legal Deadline: None

Abstract: The Agency is engaged in a review of the issue of locomotive cab environment. The review will evaluate possible future courses of action to enhance the safety of railroad employees who occupy locomouve cabs.

DOT—FRA

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0897

RIN: 2130-AA32

1949. REVIEW OF RADIO COMMUNICATION

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 49 CFR 220

Legal Deadline: None

Abstract: The Agency is engaged in a review of the issue of radio communication in the railroad industry. The review will evaluate possible future courses of action to enhance the safety of railroad operations involving radio communication.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0897

RIN: 2130-AA34

1950. REVIEW: SPECIAL SAFETY INQUIRY; POWER BRAKE REGULATIONS

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 49 CFR 232

Legal Deadline: None

Abstract: The inquiry will obtain information to assist in evaluation of the impact of the change in the power brake regulations made in August 1982 in Docket PB-6.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	09/03/85	50 FR 35643
Notice of Change of Hearing Date	09/26/85	50 FR 39025
Public Hearing, Washington, D.C.	10/24/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket RSSI-85-1.

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0897

RIN: 2130-AA40

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Proposed Rule Stage

1951. SAFETY STANDARDS FOR CABOOSES

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 49 CFR 237

Legal Deadline: None

Abstract: The proposed rule would seek to establish comprehensive safety standards for cabooses.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. RSC-76-6

Analysis: Regulatory Evaluation

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0897

RIN: 2130-AA01

1952. AMENDMENTS TO REGULATIONS IMPLEMENTING SECTION 905 OF THE 4R ACT

Significance: Nonsignificant

Legal Authority: PL 94-210

CFR Citation: 49 CFR 265

Legal Deadline: None

Abstract: This action would amend 49 CFR Part 265 to make changes necessitated by the promulgation of the Department of Transportation's comprehensive Minority Business Enterprise regulation (49 CFR Part 23). Part 265 will be revised to omit those provisions now covered in Part 23.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Analysis: Regulatory Evaluation

DOT—FRA

Proposed Rule Stage

Agency Contact: William Fashouer, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7710

RIN: 2130-AA04

1953. RULES OF PRACTICE

Significance: Nonsignificant

Legal Authority: PL 96-354

CFR Citation: 49 CFR 211

Legal Deadline: None

Abstract: This proposed rule would amend 49 CFR Part 211 to respond to the provisions of the Regulatory Flexibility Act of 1980 by defining the criteria used by FRA in determining whether any regulatory proposal or final rule will have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 12/00/85

Agency Contact: Lawrence I. Wagner, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-8836

RIN: 2130-AA07

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Final Rule Stage

1954. SPECIAL SAFETY INQUIRY; RAILROAD POWER BRAKES

Significance: Nonsignificant

Legal Authority: 45 USC 9

CFR Citation: 49 CFR 232.13

Legal Deadline: None

Abstract: The inquiry obtained information from the public that assisted FRA in evaluating currently available devices that can determine the brake pipe pressure on the rear car of a train and transmit the pressure reading to the cab of the controlling locomotive. The proposed rule would permit use of a telemetry device to determine the application and release of the brakes on the rear car of a train during the intermediate terminal air brake test.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	05/07/84	49 FR 19359
Public Hearing, Washington, D.C.	06/05/84	
NPRM	09/03/85	50 FR 35640
Notice of Change of Hearing Date	09/26/85	50 FR 39024
Public Hearing, Washington, D.C.	10/25/85	
Final Action	03/00/86	

Small Entity: No

Additional Information: Docket No. PB-7.

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0897

RIN: 2130-AA28

1955. REAR END DEVICE-PASSENGER COMMUTER AND FREIGHT TRAINS

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 49 CFR 221

Legal Deadline: None

Abstract: The proposed rule would permit railroads greater flexibility in selecting personnel to perform the required inspections and accommodate recently developed telemetry devices that provide an electronic check on the marker's condition.

Timetable:

Action	Date	FR Cite
NPRM	09/03/85	50 FR 35636
Public Hearing, Washington, D.C.	10/23/85	
Final Action	03/00/86	

Small Entity: No

Additional Information: Docket No. RSRM-2.

Analysis: Reg. Evaluation

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0897

RIN: 2130-AA39

[FR Doc. 86-6639 Filed 04-18-86; 8:45 am]
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DEPARTMENT OF TRANSPORTATION (DOT)
Urban Mass Transportation Administration (UMTA)

Proposed Rule Stage

1956. + CHARTER BUS REGULATIONS

Significance: Regulatory Program

Legal Authority: 49 USC 1602(f); 49 USC 1608(c)

CFR Citation: 49 CFR 604

Legal Deadline: None

Abstract: These regulations provide information regarding the restrictions

imposed by section 3(f) of the UMT Act (49 USC 1602(f)) on charter bus operations by UMTA recipients. UMTA will publish an NPRM in 1986.

Timetable:

Action	Date	FR Cite
ANPRM	10/12/82	47 FR 44795
NPRM	03/00/86	

Small Entity: Yes

Additional Information: ADDITIONAL LEGAL AUTHORITY: 49 CFR 1.51 also applies. UMTA originally published these regulations on April 1, 1976 (41 FR 14123). UMTA published an ANPRM on January 19, 1981, that proposed extensive changes to the regulations. (46 FR 5394). The comment period closed on March 5, 1981. UMTA reviewed the comments received and recognized that there were many fundamental issues that needed further exploration. Consequently, UMTA decided to issue a new ANPRM rather than to continue to develop the previously issued ANPRM into an NPRM. The new ANPRM was published on October 12, 1982, and the public comment period closed on Nov. 26, 1982.

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 03/00/86

Agency Contact: Douglas G. Gold, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1936**

RIN: 2132-AA04

1957. + IMPLEMENTATION OF SECTION 19 OF THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED -- NONDISCRIMINATION

Significance: Agency Priority

Legal Authority: 49 USC 1615 UMT Act Sec. 19

CFR Citation: 49 CFR 626

Legal Deadline: None

Abstract: The proposed regulations would unify the civil rights regulations that recipients of funds under the Urban Mass Transportation Act must meet. This rulemaking is significant because substantial public interest is anticipated. Regulations are needed to implement a new statutory provision which consolidates UMTA's authority to assure effective and uniform compliance with civil rights and equal employment opportunity requirements in a manner comparable to other agencies within the Department of Transportation.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Additional Information: Section 19 was added to the UMT Act in November 1978 by the Surface Transportation Assistance Act of 1978. UMTA plans to issue an NPRM in 1986.

Analysis: Regulatory Evaluation 07/00/86

Agency Contact: Clifford T. Lee, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Room 7412, Washington, DC 20590, **202 426-6371**

RIN: 2132-AA01

1958. + AIR QUALITY PROCEDURES FOR USE IN FEDERAL-AID HIGHWAY AND FEDERALLY FUNDED TRANSIT PROGRAMS

Significance: Agency Priority

Legal Authority: 23 USC 109(h); 23 USC 109(j); 23 USC 315; 42 USC 4332; 42 USC 7401; 42 USC 7506

CFR Citation: 23 CFR 770; 49 CFR 623

Legal Deadline: None

Abstract: This regulation proposes to consolidate and amend existing air quality requirements for transportation projects into a single amended air quality regulation. The amended regulation is intended to streamline and simplify (1) the process of determining which highway projects are exempt from the Federal assistance limitations of section 176(a) of the Clean Air Act (CAA), and (2) the conformity and priority procedures contained in 23 CFR 770. The amendments are also intended to provide more authority and flexibility to State and local agencies and to meet the objectives of the CAA in the most cost-effective and expeditious manner. The amendments are significant because they involve important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: James N. Shrouds, (202) 426-4838, of FHWA.

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: Abbe Marner, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0096**

RIN: 2132-AA19

1959. + PRIVATE ENTERPRISE PARTICIPATION

Significance: Agency Priority

Legal Authority: 49 USC 1607(e); 49 USC 1602(e); 49 USC 1607a(f)

CFR Citation: 49 CFR 614

Legal Deadline: None

Abstract: The proposed regulations will encourage, to the maximum extent feasible, the participation of private enterprise in plans and programs that receive Federal funding under the UMT Act. UMTA intends, through these proposed rules, to ensure an appropriate role for the private sector in local mass transportation decision-making, and to secure opportunities for carriers to provide services that are convenient for the public, and cost efficient, with minimum public subsidy.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Yes

Additional Information: On October 22, 1984 UMTA issued a notice of policy (49 FR 41310-12) designed to encourage private participation in mass transportation planning and programming to the maximum extent feasible, consistent with the directives of UMT Act subsections 3(e), 8(e), and 9(f). UMTA now finds that rulemaking is necessary to ensure enforcement capability and to overcome practices that unfairly exclude private enterprise from opportunities to provide mass transportation services. The essential principles of policy that would be effected through this rulemaking are the same as those announced in the October 22, 1984 Federal Register notice.

Analysis: Regulatory Evaluation 07/00/86

Agency Contact: Scott A. Biehl/Douglas Birnie, Department of Transportation, Urban Mass Transportation Administration, 400 7th Street, SW, Room 9223, Washington, DC 20590, 202 755-4713

RIN: 2132-AA20

1960. + MAJOR CAPITAL INVESTMENT PROJECTS

Significance: Agency Priority

Legal Authority: 49 USC 1602; 49 USC 1604; 49 USC 1607; 49 USC 1607a-1; 23 USC 103(e)(4); 23 USC 142

CFR Citation: 49 CFR 615

Legal Deadline: None

Abstract: This regulation, which is being reviewed in light of pending legislative action, would set out the process applicants for grants under the UMT Act (49 USC 1601 et seq.) and the Federal-Aid Highway Act should follow in order to be eligible for Federal financial assistance for major capital investment projects. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 10/00/86

Agency Contact: Don Emerson/Theodore A. Munter, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Room 9228, Washington, DC 20590, 202 426-1936

RIN: 2132-AA22

1961. + EXTENSION OF SAFETY REQUIREMENTS TO ALL FEDERALLY ASSISTED BUSES

Significance: Agency Priority

Legal Authority: 49 USC 1602; 49 USC 1607

CFR Citation: 49 CFR 637

Legal Deadline: None

Abstract: On October 1, 1982, UMTA rescinded its policy making advanced design bus specifications (The "White Book") mandatory for its grantees, but continued to mandate certain safety requirements applicable to such buses. On October 16, 1984, UMTA issued an ANPRM on whether these safety requirements should be extended to other buses financed by UMTA. This rulemaking is significant because of substantial public interest and controversy and because of the potential impact on the bus industry.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Undetermined

Additional Information: ANPRM asked for comments on what benefits would be derived from mandating these requirements; what their financial impact on manufacturers and grantees would be; and whether competition in bus markets would significantly be affected by these.

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 07/00/86

Agency Contact: Kenneth E. Bolton, Director of Policy, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Room 9300, Washington, DC 20590, 202 426-4060

RIN: 2132-AA24

1962. + MAINTENANCE OF EQUIPMENT AND FACILITIES

Significance: Agency Priority

Legal Authority: 49 USC 1602; 49 USC 1607

CFR Citation: 49 CFR 636

Legal Deadline: None

Abstract: This regulation would require each transit agency that receives Federal financial assistance to have a maintenance program that states maintenance goals and objectives, provides for adequate maintenance for both fixed facilities and equipment, and provides for adequate personnel to meet the goals and objectives of the program. The proposed rule would also require that each transit agency retain or assemble information necessary for UMTA to review the transit agency's actual maintenance activities and make determinations on compliance as required by statute. This rule is significant because it concerns a matter on which there is substantial controversy.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Additional Information: The Surface Transportation Assistance Act of 1982 (1982 STAA) included maintenance provisions in both sections 3 and 9 of the UMT Act. In the new section 9 block grant program, Congress provided that all recipients must certify that they will maintain facilities and equipment. UMT Act section 9(e)(3)(B). Section 9(g)(1) authorizes UMTA to determine by review or audit whether the recipients have complied with the maintenance requirement. The 1982 STAA also amended the section 3 discretionary grant and loan program by adding a provision that requires applicants to have sufficient capability to maintain facilities and equipment obtained with Federal assistance. UMT Act 3(a)2(A)(iii). This proposed regulation would provide UMTA with the information necessary to implement these provisions.

Analysis: Regulatory Evaluation 07/00/86

Agency Contact: Kenneth F. Bolton, Department of Transportation, Urban Mass Transportation Administration, Office of Policy, UMTA, 400 Seventh Street, SW, Room 9311, Washington, DC 20590, 202 426-4060

RIN: 2132-AA26

1963. SCHOOL BUS OPERATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1602(g); 49 USC 1608(c)(6); 23 USC 103(e)(4); 23 USC 142(a); 23 USC 142(c)

CFR Citation: 49 CFR 605

Legal Deadline: None

Abstract: This regulation provides information regarding the restrictions imposed by section 3(g) of the UMT Act (49 USC 1602(g)) on the school bus operations by UMTA recipients. UMTA plans to issue an NPRM in 1986.

Timetable:

Action	Date	FR Cite
ANPRM	10/12/82	47 FR 44795
ANPRM Comment Period End	11/26/82	
NPRM	06/00/86	

Small Entity: Yes

DOT—UMTA

Proposed Rule Stage

Additional Information: UMTA originally issued this regulation on April 1, 1976 (41 FR 14128). UMTA reviewed this regulation and issued an ANPRM that proposed three alternatives to the current regulation: (1) retain the existing regulation, (2) modify the definition of "tripper services," and (3) define "exclusive" school bus service.The public comment period closed November 26, 1982.

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 06/00/86

Agency Contact: Katherine Cowen, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-4011**

RIN: 2132-AA09

1964. SECTION 15 REPORTING REQUIREMENTS FOR SECTION 9 APPORTIONMENT GRANTS; PENALTY PROCEDURES FOR NON-COMPLIANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1607; 49 USC 1611

CFR Citation: 49 CFR 630

Legal Deadline: None

Abstract: This regulation would simplify Part 630 and implement procedures to handle late reporters, missing certifications and dead head miles in order to provide more timely Section 9 formula apportionments based on the most valid data available.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Additional Information: The proposed rule would update and streamline the existing regulation without greatly affecting reporting transit agencies' responsibilities.

Analysis: Regulatory Evaluation 07/00/86

Agency Contact: Ron Fisher, Director, Information Services, Department of Transportation, Urban Mass Transportation Administration, URT-7, **202 426-9157**

RIN: 2132-AA23

DEPARTMENT OF TRANSPORTATION (DOT)
Urban Mass Transportation Administration (UMTA)

Final Rule Stage

1965. + ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 4321 et seq; 23 USC 101 et seq; 49 USC 1601 et seq; 49 USC 1653(f)

CFR Citation: 23 CFR 771; 49 CFR 622

Legal Deadline: None

Abstract: This regulation covers the preparation of environmental impact statements and related documents and compliance with other Federal environmental requirements under UMTA and FHWA grant programs. The changes are intended to streamline the project development process and provide increased decisionmaking authority to agency field offices. This rulemaking is significant because it involves important departmental policy. It is needed to reduce burdens associated with the environmental review process.

Timetable:

Action	Date	FR Cite
Notice and Request for Comments	04/13/81	46 FR 21620
NPRM	08/01/83	48 FR 34894
Final Action	04/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Fred Skaer, FHWA, (202) 426-0106. Notice and request for comments on priority review of environmental process published on April 13, 1981 (46 FR 21620). An NPRM was published on August 1, 1983.

Analysis: Regulatory Evaluation 08/01/83

Agency Contact: Abbe Marner, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0096**

RIN: 2132-AA03

1966. + "BUY AMERICA" REQUIREMENTS OF THE SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982

Significance: Agency Priority

Legal Authority: PL 97-424 Surface Transportation Assistance Act of 1982 Sec 165

CFR Citation: 49 CFR 661

Legal Deadline: None

Abstract: This rulemaking implements Section 165 of the Surface Transportation Assistance Act of 1982 (PL 97-424).

Timetable:

Action	Date	FR Cite
Emergency Final Rule	09/15/83	49 FR 41562
Next Action Undetermined		

Small Entity: Yes

Additional Information: UMTA issued this regulation as an emergency regulation in September 1983. UMTA took this action since the requirements in Section 165 of the 1982 STAA apply to all UMTA funds obligated after January 6, 1983. UMTA will determine what, if any further regulatory activities to take based on a review of the comments and experience gained working with the existing regulations.

Agency Contact: Edward J. Gill, Jr., Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-4063**

RIN: 2132-AA15

1967. INNOVATIVE TECHNIQUES AND METHODS

Significance: Nonsignificant

Legal Authority: 49 USC 1603(i)

CFR Citation: 49 CFR 644

Legal Deadline: None

Abstract: These regulations would prescribe policies and procedures for administering the grant programs for projects using innovative techniques and methods in the management and operation of public transportation

DOT—UMTA **Final Rule Stage**

services under Section 4(i) of the UMT Act as amended.

Timetable:

Action	Date	FR Cite
NPRM	12/01/80	45 FR 79669
To be withdrawn	00/00/00	

Small Entity: No

Additional Information: UMTA will prepare a Circular dealing with Innovative Techniques and Methods 4(i). UMTA will withdraw the NPRM and publish a Circular that will be described in the Federal Register. Until then, however, the NPRM should be used as guidance.

Analysis: Regulatory Evaluation 12/01/80

Agency Contact: Sal Caruso, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4052

RIN: 2132-AA05

1968. MISCELLANEOUS AMENDMENTS - ORGANIZATION, FUNCTIONS, AND PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1657; 49 USC 1659

CFR Citation: 49 CFR 601

Legal Deadline: None

Abstract: These amendments will reflect modifications in the organization and distribution of functions as well as changes in the delegations of authority within the Urban Mass Transportation Administration.

Timetable:

Action	Date	FR Cite
Final Action	06/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/86

Agency Contact: Henry T. Carter, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4022

RIN: 2132-AA06

1969. TECHNOLOGY INTRODUCTION

Significance: Nonsignificant

Legal Authority: 49 USC 1602(a)(1)(c)

CFR Citation: 49 CFR 641

Legal Deadline: None

Abstract: These regulations would implement Section 3(a)(1)(c) of the UMT Act of 1964, as amended, by prescribing policies and procedures for administering the grant program for projects that would introduce new technology into public transportation.

Timetable:

Action	Date	FR Cite
NPRM	01/19/81	46 FR 5832
To be withdrawn	00/00/00	

Small Entity: No

Additional Information: UMTA will prepare a Circular dealing with Technology Introduction 3(a)(1)(c). UMTA has decided to withdraw this rulemaking activity and to issue it as a Circular that will be described in the Notice section of the Federal Register. Until then, the January 19, 1981, NPRM should be used as guidance.

Analysis: Regulatory Evaluation 01/19/81

Agency Contact: Sal Caruso, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4052

RIN: 2132-AA07

[FR Doc. 86-8639 Filed 04-18-86; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)

Prerule Stage

Research and Special Programs Administration (RSPA)

1970. SPECIFICATION PACKAGES OF TYPE B AND FISSILE RADIOACTIVE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: Advance notice to address feasibility of continued use and needed modifications of certain radioactive materials package designs.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/86	

Small Entity: No

Additional Information: Project 300-83.

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: E. Mazzullo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2311

RIN: 2137-AA29

1971. DOT SPECIFICATION 51 PORTABLE TANKS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 178

Legal Deadline: None

Abstract: Consideration of revisions of DOT Specification 51 Portable Tanks, including waiver of requirements for post-weld heat treatment for certain steels and use of bottom outlets.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/86	

Small Entity: No

Additional Information: Project 302-83.

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: L. Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA36

DEPARTMENT OF TRANSPORTATION (DOT)

Proposed Rule Stage

Research and Special Programs Administration (RSPA)

1972. + PERFORMANCE-ORIENTED PACKAGING STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 172; 49 CFR 173; 49 CFR 178

Legal Deadline: None

Abstract: To develop performance-oriented packaging standards for small packagings based on the Recommendation of the United Nations Committee of Experts on the Transport of Dangerous Goods. Also includes former non-significant rulemakings entitled "Consolidation of Specifications and Establishment of Performance Standards for Specification Bags" (Docket No. HM-153), "Specifications for and use of Specification 17 Steel Drums" (Docket No. HM-182), and "Organic Peroxide Requirements" (Project 186-72). The rulemaking is significant because a large number of specifications for packaging in the Hazardous Materials Regulations would be affected by this project. To a large extent the complexity and mass of the present Hazardous Materials Regulations are due to the detailed specification-type packaging standards contained in these regulations. To replace these with standards based on the U.N. system would both simplify the present regulations and facilitate international trade.

Timetable:

Action	Date	FR Cite
ANPRM	04/15/82	47 FR 16268
Corrections Docum & Notice of Meeting	06/17/82	47 FR 26172
Extension of Comment Period to 01/13/83	09/00/82	47 FR 40816
NPRM	12/00/86	

Small Entity: No

Additional Information: Docket No. HM-181. Further action to be determined from evaluation of comments received on ANPRM.

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 12/00/86

Agency Contact: T. Charlton, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA01

1973. + COLLECTION OF SERVICE SEGMENT DATA AND CHARTER DATA FROM FOREIGN AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1301; 49 USC 1374; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: DOT is considering a rule that would require submission to DOT of nonstop market data from foreign carriers providing scheduled service between their home countries and the United States. This information is needed to assess potential and actual benefits of bilateral agreements. In addition international charter data currently collected from foreign carriers may also be incorporated with service segment reporting. This information may very well replace some of the data currently collected by the Immigration and Naturalization Service (INS) on Forms I-92 and I-94. Although there will be some start-up costs, it is anticipated that over the long run there will be substantial savings for both the industry and the government.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	
Final Action	03/00/87	

Small Entity: No

Affected Sectors: 45 TRANSPORTATION BY AIR

Agency Contact: Jack Calloway, Chief, Department of Transportation, Research and Special Programs Administration, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2137-AA97

1974. + ALIGNMENT OF AIRLINE UNIFORM SYSTEM OF ACCOUNTS AND REPORTS WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377

CFR Citation: 14 CFR 241

Legal Deadline: None

Abstract: As part of the continuing effort to align the DOT's aviation accounting rules with generally accepted accounting principles, certain sections of the Uniform System of Accounts and Reports need to be deleted or amended. These changes would provide relief from the present requirements for most air carriers.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Affected Sectors: 45 TRANSPORTATION BY AIR

Agency Contact: Jack Calloway, Chief, Department of Transportation, Research and Special Programs Administration, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2137-AA99

1975. + COLLECTION OF SERVICE SEGMENT DATA AND CHARTER DATA FROM U.S. AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241; 14 CFR 217

Legal Deadline: None

Abstract: This proposed rule would standardize service segment data reporting for aviation. Presently, larger carriers file very detailed service segment data in ADP format while smaller carriers file a condensed version on a hardcopy report. This rule would standardize domestic service segment data at a condensed level. In addition international charter data currently being collected from U.S. carriers may also be incorporated with service segment reporting.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	
Final Action	03/00/87	

Small Entity: No

Affected Sectors: 45 TRANSPORTATION BY AIR

Agency Contact: Jack Calloway, Chief, Department of Transportation, Research and Special Programs Administration, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 426-7372**

RIN: 2137-AB01

1976. + REQUESTS FOR CONFIDENTIAL TREATMENT OF AVIATION ECONOMICS- RELATED MATERIALS FILED WITH DOT

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1482

CFR Citation: 14 CFR 302

Legal Deadline: None

Abstract: This rule would revise the procedures governing requests to confidential treatment of material filed with the Department to clarify the relation between those procedures and the Freedom of Information Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Joseph S. Nalevanko, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 472-2698**

RIN: 2137-AB02

1977. + CONFIDENTIALITY OF PARTS 241 AND 298 AIRLINE REPORTS

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1373; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 241; 14 CFR 298

Legal Deadline: None

Abstract: This rule would consider whether some components of individual carrier's reports submitted under Parts 241 and 298 should be kept confidential and for how long.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	02/00/87	

Small Entity: No

Agency Contact: Jack Calloway, Chief, Department of Transportation, Research and Special Programs Administration, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 426-7372**

RIN: 2137-AB05

1978. + DATA COLLECTION AND REPORTING: HAZARDOUS MATERIALS INCIDENT REPORTS

Significance: Agency Priority

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1809

CFR Citation: 49 CFR 171

Legal Deadline: None

Abstract: The current regulations require reports of hazardous material incidents. The objective of this review is to determine if the current data requirements can be modified to reduce the burden on industry but still result in the collection of the information needed for the hazardous materials safety program. Although safety programs, such as the one covered by these regulations, require data in order to function properly, it is possible that the data collection can be made less burdensome.

Timetable:

Action	Date	FR Cite
ANPRM	03/16/84	49 FR 10042

Next Action Undetermined

Small Entity: No

Additional Information: Docket HM-36B.

Agency Contact: R. Abis, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA51

1979. + REPORTABLE QUANTITIES OF HAZARDOUS SUBSTANCES

Significance: Agency Priority

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173

Legal Deadline: None

Abstract: Requested comments on the burdens and benefits associated with incorporating EPA revised Reportable Quantities of Hazardous Substances into the Hazardous Materials Regulations. Discussion of the regulatory alternatives being considered is included. Potential costs and benefits are unknown at this time. This regulation is significant because of substantial public interest and because it is potentially controversial.

Timetable:

Action	Date	FR Cite
ANPRM	08/08/83	48 FR 35965
ANPRM Comment Period End	10/12/83	
Extension of time for public comment till 11/16/83.	10/19/83	48 FR 48483
NPRM	05/00/86	

Small Entity: No

Additional Information: HM-145E

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: L. Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA68

1980. + RECODIFICATION OF EXPLOSIVE REGULATIONS

Significance: Agency Priority

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172; 49 CFR 173

Legal Deadline: None

Abstract: Proposed consolidation and revision of the regulations on the classification and packaging of explosives, and the alignment of these regulations with the recommendations of the United Nations Committee of experts on the transport of Dangerous Goods.

Timetable:

Action	Date	FR Cite
End Review	02/00/86	
NPRM	06/00/86	
NPRM Comment Period End	12/00/86	
Final Action	05/00/87	
Final Action Effective	07/00/87	

Small Entity: Undetermined

Additional Information: Project 306-83

DOT—RSPA

Proposed Rule Stage

Agency Contact: Charles Ke/H. Mitchell, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2311**

RIN: 2137-AA93

1981. REVIEW: CONSOLIDATION OF SPECIFICATIONS FOR HIGH PRESSURE SEAMLESS CYLINDERS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172; 49 CFR 173

Legal Deadline: None

Abstract: Proposed consolidation and revision of the specifications on the manufacture of high pressure, seamless cylinders. (Project No. 123-71).

Timetable:

Action	Date	FR Cite
End Review	02/00/86	
NPRM	07/00/86	
NPRM Comment Period End	10/00/86	
Final Action	01/00/87	
Final Action Effective	02/00/87	

Small Entity: No

Agency Contact: Arthur Mallen, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 755-4906**

RIN: 2137-AA92

1982. DEFINITION OF A FLAMMABLE SOLID

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: Consideration of new standards for classifying a material as a flammable solid. Previously part of Docket HM-118 which was terminated May 22, 1980 (45 FR 34560) to permit publication of ANPRM.

Timetable:

Action	Date	FR Cite
ANPRM	05/07/81	46 FR 25492

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-178

Agency Contact: C. Ke, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2311**

RIN: 2137-AA05

1983. REVISION OF OPERATING PROCEDURES FOR MOTOR VEHICLES

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 177

Legal Deadline: None

Abstract: Proposed simplification and recodification of the existing operating procedures for transportation of hazardous materials by motor vehicles as prescribed in Part 177. Development of driver training requirements (formerly Project 270-78).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Project 261-78

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA07

1984. USE OF INTERESTED INSPECTORS FOR CYLINDER INSPECTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 178

Legal Deadline: None

Abstract: Proposal would result in ending of permitting "Interested" inspectors to perform inspections and testing of domestically manufactured low pressure gas cylinders.

Timetable:

Action	Date	FR Cite
NPRM	03/17/76	44 FR 1179

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-74A

Agency Contact: H. Mitchell, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA08

1985. CONSOLIDATION AND REVISION OF REQUIREMENTS FOR THE CARRIAGE OF EXPLOSIVES BY VESSEL

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 176

Legal Deadline: None

Abstract: Proposed consolidation and revision of requirements for the carriage of military and commercial explosives by vessel and adoption of United Nations scheme for classification and compatibility of explosives for the water mode.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Project 279-78

Agency Contact: H. Mitchell/F. Thompson (USCG), Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1577**

RIN: 2137-AA10

1986. OXIDIZING MATERIALS DEFINITION, CRITERIA AND PROPOSED REGULATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: Development of new standards for classifying a material as an oxidizing material.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/81	46 FR 31294

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-179

Analysis: Regulatory Evaluation 03/00/85

DOT—RSPA

Proposed Rule Stage

Agency Contact: M. Morris/C. Schultz, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2311

RIN: 2137-AA11

1987. ODORIZATION OF LP GAS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172

Legal Deadline: None

Abstract: NPRM solicits comments on the benefit of requiring LP gas to be odorized. Odorization will enhance its identification during transportation in commerce.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-126E

Agency Contact: L. Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA25

1988. PRIVATE CARRIERS LICENSED TO USE RADIOACTIVE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173; 49 CFR 177

Legal Deadline: None

Abstract: Proposed exceptions for private carriers who also are licensed to use radioactive materials in the course of their businesses.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Project 298-82.

Agency Contact: E. Mazzullo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2311

RIN: 2137-AA28

1989. QUALITY ASSURANCE FOR RADIOACTIVE MATERIALS SHIPPERS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: Advance notice to solicit comments on the desirability of establishing quality assurance program requirements for all shippers of radioactive materials.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Project 291-80.

Agency Contact: E. Mazzullo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2311

RIN: 2137-AA30

1990. STEEL PIPE

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Development of performance standards for qualifying steel pipe for use in gas pipelines.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Action deferred pending development of industry standard by Voluntary Standards Committee.

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2082

RIN: 2137-AA40

1991. SPECIFICATION 8W AND 8WA WELDED STEEL CYLINDERS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 178

Legal Deadline: None

Abstract: Would eliminate existing Specifications 8 and 8AL and provide a consolidated specification for the manufacture of acetylene cylinders.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Additional Information: Docket No. HM-23.

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA63

1992. REVISION OF THE IM TANK TABLE

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: Would revise the IM Tank Table to incorporate interim approvals issued since April of 1981 and other changes.

DOT—RSPA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-167A

Agency Contact: L. Jackson/C. Ke, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2311

RIN: 2137-AA64

1993. REWRITE AND RECODIFICATION OF SECTION 173.34

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173.34, Rewrite and Recodification

Legal Deadline: None

Abstract: The recodification of Sec. 173.34 will provide industry with regulations set up by the functions to be performed. The rewrite should make it possible to understand the regulations more readily, and simplify the process of determining how to apply specific requirements. The potential cost has tentatively been determined to be minimal.

Timetable:

Action	Date	FR Cite
End Review	07/00/85	
NPRM	07/00/86	

Small Entity: No

Additional Information: Project No. 305-83

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: Charles Hochman/M. Morris, Technical Staff, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 755-4906

RIN: 2137-AA73

1994. MARKING OWNER'S SYMBOLS ON COMPRESSED GAS CYLINDERS

Significance: Nonsignificant

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 173.34(c)(1)

Legal Deadline: None

Abstract: Currently the regulations allow more than one owner symbol on a cylinder. This revision would prohibit the display of more than one owner symbol on a compressed gas cylinder. This will promote easy identification of cylinders and reduce theft problems associated with these cylinders.

Timetable:

Action	Date	FR Cite
ANPRM	04/11/84	49 FR 14405
ANPRM Comment Period End	05/23/84	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-172A

Agency Contact: L. Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA74

1995. RECLASSIFICATION OF SPECIAL FIREWORKS

Significance: Nonsignificant

Legal Authority: 49 USC 1801

CFR Citation: 49 CFR 172.101; 49 CFR 173.88; 49 CFR 173.100

Legal Deadline: None

Abstract: This notice solicits comments on the merits of a petition of rulemaking proposing to reclassify certain fireworks currently classified as class B explosives to class C explosives.

Timetable:

Action	Date	FR Cite
ANPRM	11/19/84	49 FR 45627
ANPRM Comment Period End	02/14/85	49 FR 45627

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: H. Mitchell, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh St, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA78

1996. REQUIRED USE OF EMERGENCY RESPONSE GUIDEBOOKS AND MATERIAL SAFETY DATA SHEETS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 172

Legal Deadline: None

Abstract: This proposal solicits comments on the potential benefits and consequences of requiring the use of Emergency Response Guidebooks (ERG) and/or Material Safety Data Sheets (MSDS) to communicate information on the hazards of hazardous materials while they are moving in commerce.

Timetable:

Action	Date	FR Cite
ANPRM	03/16/84	49 FR 10048
Public Hearing held, Washington, D.C.	05/02/84	49 FR 10048
ANPRM Comment Period End	06/26/84	49 FR 10048

Next Action Undetermined

Small Entity: Yes

Additional Information: HM-126C

Agency Contact: Lee Jackson, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA88

1997. ODORIZATION OF LIQUEFIED PETROLEUM GAS (LPG)

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173

Legal Deadline: None

Abstract: This proposal requested comments on the feasibility of requiring that LPG be odorized to enhance its identification when being transported in commerce. The original ANPRM Docket HM-126D, odorization of LPG and miscellaneous proposals, has been divided into two separate dockets. Odorization of LPG is now HM-126E, an ANPRM. Miscellaneous proposals, including bulk packagings remain under HM-126D, as a Final Rule.

DOT—RSPA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	09/27/84	49 FR 38164

Next Action Undetermined

Small Entity: No

Agency Contact: Lee Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA89

1998. COLLECTION OF FINANCIAL INFORMATION FROM THE COMMUTER AIR CARRIER INDUSTRY

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 298

Legal Deadline: None

Abstract: DOT is considering proposing to collect basic financial information from the commuter air carrier industry. Data would be used for safety purposes, fitness reviews, and various economic analysis such as trust fund revenue generation, and airport and airways development.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: Jack Calloway, Chief, Department of Transportation, Research and Special Programs Administration, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2137-AA98

1999. REVISE DEFINITION OF AIRLINE REVENUE AND NONREVENUE PASSENGERS, AND FIRST CLASS AND COACH PASSENGERS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1373

CFR Citation: 14 CFR 241

Legal Deadline: None

Abstract: The present definition of revenue and nonrevenue passengers for aviation reporting purposes is stated in terms of the exemptions for free and reduced-rate transportation in sections 403(b) of the Federal Aviation Act of 1958. These definitions have become outmoded in the process of air fare deregulation. In addition, first class and coach passengers are defined in terms of the type of fare paid with premium or standard fares being the benchmark for first class. With deregulation and the proliferation of the marketplace with new air fares, these definitions may also be outmoded. The DOT is considering several options for revising these definitions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Jack Calloway, Chief, Department of Transportation, Research and Special Programs Administration, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2137-AB00

2000. REQUIRE SPECIFIC CATEGORIES OF RECORDS AND RETENTION PERIODS FOR COMMUTER AIR CARRIERS RECEIVING SUBSIDY

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 249

Legal Deadline: None

Abstract: This rule would require commuter air carriers receiving subsidy to retain certain records in support of their claims for subsidy; modify or eliminate several of the records prescribed for retention by certificated carriers; and clarify one of the records prescribed for retention by public charter operators and overseas military personnel charter operators. In addition, the proposal would transfer the record retention requirements contained in Part 374a to Part 249.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: Jack Calloway, Chief, Department of Transportation, Research and Special Programs Administration, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2137-AB04

2001. MATTER INCORPORATED BY REFERENCE (HAZARDOUS MATERIALS)

Significance: Routine and Frequent

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171

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 six months, with FR targeted two months thereafter. 01/00/86 - 12/00/86

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-22A.

Agency Contact: E. Mazzullo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA45

DEPARTMENT OF TRANSPORTATION (DOT)

Research and Special Programs Administration (RSPA)

Final Rule Stage

2002. + REVIEW OF SAMPLE SIZE AND ADMINISTRATION OF THE AIRLINE PASSENGER ORIGIN-DESTINATION SURVEY

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1382

CFR Citation: 14 CFR 241

Legal Deadline: None

Abstract: OMB has mandated that the 10 percent sampling requirement contained in the Passenger Origin-Destination Survey be eliminated and that a requirement that the collection include a statistically valid sample be substituted. The NPRM has requested comments on the size of the sample and invited the public to propose alternative methods of administering the statutory data collection requirements contained in the Civil Aeronautics Board Sunset Act of 1984. The NPRM also proposed to standardize reporting between pre-deregulation carriers and post-deregulation carriers. This change has the potential for reducing the burden on the industry. This rulemaking is significant because it may substantially change the reporting requirements for the aviation industry and significantly reduce the associated paperwork burdens.

Timetable:

Action	Date	FR Cite
ANPRM	01/02/85	50 FR 101
NPRM	10/22/85	50 FR 42870
Final Action	03/31/86	

Small Entity: No

Affected Sectors: 45 TRANSPORTATION BY AIR

Agency Contact: Jack Calloway, Chief, Department of Transportation, Research and Special Programs Administration, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2137-AA95

2003. + REVIEW OF THE FORM 41 REPORT OF FINANCIAL AND OPERATING STATISTICS FOR LARGE CERTIFICATED AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241

Legal Deadline: None

Abstract: OMB stated that the continuation of uniform, detailed financial and operating reporting of domestic air transportation appears to be contrary to airline deregulation. It has mandated that an NPRM be issued soliciting specific recommendations from the affected public. The NPRM will be broad enough in scope to accommodate a wide range of alternatives, including complete elimination of all requirements. The NPRM will specifically request comments on the need for, and frequency of, the collection in the light of the information collection requirements imposed on the airlines by other Federal agencies. Additionally, the NPRM will request specific comments from other agencies that presently use the Form 41 data. This rulemaking is significant because it may substantially change the reporting requirements for the aviation industry and significantly reduce the associated paperwork burdens.

Timetable:

Action	Date	FR Cite
ANPRM	01/02/85	50 FR 101
NPRM	08/23/85	50 FR 34366
NPRM Comment Period End	10/22/85	
Final Action Effective	01/01/86	
Final Action	04/00/86	

Small Entity: No

Affected Sectors: 45 TRANSPORTATION BY AIR

Agency Contact: Jack Calloway, Chief, Department of Transportation, Research and Special Programs Administration, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2137-AA96

2004. + SPECIFICATION AND USE REQUIREMENTS FOR MC 306, MC 307, AND MC 312 CARGO TANKS (INCLUDING PROJ. 301-83 AND INCORPORATES DOCKET HM 183)

Significance: Agency Priority

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805

CFR Citation: 49 CFR 173; 49 CFR 177; 49 CFR 178

Legal Deadline: None

Abstract: Modify cargo tank specifications in sections 178.340-178.342 for clarity, provide for manufacture of vacuum-loaded cargo tanks, establish standards for corrosion in cargo tanks. (In conjunction with BMCS.)

Timetable:

Action	Date	FR Cite
ANPRM	06/28/82	47 FR 27876
NPRM	09/17/85	50 FR 37767
Corrections and Clarifications	12/05/85	50 FR 49866

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Docket No. HM-183A

Analysis: Regulatory Evaluation 09/17/85 (50 FR 37767)

Agency Contact: J. O'Steen/ J. Pena, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0033

RIN: 2137-AA42

2005. + ADD TO 49 CFR 195.2 DEFINITIONS A DEFINITION OF "GATHERING LINE"

Significance: Agency Priority

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195.2

Legal Deadline: None

Abstract: Definition of terms would be proposed to clarify application of Part 195 to gathering lines. Minimal costs and benefits will result since there will be no substantive changes to existing standards.

DOT—RSPA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	11/27/85	50 FR 48811
NPRM Comment Period End	12/31/85	
Final Action	04/00/86	

Small Entity: No

Additional Information: PS-85

Analysis: Regulatory Evaluation 11/27/85 (50 FR 48811)

Agency Contact: Lucian Furrow, Department of Transportation, Research and Special Programs Administration, Dept. of Transportation, 400 Seventh St., SW, Washington, DC 20590, 202 426-2392

RIN: 2137-AA60

2006. INTERIOR PIPING

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: The adequacy of existing standards with regard to safety problems concerning interior piping would be examined and new standards may be proposed. Responses to the ANPRM indicate that State and local safety regulations adequately cover gas piping in a building. Proposed change in "Service Line" definition would recognize this situation.

Timetable:

Action	Date	FR Cite
ANPRM	04/03/80	45 FR 22118
ANPRM Comment Period End	08/01/80	
To be withdrawn due to the low incidence of interior failure	03/00/86	

Small Entity: No

Additional Information: Docket No. PS-67.

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: R. Langley, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2392

RIN: 2137-AA21

2007. CONVERSION OF INDIVIDUAL EXEMPTIONS TO REGULATIONS OF GENERAL APPLICABILITY

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. 01/00/86 - 12/00/86

Timetable:

Action	Date	FR Cite
Periodic Update	01/19/84	49 FR 2250
NPRM	08/28/84	49 FR 34044
Final Action	03/00/86	

Small Entity: Undetermined

Additional Information: Docket No. HM-139

Agency Contact: D. Raines, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 472-2726

RIN: 2137-AA43

2008. MINOR REGULATORY ADJUSTMENTS TO REGULATIONS OF GENERAL APPLICABILITY

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
NPRM	03/22/84	49 FR 10780
Periodic Update	03/22/84	49 FR 10780
Final Action	03/00/86	

Small Entity: Undetermined

Additional Information: Docket No. HM-166R.

Analysis: Regulatory Evaluation 03/22/84

Agency Contact: D. Raines, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 472-2726

RIN: 2137-AA44

2009. CONFIRMATION OR REVISION OF MAXIMUM OPERATING PRESSURE FOR CERTAIN CHANGES IN CLASS LOCATION

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Proposal would examine the requirement for confirmation or revision of the maximum allowable operating pressure for certain pre-tested gas pipelines when changed conditions adjacent to the pipeline meet the class location definition of 49 CFR 192.5(d)(2). It would also consider other effects of changes adjacent to pipelines involving 192.5(d)(2) and problems identified with compliance benefits and costs.

Timetable:

Action	Date	FR Cite
ANPRM	09/05/85	50 FR 36116
ANPRM Comment Period End	01/03/86	50 FR 45845
NPRM	02/00/86	
Final Action	07/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: R. Langley, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2392

RIN: 2137-AA62

2010. CLARIFICATION OF WELDING REQUIREMENTS FOR GAS PIPELINES

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192.223; 49 CFR 192.225; 49 CFR 192.227; 49 CFR 192.237; 49 CFR 192.239

Legal Deadline: None

Abstract: Clarification of requirements for preheating and stress relieving to be proposed; redundancies in welding and

welder qualification would be removed (Part 192, Subpart E).

Timetable:

Action	Date	FR Cite
NPRM	12/02/85	50 FR 49429
NPRM Comment Period End	01/31/86	50 FR 49429
Final Action	05/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 12/02/85 (50 FR 49429)

Agency Contact: William A. Gloe, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2082

RIN: 2137-AA69

2011. DAMAGE PREVENTION PROGRAM FOR GAS PIPELINES (DOCKET NO. PS-59)

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192.614

Legal Deadline: None

Abstract: Consider possible wording change on requirement for operator response to notice from excavator in order to facilitate more effective damage prevention programs.

Timetable:

Action	Date	FR Cite
NPRM	12/03/85	50 FR 49575
Final Action	07/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 12/03/85 (50 FR 49575)

Agency Contact: Robert Langley, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2082

RIN: 2137-AA71

2012. MODIFICATIONS TO DOT SPECIFICATION 21PF-1 OVERPACKS

Significance: Nonsignificant

Legal Authority: 49 USC 178; 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 178

Legal Deadline: None

Abstract: This rulemaking responds to a Department of Energy request that we improve the water resistance of overpacks used in the transportation of uranium hexafluoride. The natural form of mined uranium has low radioactivity; it must be purified to produce a form suitable for certain commercial uses. The purification process produces a small amount of radioactive uranium hexafluoride and a large amount of waste uranium hexafluoride enriched in the fissionable U-235 isotope that is of low radioactivity. This rulemaking addresses the packaging for the more highly radioactive, enriched uranium hexafluoride. It does not address the low level radioactive waste uranium hexafluoride, which is transported in plain cylinders. In the recent capsize of a French vessel carrying uranium hexafluoride, there was a danger of radioactive contamination because the vessel was carrying a variety of uranium hexafluoride packages; some contained material that had been removed from spent reactor fuel and reprocessed for reuse. In the United States, this material is never reprocessed, furthermore, the enriched form of uranium hexafluoride is always carried (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/16/84	49 FR 32774
NPRM Comment Period End	09/12/84	
Final Action	06/00/86	

Small Entity: No

Additional Information: Docket No. HM-190 ABSTRACT CONT: in the United States in the overpacks that are addressed in this rulemaking. RSPA has no data showing any releases of radioactivity from these overpacks. DOE has been rejecting some deliveries from its contractors because of water in the overpacks; this rulemaking would increase the resistance of the overpacks to water penetration and retention.

Analysis: Regulatory Evaluation 08/16/84 (49 FR 32774)

Agency Contact: E. Mazzulo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2313

RIN: 2137-AA72

2013. CARGO TANKS USED IN ATMOSPHERIC GAS AND HELIUM, CRYOGENIC LIQUID SERVICE DOCKET HM-115A

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 173; 49 CFR 178

Legal Deadline: None

Abstract: Proposes to revise certain requirements pertaining to atmospheric gas and helium. Cryogenic liquids and the relief system on MC 338 cargo tanks.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Hattie Mitchell, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA84

2014. LIMITATION ABOARD AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1807; 49 USC 1808

CFR Citation: 49 CFR 175

Legal Deadline: None

Abstract: Proposes the removal of the fifty pound limit on the quantity that may be stowed in an inaccessible location.

Timetable:

Action	Date	FR Cite
ANPRM	04/06/84	49 FR 13717
ANPRM Comment Period End	09/01/84	49 FR 13717
NPRM	02/13/85	50 FR 6013
NPRM Comment Period End	05/30/85	50 FR 6013

Next Action Undetermined

Small Entity: No

Additional Information: Further action to be determined based on NPRM comments.

Analysis: Regulatory Evaluation 02/13/85 (50 FR 6013)

DOT—RSPA — **Final Rule Stage**

Agency Contact: E. Altemos, International Regulations Coordinator, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, **202 426-0656**

RIN: 2137-AA85

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173

Legal Deadline: None

Abstract: Prescribes marking requirements for bulk packagings and bulk transport vehicles that are not portable tanks, cargo tanks or tank cars. A definition for bulk packaging is provided. Also included are five minor revisions pertinent to marking, to correct, clarify and enhance compliance with the communication regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/27/84	49 FR 38164
NPRM Comment Period End	12/28/84	49 FR 38164
Final Action	03/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: Lee Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2075**

RIN: 2137-AA90

2015. BULK PACKAGINGS AND MISCELLANEOUS RULE CHANGES

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1808

DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Completed Actions

2016. + STREAMLINE AIRLINE PASSENGER ORIGIN-DESTINATION SURVEY REPORTING

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1382

CFR Citation: 14 CFR 241

Legal Deadline: None

Abstract: This rule would standardize reporting instructions for old (pre-deregulation) and new air carriers, limit interline reporting to large carriers (over $75 million in operating revenues), and seek suggestions on ways to further reduce and simplify the survey systems' reporting requirements. This project was merged with the RIN 2105-AA30. Review of Sample Size and Administration of the Airline Passenger Origin-Destination Survey.

Timetable:

Action	Date	FR Cite
Action Terminated : Merged with RIN 2105-AA30	10/22/85	

Small Entity: No

Agency Contact: Jack Calloway, Chief, Department of Transportation, Research and Special Programs Administration, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 426-7372**

RIN: 2137-AB03

2017. RADIATION LEVEL SPECIFICATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173.441(b)

Legal Deadline: None

Abstract: Proposed rewrite of 49 CFR 173.441(b) for clarity and enforceability.

Timetable:

Action	Date	FR Cite
NPRM	10/07/82	47 FR 44356
Final Action	10/16/85	50 FR 4895
Final Action Effective	10/16/85	

Small Entity: No

Additional Information: Docket No. HM-166P.

Analysis: Regulatory Evaluation 10/16/85 (50 FR 41895)

Agency Contact: R. Rawl/F. Mazzullo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2311**

RIN: 2137-AA27

2018. MONITORING EXTERNAL CORROSION CONTROL

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: The requirement to annually check the performance of cathodic protection on pipeline under paving and other corrosion survey regulations would be made more appropriate.

Timetable:

Action	Date	FR Cite
ANPRM	03/10/83	48 FR 10092
Withdrawn	01/23/86	51 FR 3065
To be withdrawn	02/00/86	

Small Entity: No

Additional Information: Docket No. PS-76

The ANPRM is to be withdrawn because of the use of leak survey as an alternative to annual monitoring of cathodic protection was determined not to be acceptable.

Analysis: Regulatory Evaluation 10/00/85

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2082

RIN: 2137-AA38

2019. RECORDS FOR HYDROSTATIC TESTING, OPERATION AND MAINTENANCE AND ACCIDENT REPORTING

Significance: Nonsignificant

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: Records of hydrostatic testing would be permitted to be kept in supporting documents as well as the pressure recording chart. The retention

period for records of operations would be reduced from three years to one year. Inspection and maintenance records for components other than pipe would be kept for one year rather than three years. Revised reporting requirements would be proposed.

Timetable:

Action	Date	FR Cite
NPRM	11/13/84	49 FR 44928
Final Action	08/26/85	50 FR 34470

Small Entity: No

Analysis: Regulatory Evaluation 08/26/85 (50 FR 34470)

Agency Contact: F. Robinson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2392

RIN: 2137-AA58

2020. NONDESTRUCTIVE TESTING OF GIRTH WELDS

Significance: Nonsignificant

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: The requirement to nondestructively test 100 percent of the girth welds would be reduced to 90 percent at certain locations.

Timetable:

Action	Date	FR Cite
Final Action	09/12/85	50 FR 37191
Final Action Effective	10/15/85	50 FR 37191

Small Entity: No

Analysis: Regulatory Evaluation 09/12/85 (50 FR 37191)

Agency Contact: F. Robinson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2392

RIN: 2137-AA59

2021. CYLINDER RETESTER IDENTIFICATION NUMBERS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: Proposal to incorporate procedures applicable to cylinder retesters.

Timetable:

Action	Date	FR Cite
NPRM	10/04/84	49 FR 39177
Final Action	11/06/85	50 FR 46054
Corrections	12/05/85	50 FR 49849
Final Action Effective	04/15/86	50 FR 52926

Small Entity: No

Additional Information: Docket No. HM-172B

Analysis: Regulatory Evaluation 11/06/85 (50 FR 46054)

Agency Contact: D. Henry/M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5982

RIN: 2137-AA65

2022. INCORPORATION BY REFERENCE, UPDATING STEEL LINE PIPE SPECIFICATIONS (DOCKET NO. P-26)

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192.55; 49 CFR 192.113; 49 CFR 192, Appendix A; 49 CFR 192, Appendix B; 49 CFR 195.3; 49 CFR 195.106

Legal Deadline: None

Abstract: Final rule will replace references to three industry steel line pipe specifications with the latest edition, a consolidation of the three specifications into one, the 1984 edition of the American Petroleum Institute (API) Specifications 5L. Based on petitions by the American Society of Mechanical Engineers, the Bethlehem Steel Corporation, and representation by the API Tubular Goods Standardization Committee, existing references to API 5L, 5LX and 5LS are out-of-date. Minimal costs and benefits will result because there will be no substantive changes to existing standards.

Timetable:

Action	Date	FR Cite
Final Rule Incorporation by Reference, Updating Steel Line Pipe Specif	09/20/85	
Final Action	11/27/85	50 FR 48809

Small Entity: No

Analysis: Regulatory Evaluation 11/27/85 (50 FR 48809)

Agency Contact: William A. Gloe, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2082

RIN: 2137-AA94

[FR Doc. 86-8639 Filed 04-18-86; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MarAd)

Prerule Stage

2023. ● REVIEW: MARAD PROGRAM REGULATIONS: REVIEW OF ALL MARAD PROGRAM REGULATIONS

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR Chapter II

Legal Deadline: None

Abstract: MARAD is reviewing its regulations in their entirety to identify regulations that are obsolete, or which need updating.

Timetable:

DOT—MarAd **Prerule Stage**

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Affected Sectors: 373 Ship and Boat Building and Repairing; 441 Deep Sea Foreign Transportation

Agency Contact: Harris L. Kane, Attorney-Adviser, Office of Chief Counsel, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 7221, Washington, DC 20590, 202 755-1002

RIN: 2133-AA56

DEPARTMENT OF TRANSPORTATION (DOT)
Maritime Administration (MarAd)

Proposed Rule Stage

2024. + CARGO PREFERENCE - U.S. FLAG VESSELS - DETERMINATION OF FAIR AND REASONABLE RATES FOR BULK VESSELS

Significance: Regulatory Program

Legal Authority: 46 USC 1241(b); 46 USC 1114(b)

CFR Citation: 46 CFR 382, (New)

Legal Deadline: None

Abstract: This regulation would require provision of rate and cost data to MARAD so it can determine fair and reasonable rates for carriage of preference cargo in bulk vessels at the request of concerned Federal agencies. MARAD would calculate guideline fair and reasonable rates using a methodology which would average operating costs to determine allowable costs for each vessel. It would establish requirements for the submission of data on which the methodology would be based. This rulemaking is significant because it concerns a matter on which there is substantial public interest. It would clarify the meaning of a statutory term.

Timetable:

Action	Date	FR Cite
NPRM	08/06/85	50 FR 31735
NPRM Comment Period End	10/07/85	
SUPP NPRM	05/00/86	

Small Entity: No

Additional Information: This rulemaking has split from an earlier rulemaking: Cargo Preference - U.S. Flag Vessels - Determination of Fair and Reasonable Rates for Liners (RIN = 2133-AA02). Cargo preference regulation was last revised in 1977 (46 CFR 381).

Affected Sectors: 441 Deep Sea Foreign Transportation

Analysis: Draft Evaluation 08/06/85

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Costs, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 382-6036

RIN: 2133-AA43

2025. + DETERMINATIONS OF NON-AVAILABILITY OF U.S.-FLAG VESSELS

Significance: Agency Priority

Legal Authority: 46 USC 1114(b); 46 USC 1122(d); 46 USC 1241(b); PL 97-31

CFR Citation: 46 CFR 381.8

Legal Deadline: None

Abstract: This regulation is intended to provide Government agencies and departments guidance in complying with the provisions of the Cargo Preference Act of 1954, 68 Stat. 832 (46 USC 1241(b)), commonly known as Pub. L. 664. This rulemaking is significant because it involves important Departmental policy.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation

Agency Contact: S. Thomas Romeo, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1765

RIN: 2133-AA36

2026. + APPROVAL OF MARINE HULL UNDERWRITERS

Significance: Agency Priority

Legal Authority: 46 USC 1114(b); 46 USC 1279(b)

CFR Citation: 46 CFR 299, (New)

Legal Deadline: None

Abstract: This advance notice of proposed rulemaking would establish MARAD's criteria for accepting an organization as an underwriter on any policy of insurance covering vessels under Title XI and Title VI programs or other MARAD administered aid programs.

Timetable:

Action	Date	FR Cite
ANPRM	10/11/85	50 FR 41531
ANPRM Comment Period End	11/12/85	

Next Action Undetermined

Small Entity: No

Agency Contact: William B. Ebersold, Maritime Aids Specialist, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8126, Washington, DC 20590, **202 382-0369**

RIN: 2133-AA50

2027. ● + CARGO PREFERENCE - IMPLEMENTATION OF P.L. 99-198

Significance: Agency Priority

Legal Authority: 46 USC 1241

CFR Citation: 46 CFR 381

Legal Deadline: None

Abstract: These amendments to the existing cargo preference regulations will implement S1142 of P.L. 98-198, the Food Security Act of 1985, that clarifies the applicability of cargo preference requirements to the shipment of U.S. agricultural products. It provides for an increase in the required percentage of carriage on U.S. flag vessels of agricultural commodities not specifically exempted from cargo preference requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation

Government Levels Affected: Federal

Analysis: Draft Evaluation 04/00/86

Agency Contact: Lewis C. Paine, Director, Office of Market Development, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-5750**

RIN: 2133-AA55

2028. ● + REGULATIONS AND MINIMUM STANDARDS FOR STATE, TERRITORIAL OR REGIONAL MARITIME ACADEMIES AND COLLEGES

Significance: Agency Priority

Legal Authority: 46 USC 1295

CFR Citation: 46 CFR 310

Legal Deadline: None

Abstract: The Maritime Administration provides support to six state maritime schools for maritime education. The federal support is outlined in agreements that have been executed between MARAD and the schools. The existing regulations will be revised to reflect changes in these agreements due to decreased federal support.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation; 442 Deep Sea Domestic Transportation; 443 Great Lakes-St. Lawrence Seaway Transportation; 822 Colleges, Universities, Professional Schools, and Junior Colleges

Government Levels Affected: State, Federal

Analysis: Draft Regulatory Evaluation 03/00/86

Agency Contact: Arthur W. Friedberg, Director, Office of Maritime Labor & Training, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-5755**

RIN: 2133-AA57

2029. ● REVIEW: WAR RISK INSURANCE

Significance: Nonsignificant

Legal Authority: 46 USC 1283

CFR Citation: 46 CFR 308

Legal Deadline: None

Abstract: MARAD is considering whether to expand eligibility for War Risk Insurance to foreign flag vessels other than those documented under the laws of Panama, Liberia or Honduras, that are effectively U.S. controlled vessels.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Affected Sectors: 44 WATER TRANSPORTATION; 633 Fire, Marine, and Casualty Insurance

Agency Contact: Jack Malkin, Director, Office of Marine Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8204, Washington, DC 20590, **202 382-0369**

RIN: 2133-AA54

2030. STATISTICAL DATA FOR USE IN OPERATING-DIFFERENTIAL SUBSIDY (ODS) APPLICATION HEARINGS

Significance: Nonsignificant

Legal Authority: 46 USC 1175

CFR Citation: 46 CFR 207

Legal Deadline: None

Abstract: The amendment proposes procedures that would assist in preparation of standard forecasts of liner cargo (if a Final Rule covering ODS application hearing procedures is issued) in which forecast procedures would be included.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Further action dependent on disposition of RIN 2133-AA20.

Affected Sectors: 441 Deep Sea Foreign Transportation

Agency Contact: Edmond J. Fitzgerald, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-0374**

RIN: 2133-AA16

2031. RULES OF PRACTICE AND PROCEDURES; FOR HEARING IN OPERATING-DIFFERENTIAL SUBSIDY (ODS) APPLICATION; APPLICATIONS FOR SUBSIDIES AND OTHER DIRECT FINANCIAL AID

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 201; 46 CFR 208; 46 CFR 251

Legal Deadline: None

Abstract: Amendments to existing agency rules of practice and procedure and regulations governing applications for financial assistance, as well as new Part 208 that would establish a standard discovery order and standard techniques for forecasting the adequacy of U.S. flag liner service in hearings required under the Merchant Marine Act, 1936.

DOT—MarAd **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	06/25/79	44 FR 37003

Next Action Undetermined

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation; 443 Great Lakes-St. Lawrence Seaway Transportation

Agency Contact: Robert J. Patton, Jr., Deputy Chief Counsel, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-5711

RIN: 2133-AA20

2032. MERCHANT MARINE TRAINING; REGULATIONS AND MINIMUM STANDARDS FOR STATE, TERRITORIAL OR REGIONAL MARITIME ACADEMIES AND COLLEGES

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b); PL 97-31

CFR Citation: 46 CFR 310

Legal Deadline: None

Abstract: The Maritime Administration is considering amending its merchant marine training regulations to rescind a 10 percent reduction in the number of student incentive payments offered to incoming students at the state maritime academies/colleges. The reduction which is being rescinded was published in the Federal Register on April 4, 1984, as one of a number of amendments to 46 CFR Part 310 (49 FR 13364). This action was considered necessary because the 1985 and 1986 funding levels for Maritime Training, contained in appropriation legislation, exceeded the funding level that had been reflected in the April 1984 MARAD rulemaking action.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Rulemaking action may be unnecessary because of 1987 maritime training appropriation that is consistent with existing regulation.

Affected Sectors: 822 Colleges, Universities, Professional Schools, and Junior Colleges; 44 WATER TRANSPORTATION

Agency Contact: Edwin M. Hackett, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-5759

RIN: 2133-AA42

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MarAd) **Final Rule Stage**

2033. + CARGO PREFERENCE-U.S. FLAG VESSELS-DETERMINATION OF FAIR AND REASONABLE RATES FOR LINER VESSELS

Significance: Regulatory Program

Legal Authority: 46 USC 1241(b); 46 USC 1114(b)

CFR Citation: 46 CFR 382, (New)

Legal Deadline: None

Abstract: Regulation would require provision of rate and cost data to MARAD so it can determine fair and reasonable rates for carriage of preference cargo at the request of concerned Federal agencies. This rulemaking is significant because it concerns a matter on which there is substantial public interest. It is needed to clarify the meaning of a statutory term.

Timetable:

Action	Date	FR Cite
NPRM	02/10/86	51 FR 5012
Final Action	10/00/86	

Small Entity: No

Analysis: Draft Regulatory Evaluation 02/00/86

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Costs, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 382-6036

RIN: 2133-AA02

2034. + ELIMINATION OF RESTRICTIONS ON NON-SUBSIDIZED VOYAGES BY SUBSIDIZED LINER COMPANIES

Significance: Regulatory Program

Legal Authority: 46 USC 1173; 46 USC 1114(b)

CFR Citation: 46 CFR 281

Legal Deadline: None

Abstract: The Maritime Administration (MARAD) proposes to amend its regulations with respect to procedures now required under liner operating-differential subsidy agreements (ODSA) for Approval of "Non-Subsidized Voyages." This proposed rulemaking would revoke existing requirements that the subsidized operator obtain MARAD approval before it or a related company undertakes a non-subsidized voyage.

Timetable:

Action	Date	FR Cite
NPRM	10/07/85	50 FR 40876
NPRM Comment Period End	12/05/85	50 FR 48616
Final Action	03/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Studies - MARAD, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 382-0374

RIN: 2133-AA18

2035. + NOTICE OF INTENT TO REDESIGNATE ESSENTIAL TRADE ROUTES

Significance: Regulatory Program

Legal Authority: 46 USC 1121

CFR Citation: Not applicable

Legal Deadline: None

Abstract: The Maritime Administration intends to redesignate U.S., foreign trade routes determined to be essential for the promotion, development, expansion and maintenance of the

foreign commerce of the United States, under authority in the Merchant Marine Act, 1936. There have been no substantial changes in essential trade route designations since the Act's enactment, other than inclusion of the U.S. Great Lakes. This action recognizes that in recent years major changes in shipping technology and U.S. trade patterns have emerged. It would consolidate the present 29 essential trade routes and essential trade areas into fewer essential trade areas.

Timetable:

Action	Date	FR Cite
Notice of Intent to Redesignate Essential Trade Routes	03/08/85	50 FR 9532
Public Comment Period Begins	03/08/85	
Public Comment Period Ends	05/15/85	50 FR 16036
Publication of Final Redesignation of Essential Trade Routes	04/00/86	

Small Entity: No

Additional Information: It reflects the current pattern of vessel operations. It contemplates amendments to the Operating-Differential Subsidy Agreement for a subsidized operator upon request made to the Maritime Subsidy Board. A detailed discussion of the factors supporting this action is contained in a study of the Agency, Reevaluation of U.S. Liner Trade Routes. This study is available upon request.

Analysis: Economic analysis 04/00/86

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Studies - MARAD, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8117, Washington, DC 20590, 202 382-0374

RIN: 2133-AA44

2036. + FINAL GUIDELINES FOR CONSIDERING EARLY ODS CONTRACT TERMINATIONS

Significance: Regulatory Program

Legal Authority: 46 USC 1241(b)

CFR Citation: 46 CFR 1171 to 1185

Legal Deadline: None

Abstract: MARAD is considering whether to propose regulations that state the factors it will consider in making determinations on requests from operators of vessels under ODS agreements for early termination of the ODS agreements or a cash settlement for early termination, commonly called a "buy out".

Timetable:

Action	Date	FR Cite
Rulemaking or other action	04/00/86	

Small Entity: No

Additional Information: An alternative to rulemaking is to publish no guidelines and consider proposals on an ad hoc basis.

Affected Sectors: 441 Deep Sea Foreign Transportation

Agency Contact: James E. Caponiti, Chief, Div. of Subsidy Analysis, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 382-6036

RIN: 2133-AA47

2037. + ESTABLISHMENT OF MANDATORY POSITION REPORTING SYSTEM FOR VESSELS

Significance: Agency Priority

Legal Authority: 46 USC 1122a; 46 USC 1283

CFR Citation: 46 CFR 307, (New)

Legal Deadline: None

Abstract: The Maritime Administrator and the Commandant of the Coast Guard have agreed to merge MARAD's U.S. Merchant Vessel Locator Filing System (USMER) with Coast Guard's Automated Mutual-Assistance Vessel Rescue System (AMVER). Under the new reporting system, USMER reports will be suspended and AMVER reports will be mandatory for all vessels that were previously subject to USMER reporting requirements. This rulemaking is significant because it may involve important Departmental policy.

Timetable:

Action	Date	FR Cite
Final Action	05/00/86	

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation

Agency Contact: Walter Lockland, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-5743

RIN: 2133-AA31

2038. + GENERAL PROCEDURES FOR DETERMINING OPERATING-DIFFERENTIAL SUBSIDY (ODS) FOR LINER VESSELS

Significance: Agency Priority

Legal Authority: 46 USC 1173; 46 USC 1114(b)

CFR Citation: 46 CFR 282, (New)

Legal Deadline: None

Abstract: The procedure that MARAD now follows in determining ODS for liner vessels is set forth in a manual, rather than in a regulation. Under the existing procedure, final subsidy payments are delayed on the average of three years. The proposed rule prescribes a system of fixed and final ODS rates that would permit administration of the ODS program on a more current basis. A change in procedures for determining foreign competition more accurately could result in annual ODS savings of up to $4 million.

Timetable:

Action	Date	FR Cite
NPRM	02/06/86	51 FR 4627
Final Action	10/00/86	

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation

Government Levels Affected: Federal

Analysis: Draft Evaluation 02/00/86

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Costs, Department of Transportation, Maritime Administration, Office of Ship Operating Costs-MARAD, 400 Seventh Street, SW, Room 8114, Washington, DC 20590, 202 382-0374

RIN: 2133-AA46

2039. + CARGO PREFERENCE - U.S. FLAG VESSELS; EVALUATION OF BIDS FOR SUBSIDIZED LINER VESSELS

Significance: Agency Priority

Legal Authority: 46 USC 1241

CFR Citation: 46 CFR 381.8

Legal Deadline: None

Abstract: This regulation would establish procedures governing the evaluation by U.S. shipper agencies of bids from subsidized U.S.-flag liner vessel operators for the carriage of open-rated civilian and military preference cargoes.

Timetable:

Action	Date	FR Cite
NPRM	02/10/86	51 FR 5015
Final Action	11/00/86	

Small Entity: No

Additional Information: On 11/11/84, MARAD issued a final rule setting forth procedures governing the evaluation by shipper agencies of bids from U.S.-flag bulk vessel operators for the carriage of dry bulk preference cargoes.

Government Levels Affected: Federal

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Costs, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 382-6036

RIN: 2133-AA52

2040. + OPERATING-DIFFERENTIAL SUBSIDY (ODS) FOR BULK CARGO VESSELS ENGAGED IN WORLDWIDE SERVICES; GENERAL PROCEDURES FOR DETERMINING ODS

Significance: Agency Priority

Legal Authority: 46 USC 1171 to 1176; 46 USC 1178 to 1181

CFR Citation: 46 CFR 252

Legal Deadline: None

Abstract: Under the current system for determining subsidy for bulk vessels as set forth in 46 CFR 252, final payments are delayed an average of three years. The current system precludes the operators from timely receipt of monies due them, thereby hindering the companies' cash management capability and the government's ability to forecast accurate budget obligations. The amended rule would prescribe new procedures for determining subsidy. The new system would provide payment of ODS as a fixed and final daily amount so the operators and the government can firmly establish the amounts of subsidy receivable on a current basis.

Timetable:

Action	Date	FR Cite
NPRM	12/23/85	50 FR 52339
NPRM Comment Period End	02/21/86	
Final Action	05/00/86	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Analysis: Draft Evaluation 12/23/85; Final Evaluation 05/00/86

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Costs, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 382-6036

RIN: 2133-AA53

2041. SUSPENSION OF ODS AGREEMENTS FOR ALL OR PORTION OF THE VESSELS INCLUDED THEREIN

Significance: Nonsignificant

Legal Authority: 46 USC 1184; 46 USC 1114(b); PL 97-35

CFR Citation: 46 CFR 295, (New)

Legal Deadline: None

Abstract: Disposition of MARAD Docket S-764, concerning the carriage of preference cargoes by subsidized operators, will affect rulemaking action.

Timetable:

Action	Date	FR Cite
NPRM	08/18/83	48 FR 37449

Next Action Undetermined

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation

Agency Contact: Raymond Barberesi, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 382-0382

RIN: 2133-AA17

2042. MAKING EXCESS OR SURPLUS FEDERAL PROPERTY AVAILABLE TO THE UNITED STATES MERCHANT MARINE ACADEMY (USMMA), STATE MARITIME ACADEMIES AND APPROVED NONPROFIT MARITIME TRAINING INSTITUTIONS

Significance: Nonsignificant

Legal Authority: 46 USC 1295g

CFR Citation: 46 CFR 310

Legal Deadline: None

Abstract: MARAD proposes to implement a provision in the Maritime Education and Training Act of 1980 to make excess or surplus vessels, shipboard equipment and other marine equipment available to the USMMA, State Maritime Academies and other nonprofit training institutions approved jointly by MARAD and the Coast Guard. Action has been suspended.

Timetable:

Action	Date	FR Cite
NPRM	12/01/83	48 FR 54254
NPRM Comment Period End	01/16/84	48 FR 54254

Next Action Undetermined

Small Entity: No

Additional Information: Action suspended pending resolution of authority issue.

Affected Sectors: 442 Deep Sea Domestic Transportation; 444 Transportation on Rivers and Canals; 445 Local Water Transportation; 829 Schools and Educational Services, Not Elsewhere Classified

Analysis: Draft Regulatory Evaluation 12/01/83 (48 FR 54254); Final Regulatory Evaluation 04/00/85

Agency Contact: Arthur Friedberg, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington,DC 20590, 202 426-5755

RIN: 2133-AA34

2043. BLANKET APPROVAL FOR: BAREBOAT CHARTERS OF RECREATIONAL VESSELS TO NONCITIZENS; SALES TO NONCITIZENS AND TRANSFERS TO FOREIGN REGISTRY OR FLAG OF VESSELS UNDER 200 GROSS TONS

Significance: Nonsignificant

Legal Authority: 46 USC 808; 46 USC 839; 46 USC 841a

CFR Citation: 46 CFR 221

Legal Deadline: None

Abstract: These amendments would expand the scope of a general provision for the blanket approval of certain vessel charters and sales to non-citizens.

DOT—MarAd

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	50 FR 39737
Final Action	03/00/86	
NPRM Comment Period End	11/29/86	50 FR 39737

Small Entity: Yes

Affected Sectors: 442 Deep Sea Domestic Transportation; 443 Great Lakes-St. Lawrence Seaway Transportation; 444 Transportation on Rivers and Canals; 445 Local Water Transportation

Analysis: Regulatory Evaluation 04/00/85

Agency Contact: Jessie Fernanders, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-5821

RIN: 2133-AA40

2044. MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 326

Legal Deadline: None

Abstract: These amendments conform these regulations to reflect existing Maritime Administration (MARAD) practices, office names and addresses concerning the handling of marine protection insurance (P&I) claims by General Agents and Berth Agents under General Agency and Berth Agency Agreements with the United States, acting by and through the Director, National Shipping Authority in MARAD, with respect to vessels under MARAD control in the National Defense Reserve Fleet.

Timetable:

Action	Date	FR Cite
Final Action	05/00/86	

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation; 442 Deep Sea Domestic Transportation; 446 Services Incidental to Water Transportation

Agency Contact: Jack Malkin, Director, Office of Marine Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8204, Washington, DC 20590, 202 382-0369

RIN: 2133-AA51

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MarAd)

Completed Actions

2045. + VESSEL OBLIGATION GUARANTEES; VESSEL REQUIREMENTS, UNITED STATES CONSTRUCTION

Significance: Regulatory Program

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 298.11

Legal Deadline: None

Abstract: MARAD is considering amending 46 CFR 298.11 to relax the requirement that where practicable only articles, materials, and supplies of U.S. origin be used in vessels receiving obligation guarantees.

Timetable:

Action	Date	FR Cite
NPRM	03/21/85	
NPRM Comment Period End	05/20/85	50 FR 11397
Final Action	03/06/86	51 FR 7790
Final Action Effective	04/05/86	51 FR 7790

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: John M. Hotaling,(202) 426-5727 (See Agency Contact heading for address).

Affected Sectors: 441 Deep Sea Foreign Transportation; 442 Deep Sea Domestic Transportation; 443 Great Lakes-St. Lawrence Seaway Transportation; 444 Transportation on Rivers and Canals

Analysis: Regulatory Impact Analysis

Agency Contact: Norman Hammer, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-5733

RIN: 2133-AA29

2046. WAR RISK INSURANCE

Significance: Nonsignificant

Legal Authority: 46 USC 1281 to 1293; 46 USC 1114(b)

CFR Citation: 46 CFR 308

Legal Deadline: None

Abstract: MARAD will implement recently enacted legislation reinstating its authority to provide war risk insurance through the issuance of interim binders of insurance for U.S.-flag vessels, or vessels owned or controlled by U.S. citizens, and certain other specified foreign-flag vessels, when such insurance is not otherwise available from commercial sources. The rule will establish the terms and conditions for reinstating or issuing interim binders.

Timetable:

Action	Date	FR Cite
Final Action	12/09/85	50 FR 50165

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation; 442 Deep Sea Domestic Transportation; 443 Great Lakes-St. Lawrence Seaway Transportation

Agency Contact: William B. Ebersold, Director, Office of Marine Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8204, Washington, DC 20590, 202 382-0369

RIN: 2133-AA49

[FR Doc. 86-8639 Filed 04-18-86; 8:45 am]

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federal register

Monday
April 21, 1986

Part XV

Department of the Treasury

Semiannual Regulatory Agenda

TREAS

DEPARTMENT OF THE TREASURY (TREAS)
Office of the Secretary (OS)

DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Subtitle A, Chs. I and II

Semiannual Agenda

AGENCY: Office of the Secretary, 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 Office of the Secretary regulation, contact the "agency contact" listed in the specific regulatory action. For general information concerning the Agenda, contact Richard S. Carro, Director, Office of Legislation and Regulations, Office of the General Counsel, Room 1422, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220, (202) 566-2558, not a toll-free call.

SUPPLEMENTARY INFORMATION: The semiannual agenda of the Office of the Secretary includes the Office of the General Counsel and the Office of Revenue Sharing.

DATED: February 12, 1986.
By direction of the Secretary.
Sherrie M. Cooksey,
Executive Secretary.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2047	31 CFR 1.1 Disclosure of Records	1505-AA01

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2048	31 CFR 128 Reporting of International Capital and Foreign Currency Transactions and Holdings, Transfers of Credit, and Export of Coin and Currency	1505-AA13

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2049	31 CFR 10 Continued Professional Education for Individuals Enrolled to Practice Before the Internal Revenue Service	1505-AA07
2050	31 CFR 10 Discipline of Appraisers Against Whom Aiding and Abetting Penalties Under the Internal Revenue Code Have Been Assessed	1505-AA14

DEPARTMENT OF THE TREASURY (TREAS) — Proposed Rule Stage
Office of the Secretary (OS)

2047. DISCLOSURE OF RECORDS

Legal Authority: 5 USC 552; 5 USC 552a; 31 USC 321

CFR Citation: 31 CFR 1.1

Legal Deadline: None

Abstract: This regulation amends the Department of Treasury's regulations implementing the Freedom of Information and Privacy Acts. The proposed amendments are intended to facilitate and simplify public requests for information, and to assure accurate and consistent application of policies and procedures throughout the Department. The regulation revises fees charged by the Department for duplication, search and other services

TREAS—OS **Proposed Rule Stage**

to reflect increased costs to the Department.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	09/00/86	

Small Entity: No

Agency Contact: Phyllis De Piazza, Departmental Disclosure Officer, Department of the Treasury, Office of the Secretary, **202 566-2789**

RIN: 1505-AA01

DEPARTMENT OF THE TREASURY (TREAS)
Office of the Secretary (OS)

Final Rule Stage

2048. REPORTING OF INTERNATIONAL CAPITAL AND FOREIGN CURRENCY TRANSACTIONS AND HOLDINGS, TRANSFERS OF CREDIT, AND EXPORT OF COIN AND CURRENCY

Legal Authority: 31 USC 5315

CFR Citation: 31 CFR 128

Legal Deadline: None

Abstract: Part 128 of Title 31, CFR, sets forth the requirements and describes the forms used for reporting international capital and foreign currency transactions and holdings. Large amounts of offshore loans to U.S. nonbank residents are not being properly reported on the TIC C-series forms prescribed in Subpart B of Part 128. Much of this underreporting results from confusion among nonbank borrowers over whether the source of their loans is domestic or foreign. This confusion is exacerbated by the failure of U.S. intermediaries to comply with existing obligations, specified in the Form BL-2 instructions, either to report certain foreign transactions on behalf of their U.S. customers or to inform those customers of foreign ownership of claims held against them. This final rule describes and authorizes the issuance of TIC Form BL-3, designed for use by a bank or other financial intermediary in the U.S. to notify a nonbanking customer that a foreign loan has been arranged and that the customer has an obligation to report on TIC Form CQ-1.

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19702
NPRM Comment Period End	07/15/85	50 FR 19702
Final Action	03/00/86	
Final Action Effective	03/00/86	

Small Entity: No

Agency Contact: Gary A. Lee, Department of the Treasury, Office of the Secretary, Room 5453, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, **202 566-3114**

RIN: 1505-AA13

DEPARTMENT OF THE TREASURY (TREAS)
Office of the Secretary (OS)

Completed Actions

2049. CONTINUED PROFESSIONAL EDUCATION FOR INDIVIDUALS ENROLLED TO PRACTICE BEFORE THE INTERNAL REVENUE SERVICE

Legal Authority: 31 USC 330

CFR Citation: 31 CFR 10

Legal Deadline: None

Abstract: This notice reflects advance notice of an intention to modify the regulations governing practice before the Internal Revenue Service. The modification would require continuing professional education as a condition for the maintenance of good standing for enrollment to practice before the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
ANPRM	07/03/84	49 FR 27326
ANPRM Comment Period End	09/04/84	49 FR 27326
NPRM	04/23/85	50 FR 15937
NPRM Comment Period End	06/24/85	50 FR 15937
Final Action	01/22/86	51 FR 02875
Final Action Effective	01/22/86	51 FR 02875

Small Entity: No

Agency Contact: Mr. Leslie S. Shapiro, Director of Practice, Department of the Treasury, Office of the Secretary, Internal Revenue Service, Washington, DC 20224, **202 535-6787**

RIN: 1505-AA07

2050. DISCIPLINE OF APPRAISERS AGAINST WHOM AIDING AND ABETTING PENALTIES UNDER THE INTERNAL REVENUE CODE HAVE BEEN ASSESSED

Legal Authority: 5 USC 301; 31 USC 321

CFR Citation: 31 CFR 10

Legal Deadline: None

Abstract: This notice solicits public comment on proposed regulations implementing section 156 of the Deficit Reduction Act of 1984 (98 Stat. 695). Section 156 provides for the disqualification of appraisals and appraiser testimony in connection with Treasury Department or Internal Revenue Service proceedings with respect to any appraiser who has been assessed an aiding and abetting penalty under 26 USC 7601(a) after July 18, 1984.

Timetable:

Action	Date	FR Cite
NPRM	02/20/85	50 FR 07075
NPRM Comment Period End	04/21/85	50 FR 07075
Final Action	10/17/85	50 FR 42014
Final Action Effective	10/17/85	50 FR 42015

Small Entity: No

TREAS—OS **Completed Actions**

Agency Contact: Mr. 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-AA14

[FR Doc. 86-5776 Filed 04-18-86; 8:45 am]

BILLING CODE 4810-25-T

Office of Revenue Sharing—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2051	31 CFR 51, Subpart G Revision of Subpart G	1507-AA08
2052	31 CFR 51 Wind Down of Revenue Sharing Program	1507-AA09

DEPARTMENT OF THE TREASURY (TREAS) — Proposed Rule Stage

Office of Revenue Sharing (ORS)

2051. REVISION OF SUBPART G

Legal Authority: 31 USC 6701 to 6724 The Revenue Sharing Act

CFR Citation: 31 CFR 51, Subpart G

Legal Deadline: None

Abstract: Subpart G contains the administrative hearing procedures to be used when a violation of the Revenue Sharing Act has occurred. These regulations have not been substantially reviewed since 1979 and need to be clarified and updated. No cost to the public or the Federal government is expected to be incurred as a result of this regulation.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Jacqueline L. Jackson, Attorney Advisor. (See contact heading for address and phone.)

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1985

Government Levels Affected: Local, Federal

Agency Contact: Richard S. Isen, Chief Counsel for Revenue Sharing, Department of the Treasury, Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226, 202 634-5182

RIN: 1507-AA08

2052. WIND DOWN OF REVENUE SHARING PROGRAM

Legal Authority: 31 USC 6701 to 6724 The Revenue Sharing Act

CFR Citation: 31 CFR 51

Legal Deadline: None

Abstract: The Revenue Sharing Program is expected to expire at the end of Fiscal Year 1986. There is legislation pending in Congress to facilitate the orderly wind down of the Program. The legislation may result in corresponding changes to the regulations. No alternative to wind down is available. It is expected that termination of the program will effect substantial cost savings.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Jacqueline L. Jackson, Attorney Advisor. (See contact heading for address and phone.)

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1985

Government Levels Affected: Local, Federal

Agency Contact: Richard S. Isen, Chief Counsel for Revenue Sharing, Department of the Treasury, Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226, 202 634-5182

RIN: 1507-AA09

[FR Doc. 86-5776 Filed 04-18-86; 8:45 am]

BILLING CODE 4810-25-T

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Financial Management Service, 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 will not have a significant impact on small entities within the meaning of the Regulatory Flexibility Act.

DATED: January 31, 1986.

W. E. Douglas,

Commissioner.

Financial Management Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2053	31 CFR 205 Revision of 31 CFR Part 205 (TDC No. 1075), Payments Between the Federal Government and Recipient Organizations	1510-AA00

Financial Management Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2054	31 CFR 223.1 Regulations Governing Surety Companies Doing Business with the United States	1510-AA05
2055	31 CFR 206 Management of Federal Agency Receipts and Operation of the Cash Management Improvements Fund	1510-AA06

DEPARTMENT OF THE TREASURY (TREAS) — Proposed Rule Stage
Financial Management Service (FMS)

2053. REVISION OF 31 CFR PART 205 (TDC NO. 1075), PAYMENTS BETWEEN THE FEDERAL GOVERNMENT AND RECIPIENT ORGANIZATIONS

Significance: Agency Priority

Legal Authority: 5 USC 301; 31 USC 6503; 42 USC 4213

CFR Citation: 31 CFR 205

Legal Deadline: None

Abstract: Revision of 31 CFR 205 will implement a new funding technique for Federal programs. The regulation would require a State to pay interest on Federal funds from the time they are deposited to the State's account until the time those funds are paid out to redeem checks or warrants or make payments by other means. This new "Checks Issued-Interest Remitted" technique was developed in response to statutes in some States that require that funds reside in a bank account prior to the issuance of checks. This revision also provides for the remittance of interest by the Federal Government if a State disburses its own funds for program purposes in accordance with Federal law, regulation or Federal/State agreement.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Additional Information: In addition, other cash management issues discussed by the State/Federal Cash Management Reform Task Force will be addressed in this regulation.

Government Levels Affected: Local, State, Federal

Agency Contact: Katherine Payne, Manager, Treasury Programs Branch, Department of the Treasury, Financial Management Service, Treasury Anx. 1 PB 802, Madison Place and Pennyslvania, NW, Washington, DC 20226, **202 634-5704**

RIN: 1510-AA00

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Completed Actions

2054. REGULATIONS GOVERNING SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Legal Authority: 31 USC 9305

CFR Citation: 31 CFR 223.1; 31 CFR 223.3; 31 CFR 223.7; 31 CFR 223.9; 31 CFR 223.12

Legal Deadline: None

Abstract: The amended guidelines revise and strengthen the financial criteria that must be met in order to qualify for a Treasury Certificate of Authority and as an Admitted Reinsurer. The revised guidelines will assist in more effectively using limited resources and thus enable the government to more readily determine which insurance companies are financially strong enough to be allowed to write federal surety bonds. The revision is anticipated to help alleviate the need for additional personnel to monitor this program and should not increase costs to the insurance industry.

Timetable:

Action	Date	FR Cite
NPRM	08/07/84	49 FR 31454
NPRM Comment Period End	10/09/84	
Final Action	12/31/85	50 FR 53314
Final Action Effective	12/31/85	

Small Entity: Not Applicable

Agency Contact: Terry L. Boyer, Manager, Surety Bond Branch, Department of the Treasury, Financial Management Service, 615 Matomic Bldg., 1717 H Street, NW, Washington, DC 20226, 202 634-2345

RIN: 1510-AA05

2055. MANAGEMENT OF FEDERAL AGENCY RECEIPTS AND OPERATION OF THE CASH MANAGEMENT IMPROVEMENTS FUND

Significance: Agency Priority

Legal Authority: 31 USC 321; 31 USC 3301; 31 USC 3302; 31 USC 3720

CFR Citation: 31 CFR 206

Legal Deadline: Statutory, October 1, 1986

Abstract: This proposed regulation implements the Deficit Reduction Act of 1984, Title VI, Subtitle C, Section 2652. This regulation prescribes the policies and guidelines for promoting effective cash management through improved billing, collection, and deposit that results in improved availability of funds.

Timetable:

Action	Date	FR Cite
NPRM	03/28/85	50 FR 12333
NPRM Comment Period End	05/28/85	50 FR 12333
Final Action	09/03/85	50 FR 35547
Final Action Effective	10/03/85	50 FR 35547

Small Entity: Not Applicable

Additional Information: Previous reporting proposed two regulations to implement Section 2652 of the Deficit Reduction Act of 1984 (RIN 1510-AA06 and AA07). The two regulations have now been combined into one regulation. Therefore, RIN 1510-AA07 is withdrawn.

Agency Contact: Susan Veintemillas, Program Analyst, Department of the Treasury, Financial Management Service, Cash Management Division, Rm 711 Premier Building 1725 "I" St. NW, Washington, DC 20226, 202 634-5781

RIN: 1510-AA06

[FR Doc. 86-5778 Filed 04-18-86; 8:45 am]
BILLING CODE 4810-35-T

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Bureau of Alcohol, Tobacco and Firearms

27 CFR Ch. I

[Notice No. 586]

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 Regulations," ATF is publishing an agenda of proposed regulations that are expected to be or that have been issued. The agenda also contains descriptions of existing regulations that are being reviewed under the terms of the Executive Order within the next six months, and 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 a 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 October 1986.

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 Lori Weins, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226; (202) 566-7626.

Following is a table of abbreviations used throughout the agenda.

TABLE OF ABBREVIATIONS

ABBREVIATION	MEANING
ANPRM	Advance notice of proposed rulemaking
ATF	Bureau of Alcohol, Tobacco and Firearms
CFR	Code of Federal Regulations
DSP	Distilled Spirits Plant
E.O.	Executive Order
FR	Federal Register

TREAS—BATF

TABLE OF ABBREVIATIONS—Continued

ABBREVIATION	MEANING
FAA Act	Federal Alcohol Administration Act
NPRM	Notice of proposed rulemaking
OFR	Office of the Federal Register
OMB	Office of Management and Budget
Pub. L.	Public Law

TABLE OF ABBREVIATIONS—Continued

ABBREVIATION	MEANING
T.D.	Treasury Decision
T.D. with N.	(Temporary) Treasury Decision with Notice
T.D. w/o N.	Treasury Decision without Notice
Treasury	Department of the Treasury

Issuance

By direction of the Secretary of the Treasury, this general notice reads as set forth below.

SIGNED: February 11, 1986.

Stephen E. Higgins,

Director.

Bureau of Alcohol, Tobacco and Firearms—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2056	27 CFR 19.11 Implementation of the "Wine Impact Bill"	1512-AA06
2057	27 CFR 9 American Viticultural Areas	1512-AA07
2058	27 CFR 5.22 Standard of Identity for Vodka	1512-AA10
2059	27 CFR 4 Recodification of 27 CFR Part 4	1512-AA17
2060	27 CFR 197 Nonbeverage Drawback	1512-AA20
2061	27 CFR 4.29 Grape Harvest Labeling for Wine	1512-AA31
2062	27 CFR 4.26 Estate Bottled	1512-AA34
2063	27 CFR 5.22 Reduced Proof Distilled Spirits Products	1512-AA36
2064	27 CFR 240.180 to 240.400 Recodification of Wine Regulations (Subparts A to O)	1512-AA42
2065	27 CFR 4 Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages; Use of the Word Light (Lite)	1512-AA48
2066	27 CFR 4 Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages; Appearance of Athletes and Depiction of Athletic Events	1512-AA50
2067	27 CFR 5.37 Replacement of Proof Statement with Percentage-of-Alcohol- by-Volume Statement on Distilled Spirits Labels	1512-AA62
2068	27 CFR 4 Winegrape Varietal Designations	1512-AA67
2069	27 CFR 250 Recodification of 27 CFR Part 250 as 27 CFR Part 26	1512-AA69
2070	27 CFR 4.35 Winemaking Terminology	1512-AA70
2071	27 CFR 4.24 Non-Generic Designations of Grape Wine Having Geographical Significance	1512-AA71
2072	27 CFR 55 Fireworks Regulations	1512-AA52
2073	27 CFR 270.11 Manufacturer's Identification on Tobacco Products Packages	1512-AA28
2074	27 CFR 285 27 CFR Part 285, Manufacture of Cigarette Papers and Tubes	1512-AA33

Bureau of Alcohol, Tobacco and Firearms—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2075	27 CFR 19.377 Reporting Taxes Due to the Governments of Puerto Rico and the Virgin Islands	1512-AA09
2076	27 CFR 245 Recodification of Beer Regulations	1512-AA24
2077	27 CFR 5.22(b)(1)(iii) Change in Standard of Identity for Straight Whiskies of the Same Type	1512-AA32
2078	27 CFR 4.39(i) Geographic Brand Names	1512-AA37
2079	27 CFR 5.47a 375 ml and 500 ml Containers for Distilled Spirits	1512-AA39
2080	27 CFR 19.42 Caribbean Basin Economic Recovery Act	1512-AA45
2081	27 CFR 240 Materials and Processes for the Production and Treatment of Wine	1512-AA61
2082	27 CFR 7.25 Listing of Principal Place of Business on Beer Labels	1512-AA66
2083	27 CFR 4 Disclosure of Sulfiting Agents on Alcohol Beverage Labels	1512-AA68

TREAS—BATF

Bureau of Alcohol, Tobacco and Firearms—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2084	27 CFR 13.31 Denatured Alcohol - Measurement of Proof	1512-AA43
2085	27 CFR 5.22(h)(3) 2 1/2% Alcohol Flavoring	1512-AA46
2086	27 CFR 47 Revision of 27 CFR Part 47 to Conform to the Revision of the International Traffic in Arms Regulations (ITAR)	1512-AA59

DEPARTMENT OF THE TREASURY (TREAS)

Proposed Rule Stage

Bureau of Alcohol, Tobacco and Firearms (BATF)

ALCOHOL

2056. IMPLEMENTATION OF THE "WINE IMPACT BILL"

Significance: Agency Priority

Legal Authority: 26 USC 5010

CFR Citation: 27 CFR 19.11; 27 CFR 19.37 to 19.40; 27 CFR 19.42; 27 CFR 19.346; 27 CFR 19.372; 27 CFR 19.402; 27 CFR 19.505; 27 CFR 19.566; 27 CFR 19.681; 27 CFR 19.748; 27 CFR 19.763; 27 CFR 19.764; 27 CFR 19.778 to 19.780; 27 CFR 170.681 to 170.691; 27 CFR 197.105; ...

Legal Deadline: None

Abstract: Restores the tax system which existed for distilled spirits products containing wine or alcoholic flavoring materials prior to the enactment of the Distilled Spirits Tax Revision Act of 1979; also permits spirits bottled for industrial purposes to be transferred in bond between distilled spirits plants.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Jim Stephens, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7531

RIN: 1512-AA06

2057. 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.

Supplemental Timetable:

Alexander Valley, CA - Amendment (contact Michael Breen)
NPRM 04/00/86
Arkansas Mountain, AR (contact Steve Simon)
NPRM 04/00/86
Armendaris, NM (contact Ed Reisman)
NPRM 09/00/86
Central Coast, CA (contact John Linthicum)
NPRM 07/11/84 (49 FR 28257)
NPRM Comment Period End 09/10/84
Final Action 10/24/85 (50 FR 43128)
El Dorado, CA - Amendment (contact Jim Hunt)
NPRM 04/00/86
Kanawha River Valley, WVA (contact John Linthicum)
NPRM 01/21/86 (51 FR 2728)
NPRM Comment Period End 02/20/86
Final Action 09/00/86
Lodi, CA (contact Lori Weins)
NPRM 07/12/85 (50 FR 28409)
NPRM Comment Period End 08/26/85
Final Action 02/13/86
Mimbres Valley, NM (contact Ed Reisman)
NPRM 02/12/85 (50 FR 5775)
NPRM Comment Period End 03/29/85
Final Action 11/21/85 (50 FR 48070)
Monticello, VA - Amendment (contact Jim Hunt)
NPRM 04/00/86
North Fork of Long Island, NY (contact Ed Reisman)
NPRM 03/00/86
Northern Neck, VA (contact Ed Reisman)
NPRM 09/17/85 (50 FR 37692)
NPRM Comment Period End 11/01/85
Final Action 08/00/86
Ozark Highlands, MO (contact Steve Simon)
NPRM 06/00/86
Ozark Mountains, AR, OK, MO (contact Steve Simon)
NPRM 09/17/85 (50 FR 37696)
NPRM Comment Period End 11/01/85
Final Action 09/00/86
San Benito, CA (contact Steve Simon)
NPRM 06/00/86
San Lucas, CA (contact Mike Breen)
NPRM 06/00/86
Santa Clara Valley, CA (contact Ed Reisman)
NPRM 09/00/86
South Coast, CA (contact Steve Simon)
NPRM 04/19/85 (50 FR 15588)
NPRM Comment Period End 06/03/85
Final Action 11/21/85 (50 FR 48083)
Stags Leap District, CA (contact Jim Ficaretta)
NPRM 10/00/86
Temecula, CA - Amendment (contact John Linthicum)
NPRM 10/10/85 (50 FR 41364)
NPRM Comment Period End 11/12/85
Final Action 01/08/86 (51 FR 749)

Small Entity: No

Agency Contact: See supplemental timetable, American Viticultural Areas, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA07

2058. STANDARD OF IDENTITY FOR VODKA

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22

Legal Deadline: None

Abstract: Considers clarifying the standard of identity for vodka by revoking Revenue Ruling 56-98 which permits the use of small quantities of sugar or citric acid in vodka; or would propose a new class and type of vodka which contains trace amounts of sugar or citric acid.

TREAS—BATF **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	01/11/82	47 FR 1148
ANPRM Comment Period End	07/11/82	
NPRM	04/00/86	

Small Entity: No

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA10

2059. RECODIFICATION OF 27 CFR PART 4

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4

Legal Deadline: None

Abstract: To revise the wine labeling and advertising regulations; where applicable, to incorporate production regulations; and due to statutory amendments requested, may result in a legislative submission.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: No

Additional Information: Additional Agency Contact: Ed Reisman

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA17

2060. NONBEVERAGE DRAWBACK

Significance: Agency Priority

Legal Authority: 26 USC 5131 et seq

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	09/00/86	

Small Entity: Yes

Additional Information: SMALL BUSINESSES CONT: This regulation affects approximately 500 entities.

Agency Contact: Steve Simon, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA20

2061. GRAPE HARVEST LABELING FOR WINE

Significance: Agency Priority

Legal Authority: 27 USC 205E; 27 USC 205F

CFR Citation: 27 CFR 4.29

Legal Deadline: None

Abstract: Late harvest designations, based on the Brix (percent by weight) level of the grapes at harvest would indicate to consumers that the grapes used to produce the wine were left on the vine for express purpose of increasing the sugar content. The designations would indicate additional techniques and processes were used in the production of the wine.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: Michael Breen, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA31

2062. ESTATE BOTTLED

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.26

Legal Deadline: None

Abstract: To redefine estate bottled requirements and provide for additional terms to provide requirements for imported wine.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA34

2063. REDUCED PROOF DISTILLED SPIRITS PRODUCTS

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22

Legal Deadline: None

Abstract: ATF is proposing to amend the regulations to provide for reduced proof distilled spirits products similar to "light beer," "light wine" and similar "light products which have become increasingly popular with consumers in recent years. Since 1968, the words "light whisky" have referred to whisky produced by two processes which are different from other American whiskies and the term "light" does not refer to lower alcohol content. However, ATF is considering abolishing "light whisky" as a standard of identity, so that the word "light" can refer only to reduced alcohol content. Unlike wine and beer, distilled spirits products are usually sold at more than one bottling proof (e.g. whisky is frequently sold at 80 degrees, 86 degrees, and 100 degrees proof) with the difference in proof being the only distinction between products which are otherwise identical. Therefore, ATF must carefully consider labeling to ensure there exists a clear cut difference in the minds of consumers between products at minimum bottling proof or above minimum bottling proof, and those which are reduced in proof.

Timetable:

Action	Date	FR Cite
ANPRM	08/04/83	48 FR 35460
ANPRM Comment Period Extension	10/28/83	48 FR 49870
ANPRM Comment Period End	11/02/83	48 FR 35460

Action	Date	FR Cite
ANPRM Extended Comment Period Ends	01/31/84	
ANPRM Comment Period Extension	01/30/85	50 FR 4236
ANPRM Extended Comment Period Ends	04/15/85	
ANPRM Comment Period Reopened	01/13/86	51 FR 1393
ANPRM Reopened Comment Period Ends	04/14/86	
NPRM	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA36

2064. RECODIFICATION OF WINE REGULATIONS (SUBPARTS A TO O)

Significance: Agency Priority

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 240.180 to 240.400

Legal Deadline: None

Abstract: To update, simplify, and clarify regulations relating to wine; and to incorporate ATF rulings into the Regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA42

2065. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS AND MALT BEVERAGES; USE OF THE WORD LIGHT (LITE)

Significance: Agency Priority

Legal Authority: 27 USC 205e to f

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Legal Deadline: None

Abstract: "Light (Lite)" was addressed to a limited extent in Notice No. 362 (45 FR 83530). However, subsequent to its publication ATF was petitioned by the Center for Science in the Public Interest (CSPI), requesting mandatory caloric labeling on all alcohol beverages, as well as the establishment of upper limits on calories in products labeled as "light (lite)." Comments will be requested on CSPI's petition as well as other issues involving use of the term "light (lite)."

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Charles Bacon.

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA48

2066. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS AND MALT BEVERAGES; APPEARANCE OF ATHLETES AND DEPICTION OF ATHLETIC EVENTS

Significance: Agency Priority

Legal Authority: 27 USC 205e to f

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Legal Deadline: None

Abstract: Discusses present policy on prohibition of active athletes and requests comments on whether the policy should be relaxed, retained, expanded to include all celebrities. On athletic events, comments are requested if the present prohibition should be expanded to include any athletic event, regardless of when the participants are shown consuming, or preparing to consume, alcohol beverages.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA50

2067. REPLACEMENT OF PROOF STATEMENT WITH PERCENTAGE-OF-ALCOHOL- BY-VOLUME STATEMENT ON DISTILLED SPIRITS LABELS

Significance: Agency Priority

Legal Authority: 26 USC 5206; 26 USC 5301; 27 USC 205(e)

CFR Citation: 27 CFR 5.37; 27 CFR 19.643

Legal Deadline: None

Abstract: Joseph E. Seagram and Sons, Inc. has petitioned ATF to require the statement of alcohol content on labels of distilled spirits to be stated in percentage-alcohol-by-volume instead of proof.

Timetable:

Action	Date	FR Cite
NPRM	01/24/86	51 FR 1393
NPRM Comment Period End	05/27/86	

Small Entity: No

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA62

2068. WINEGRAPE VARIETAL DESIGNATIONS

Significance: Agency Priority

Legal Authority: 27 USC 205(e)

CFR Citation: 27 CFR 4

Legal Deadline: None

Abstract: This proposal would establish standardized lists of winegrape varietal names which may be used on a wine label. In addition we are proposing a

method by which new names may be added to the list. These standardized lists will assure more accurate and truthful identification of the wine.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4392
NPRM Comment Period End	04/07/86	

Small Entity: No

Agency Contact: Charles Bacon, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7595

RIN: 1512-AA67

2069. 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
NPRM	09/00/86	

Small Entity: No

Agency Contact: Jim Stephens, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7531

RIN: 1512-AA69

2070. ● 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	06/00/86	

Small Entity: No

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA70

2071. ● NON-GENERIC DESIGNATIONS OF GRAPE WINE HAVING GEOGRAPHICAL SIGNIFICANCE

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.24

Legal Deadline: None

Abstract: This proposal expands the list of names officially recognized under 27 CFR Part 4, as being non-generic for the purposes of labeling and advertising of wine. This proposal is the result of petitions from numerous foreign countries for ATF recognition of non-generic wine designations which, in their view, denote distinctive national products. This proposal is also an outgrowth of one of the commitments made by the United States, in the Exchange of Letters of July 26, 1983 with the Commission of the European Communities, to work within the regulatory framework of 27 CFR Part 4, to prevent erosion of non-generic designations of geographic significance. For practical reasons it is being proposed that only "examples" of non-generic designations be listed in Part 4 while a complete list of all non-generic designations be listed in a new Part 12.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: John Kodadek, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 535-6245

RIN: 1512-AA71

FIREARMS

2072. FIREWORKS REGULATIONS

Significance: Agency Priority

Legal Authority: 18 USC Chapter 40

CFR Citation: 27 CFR 55

Legal Deadline: None

Abstract: Information gathering on Safe Handling of Explosive Materials in the Fireworks industry is necessary due to accidental explosions causing death. Injuries and property damage have occurred at fireworks manufacturing and assembling plants. Damage has been in the millions of dollars and some regulatory changes are needed. This notice to gather information is to determine changes needed and potential costs.

Timetable:

Action	Date	FR Cite
General Notice	06/08/84	49 FR 23872
NPRM	06/00/86	

Small Entity: No

Agency Contact: Art Cunn, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7591

RIN: 1512-AA52

TOBACCO PRODUCTS

2073. 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.

TREAS—BATF **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Cliff Mullen, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7531

RIN: 1512-AA28

2074. 27 CFR PART 285, MANUFACTURE OF CIGARETTE PAPERS AND TUBES

Significance: Agency Priority

Legal Authority: 26 USC 7805 (68A 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
ANPRM	09/01/84	
ANPRM Comment Period End	10/02/84	
NPRM	08/00/86	

Small Entity: Undetermined

Agency Contact: Cliff Mullen, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7531

RIN: 1512-AA33

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Final Rule Stage

ALCOHOL

2075. REPORTING TAXES DUE TO THE GOVERNMENTS OF PUERTO RICO AND THE VIRGIN ISLANDS

Significance: Agency Priority

Legal Authority: 26 USC 5555; 26 USC 5207

CFR Citation: 27 CFR 19.377

Legal Deadline: None

Abstract: Changes the reporting requirements for most Puerto Rican and Virgin Islands spirits bottled at domestic distilled spirits plants. The reporting requirement will remain as a line item on the proprietor's monthly reports. However, the time for recording tax determination of insular spirits will change from the time these spirits enter the processing account to the time of tax determination.

Timetable:

Action	Date	FR Cite
NPRM	04/13/81	46 FR 21624
Amended NPRM	02/14/85	50 FR 6200
Final Action	07/00/86	

Small Entity: No

Agency Contact: Jim Stephens, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7531

RIN: 1512-AA09

2076. RECODIFICATION OF BEER REGULATIONS

Significance: Agency Priority

Legal Authority: 26 USC 5051 et seq; 26 USC 5401 et seq

CFR Citation: 27 CFR 245

Legal Deadline: None

Abstract: To simplify and clarify regulations relating to the production and taxpayment of beer; to simplify and reduce paperwork and recordkeeping requirements imposed on industry; and to reflect technological advances in the beer industry since the regulations were last revised.

Timetable:

Action	Date	FR Cite
NPRM	02/03/83	48 FR 4803
NPRM Comment Period End	05/04/83	
Final Action	03/00/86	

Small Entity: No

Agency Contact: Robert White, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA24

2077. CHANGE IN STANDARD OF IDENTITY FOR STRAIGHT WHISKIES OF THE SAME TYPE

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22(b)(1)(iii); 27 CFR 19.346(b)

Legal Deadline: None

Abstract: Current regulations do not provide for distilled spirits plant proprietors to mingle and still designate as straight whiskies of the same type produced at different distilleries or produced by different distillers. This project will allow such whiskies to be labeled as straight as long as the whiskies are produced within the same state. Their only alternative is to leave the regulations as they are and to not allow such whiskies to be mingled and designated as straight. We do not anticipate any extra costs to result from this change in regulations. This change will result in greater flexibility for distilled spirits plant proprietors.

Timetable:

Action	Date	FR Cite
NPRM	05/08/84	49 FR 19333
NPRM Comment Period End	07/06/84	
NPRM Comment Period Extended	07/13/84	49 FR 30538
Extended NPRM Comment Period Ends	10/29/84	
Final Action	05/00/86	

Small Entity: No

TREAS—BATF **Final Rule Stage**

Agency Contact: Robert White, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7531

RIN: 1512-AA32

2078. GEOGRAPHIC BRAND NAMES

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.39(i)

Legal Deadline: None

Abstract: To propose alternatives to the present regulation which requires that the word "brand" appear in the same size type as the brand name itself.

Timetable:

Action	Date	FR Cite
NPRM	05/07/84	49 FR 19330
NPRM Comment Period End	07/06/84	
NPRM Comment Period Extended	07/13/84	49 FR 28417
NPRM Comment Period Extended	09/04/84	49 FR 34847
Extended NPRM Comment Period Ends	09/14/84	
NPRM Extended Comment Period Ends	01/02/85	
Final Action	06/00/86	

Small Entity: No

Agency Contact: Jim Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA37

2079. 375 ML AND 500 ML CONTAINERS FOR DISTILLED SPIRITS

Significance: Agency Priority

Legal Authority: 26 USC 5301; 27 USC 205

CFR Citation: 27 CFR 5.47a

Legal Deadline: None

Abstract: To determine if both sizes should be standards of fill or whether the 375 ml size should replace the 500 ml size.

Timetable:

Action	Date	FR Cite
NPRM	09/23/83	48 FR 43346
NPRM Comment Period Extended	03/21/84	49 FR 10553
NPRM Comment Period End	03/23/84	
Extended Comment Period Ends	01/02/85	
Final Action	04/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Jim Ficaretta

Agency Contact: Ed Reisman, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA39

2080. CARIBBEAN BASIN ECONOMIC RECOVERY ACT

Significance: Agency Priority

Legal Authority: PL 98-67, Title II (Caribbean Basin Economic Recovery Act); 26 USC 7652

CFR Citation: 27 CFR 19.42; 27 CFR 19.377; 27 CFR 19.517; 27 CFR 250.1; 27 CFR 250.30; 27 CFR 250.31; 27 CFR 250.35; 27 CFR 250.200

Legal Deadline: None

Abstract: Under current law (26 USC 7652), the excise taxes collected on all merchandise manufactured in Puerto Rico and the Virgin Islands, and shipped to the U.S., are deposited into the Treasury of either Puerto Rico or the Virgin Islands.

The Caribbean Basin Economic Recovery Act was passed to promote the economic revitalization of the Caribbean Basin area by removing the duty on certain merchandise from certified Caribbean Basin countries. In order to minimize any adverse effects this would have on Puerto Rico and the Virgin Islands, a provision was added to require that the excise taxes collected on all rum that is imported into the U.S. be deposited in the Treasuries of Puerto Rico and the Virgin Islands. This would be in addition to the amounts already transferred under 26 U.S.C. 7652 (a) and (b).

Timetable:

Action	Date	FR Cite
NPRM	02/14/85	50 FR 6200
Final Action	04/00/86	

Small Entity: No

Agency Contact: Jim Stephens, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7531

RIN: 1512-AA45

2081. MATERIALS AND PROCESSES FOR THE PRODUCTION AND TREATMENT OF WINE

Significance: Agency Priority

Legal Authority: 27 USC 5382

CFR Citation: 27 CFR 240

Legal Deadline: None

Abstract: Updates, clarifies, and simplifies the regulations relating to the production and treatment of wine.

Timetable:

Action	Date	FR Cite
NPRM	09/24/84	49 FR 37527
NPRM Comment Period Extended	01/22/85	50 FR 2832
NPRM Comment Period End	01/23/85	
Extended NPRM Comment Period Ends	03/01/85	
Final Action	09/00/86	

Small Entity: No

Additional Information: This was formerly part of RIN 1512-AA12 Materials and Processes for the Production and Treatment of Wine.

Agency Contact: Mike Breen, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA61

2082. LISTING OF PRINCIPAL PLACE OF BUSINESS ON BEER LABELS

Significance: Agency Priority

Legal Authority: 27 USC 205(e); 26 USC 5412

CFR Citation: 27 CFR 7.25; 27 CFR 25.142; 27 CFR 25.143

TREAS—BATF **Final Rule Stage**

Legal Deadline: None

Abstract: This proposed rule would allow a brewer who operates more than one brewery to use a principal place of business as the address shown on labels in lieu of listing the actual place of production or showing all of the breweries operated by the brewer. This rule would benefit the industry by eliminating the need to prepare redesigned labels every time a brewery was bought, sold, built, or otherwise disposed of. It would benefit industry and government by reducing the numbers of labels submitted for approval under the Federal Administration Act.

Timetable:

Action	Date	FR Cite
NPRM	10/15/85	50 FR 41701
Final Action	05/00/86	

Small Entity: No

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA66

2083. DISCLOSURE OF SULFITING AGENTS ON ALCOHOL BEVERAGE LABELS

Significance: Agency Priority

Legal Authority: 27 USC 205(c)

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Legal Deadline: None

Abstract: The Food and Drug Administration has determined that Sulfites or Sulfiting Agents pose a risk to the health of some individuals. Based on this action, ATF is proposing to require the disclosure of sulfiting agents in the labeling of alcohol beverage products in which they are present at a level of 10 or more ppm. measured as total sulfur dioxide.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 26001
NPRM Comment Period End	08/23/85	
NPRM Comment Period Extension	08/23/85	50 FR 43166
Final Action	06/00/86	

Small Entity: Yes

Additional Information: ADDITIONAL AGENCY CONTACT: Jim Ficaretta

Agency Contact: Mike Breen, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA68

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Completed Actions

2084. DENATURED ALCOHOL - MEASUREMENT OF PROOF

Significance: Agency Priority

Legal Authority: 26 USC 7805 (68A Stat. 917, as amended)

CFR Citation: 27 CFR 13.31

Legal Deadline: None

Abstract: The regulation will prescribe procedures for proofing industrial alcohol containing volatile or non-volatile specific gravity obscuring solids.

Timetable:

Action	Date	FR Cite
Withdrawn	01/24/86	

Small Entity: No

Agency Contact: Robert Petrangelo, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7531

RIN: 1512-AA43

2085. 2 1/2% ALCOHOL FLAVORING

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22(h)(3); 27 CFR 5.22(h)(4); 27 CFR 5.22(i); 27 CFR 5.35; 27 CFR 5.42(b); 27 CFR 5.65(a)

Legal Deadline: None

Abstract: Ten standard of identity products will be held more closely to the class and type of spirits indicated by their designation.

The class and type of distilled spirits contained in certain other products will be disclosed in greater detail.

Misleading impressions created by the use of the term "Distilled" on distilled spirits products containing coloring, flavoring, or blending materials will be eliminated.

Timetable:

Action	Date	FR Cite
Withdrawn	01/24/86	

Small Entity: No

Agency Contact: Robert Petrangelo, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7531

RIN: 1512-AA46

2086. REVISION OF 27 CFR PART 47 TO CONFORM TO THE REVISION OF THE INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR)

Significance: Agency Priority

Legal Authority: 22 USC 2778 Sec. 38, Arms Export Control Act of 1976; EO 11958 (42 FR 4311)

CFR Citation: 27 CFR 47

Legal Deadline: None

Abstract: On December 6, 1984, the Department of State published a final rule revising the International Traffic in Arms regulations. Subsequently, ATF is proposing to revise, simplify, and clarify regulations in 27 CFR Part 47 to conform to the revised ITAR and to improve the regulatory scheme established under the ARMS Export Control Act of 1976 to control the import of defense articles and defense services. The major changes consist of revision of the U.S. Munitions Import list articles, increase of the registration fees, procedures for filing the ATF Form 6A, revisions of the list of prescribed countries, and modification of the import provisions of articles coming from Canada.

TREAS—BATF

Completed Actions

Timetable:

Action	Date	FR Cite
Final Action	10/18/85	50 FR 42157

Small Entity: No

Agency Contact: Teri Byers, Arms Imports Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7151

RIN: 1512-AA59

[FR Doc. 86-5781 Filed 04-18-86; 8:45 am]

BILLING CODE 4810-31-T

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 (Office) 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 Office's previous semiannual agenda on October 29, 1985 (50 FR 44503) 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 Office's regulatory activity.

ADDRESS: The mailing address for all contacts: Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219.

FOR FURTHER INFORMATION CONTACT: For general information about this semiannual agenda contact Nancy Lowther, Financial Analyst, Legislative and Regulatory Analysis Division, (202) 447-1177.

For additional information about a particular item on this semiannual agenda contact the individual identified as the contact person.

SUPPLEMENTARY INFORMATION: The Office has determined that none of the rulemakings discussed in this semiannual agenda requires a regulatory flexibility analysis; all entries have been determined not to have a "significant impact on a substantial number of small entities," and therefore are not subject to the provisions of the Act. Additionally, none of the rules is a "major" rule as defined by Executive Order 12291. Executive Order 12291 defines a "major" rule as one likely to 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, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

DATED: February 24, 1986.

Robert L. Clarke,

Comptroller of the Currency.

Comptroller of the Currency—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2087	12 CFR 3 Minimum Capital Ratios	1557-AA61

Comptroller of the Currency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2088	12 CFR 5 Rules, Policies, and Procedures for Corporate Activities	1557-AA00
2089	12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds	1557-AA04
2090	12 CFR 19 Rules of Practice and Procedure	1557-AA43
2091	12 CFR 4.19 Testimony and Production of Documents in Court	1557-AA57
2092	12 CFR 11, (New Subsection) Securities Exchange Act Disclosure Rules	1557-AA58
2093	12 CFR 32 Lending Limits	1557-AA59
2094	12 CFR 1 Investment Securities Regulation	1557-AA60

TREAS—OCC

Comptroller of the Currency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2095	12 CFR 17 Required Notification To Nominate Bank Directors	1557-AA07
2096	12 CFR 7.5225 Reports of Suspected Crimes	1557-AA12
2097	12 CFR 18 Annual Financial Disclosures to Shareholders	1557-AA44
2098	12 CFR 5.50(i) Rules, Policies, and Procedures for Corporate Activities; Change in Bank Control	1557-AA51
2099	12 CFR 16 Securities Offering Disclosure Rules	1557-AA62

Comptroller of the Currency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2100	12 CFR 11 Securities Exchange Act Disclosure Rules	1557-AA06
2101	12 CFR 27 Fair Housing Home Loan Data System	1557-AA14
2102	12 CFR 12 Facilitating Shareholder Communications	1557-AA52
2103	12 CFR 11 Securities Exchange Act Disclosure Rules	1557-AA63

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Prerule Stage

2087. ● MINIMUM CAPITAL RATIOS

Legal Authority: 12 USC 1 et seq; 12 USC 93a; 12 USC 161; 12 USC 1818; 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 3

Legal Deadline: None

Abstract: The proposal will make explicit adjustments for differences in the riskiness of assets and the presence of off-balance sheet activities when assessing bank capital adequacy. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/86	
ANPRM Comment Period End	06/00/86	
NPRM	08/00/86	
NPRM Comment Period End	10/00/86	
Final Action	12/00/86	

Small Entity: Undetermined

Agency Contact: David Nebhut, Financial Economist, Department of the Treasury, Comptroller of the Currency, Economic and Policy Analysis Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1924**

RIN: 1557-AA61

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Proposed Rule Stage

2088. RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

Significance: Agency Priority

Legal Authority: 12 USC 1 et seq

CFR Citation: 12 CFR 5; 12 CFR 5.3; 12 CFR 5.21; 12 CFR 5.30; 12 CFR 5.31; 12 CFR 5.33

Legal Deadline: None

Abstract: The Office is engaged in a continuing review of its rules, policies, and procedures governing corporate activities. On February 19, 1986, at 51 FR 06006, the Office withdrew a proposed rule on the establishment of domestic branches, seasonal agencies and customer bank communication terminals (CBCTs). The Office anticipates revision of its corporate delegations and its merger policies. These proposals are expected to benefit national banks and the Office by removing burdensome and costly regulatory requirements, while maintaining the Office's ability to render an informed decision on the proposed activity. The effect on small entities is considered in the development of each rulemaking.

Timetable:

Action	Date	FR Cite
Withdrawn establishment of domestic branches, seasonal agencies and CBCTs	02/19/86	51 FR 06006
corporate delegations	06/00/86	
mergers	06/00/86	

Small Entity: No

Agency Contact: Randall J. Miller, Director for Licensing Policy and Systems, Department of the Treasury, Comptroller of the Currency, Bank Organization & Structure Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1184**

RIN: 1557-AA00

2089. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Legal Authority: Sec 1, 77 Stat 668; 12 USC 92a; 12 USC 481

CFR Citation: 12 CFR 9

Legal Deadline: None

Abstract: Comments in response to a prior rulemaking Final rule Docket No. 80-16 (46 FR 71571) published October 29, 1980 included recommendations that additional amendments should be made to 12 CFR Part 9. The Office believes that the issues raised by the commenters can best be addressed through a comprehensive review of its regulations concerning national bank fiduciary powers and collective investment funds. The Office requested comments from the public as to the desirability and feasibility of a comprehensive review of its trust regulations pertaining to collective investment funds, including specific matters which should be addressed. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	06/25/82	47 FR 27833
ANPRM Comment Period End	09/23/82	47 FR 27833
NPRM	00/00/00	

Small Entity: No

Agency Contact: Charles M. Horn, Assistant Director, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557-AA04

2090. RULES OF PRACTICE AND PROCEDURE

Legal Authority: 12 USC 1818

CFR Citation: 12 CFR 19

Legal Deadline: None

Abstract: The proposed regulation will set forth amendments to the hearing rules for administrative hearings. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
NPRM Comment Period End	08/00/86	
Final Action	12/00/86	

Small Entity: No

Agency Contact: Robert L. Davis, Attorney, Department of the Treasury, Comptroller of the Currency, Enforcement and Compliance Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1818**

RIN: 1557-AA43

2091. TESTIMONY AND PRODUCTION OF DOCUMENTS IN COURT

Legal Authority: 5 USC 301; 12 USC 481

CFR Citation: 12 CFR 4.19

Legal Deadline: None

Abstract: This rule governs the release by this Office of documents, especially reports of examination, and testimony for use in litigation to which the Office is not a party. The Office is considering changing the rule to spell out the exact requirements for a request for such release, and the situations under which release will be authorized. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: L. Robert Griffin, Assistant Director, Department of the Treasury, Comptroller of the Currency, Litigation Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 **447-1893**

RIN: 1557-AA57

2092. SECURITIES EXCHANGE ACT DISCLOSURE RULES

Legal Authority: 15 USC 78

CFR Citation: 12 CFR 11, (New Subsection)

Legal Deadline: None

Abstract: The proposed rule would require that more detailed and meaningful information be provided to shareholders and this Office concerning banks' loan portfolios, other sources of income and exposure to risks. This will assist shareholders in evaluating proposals for mergers, consolidations, acquisitions and similar matters and will assist the Office in administering and enforcing the Securities Exchange Act of 1934 as it applies to national banks. The Office considered not proposing the additional amendments or proposing them as a general guide rather than a rule. However, the Office determined it was appropriate to propose the additional requirements as amendments to Part 11 because the Office believes the proposed requirements will help to clarify the types of disclosures which the Office, shareholders and the public would consider material in analyzing various Exchange Act filings and statements. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
NPRM Comment Period End	07/00/86	
Final Action	12/00/86	

Small Entity: No

Agency Contact: Michael C. Dugas, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557-AA58

2093. LENDING LIMITS

Legal Authority: 12 USC 1 et seq; 12 USC 84; 12 USC 93a

CFR Citation: 12 CFR 32

Legal Deadline: None

Abstract: This regulation implements 12 USC 84 which prescribes the limitations upon the loans that national banks may make to individual borrowers. The Office is considering revisions which would primarily simplify and clarify certain sections of the regulation. In addition, the proposal may address specific problems which have arisen under the regulation since it was

promulgated in 1983. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
NPRM Comment Period End	08/00/86	
Final Action	12/00/86	

Small Entity: Undetermined

Agency Contact: Rosemarie Oda, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557-AA59

2094. ● INVESTMENT SECURITIES REGULATION

Legal Authority: 12 USC 1 et seq; 12 USC 24(7)

CFR Citation: 12 CFR 1

Legal Deadline: None

Abstract: The Office proposes to amend this regulation to provide adequate safeguards for the purchase of mortgage-backed securities by national banks for their own accounts. The proposal will require that issues of such securities, in order to be eligible for purchase by national banks, must satisfy the Office's standards of investment quality and marketability. The proposal is considered a desirable alternative to leaving national banks without guidance in this area. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
NPRM Comment Period End	05/00/86	
Final Action	07/00/86	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Owen Carney, Director, Investment Securities Division, 202 447-1901, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Andrew F. Campbell, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1924**

RIN: 1557-AA60

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Final Rule Stage

2095. REQUIRED NOTIFICATION TO NOMINATE BANK DIRECTORS

Legal Authority: 12 USC 1 et seq

CFR Citation: 12 CFR 17

Legal Deadline: None

Abstract: This regulation states that national banks may adopt bylaws or articles of association that require any shareholder proposing to nominate a director, other than a management nominee, to file certain information in advance with the Office and the bank. The office is rescinding this regulation because even in its absence a bank may adopt an article/bylaw that requires any shareholder who intends to nominate a candidate for election to the board of directors to notify the bank in advance of the shareholder meeting. The rulemaking will not have a significant economic impact on a substantial number of small banks or other entities.

Timetable:

Action	Date	FR Cite
NPRM	04/14/80	45 FR 25078
NPRM Comment Period End	06/13/80	45 FR 25078
NPRM	08/23/85	50 FR 34159
NPRM Comment Period Begin	08/23/85	50 FR 34159
NPRM Comment Period End	10/22/85	
Final Action	06/00/86	

Small Entity: No

Agency Contact: James T. Pitts, Assistant Director, Department of the Treasury, Comptroller of the Currency, Securities and Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557-AA07

2096. REPORTS OF SUSPECTED CRIMES

Legal Authority: 12 USC 1 et seq; 12 USC 93a; 12 USC 1818; 12 USC 1881 to 1884

CFR Citation: 12 CFR 7.5225; 12 CFR 21.11

Legal Deadline: None

Abstract: The proposal establishes a regulation requiring national banks to submit a criminal referral form upon the occurrence or discovery of any known or suspected theft, embezzlement, check-kiting operation, misappropriation, or other defalcation involving bank personnel or bank funds, or any other suspected criminal violation involving the affairs of the bank. Mysterious disappearances or unexplained shortages of bank funds need not be reported if they are due to errors which have been discovered and corrected within seven business days. This proposal would remove 12 CFR 7.5225. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	08/28/85	50 FR 34857
NPRM Comment Period End	10/28/85	50 FR 34857
Final Action	06/00/86	

Small Entity: No

Agency Contact: Joel Miller, Attorney, Department of the Treasury, Comptroller of the Currency, Enforcement and Compliance Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1818**

RIN: 1557-AA12

2097. ANNUAL FINANCIAL DISCLOSURES TO SHAREHOLDERS

Significance: Regulatory Program

Legal Authority: 12 USC 93a; 12 USC 161; 12 USC 1818

CFR Citation: 12 CFR 18

Legal Deadline: None

Abstract: The proposed regulation revises certain disclosure requirements of this Office. It would require all national banks to prepare periodic reports about their operations, file them with the Office, notify shareholders and depositors of their availability and supply them to such persons upon request and at no cost. The required reports would be prepared annually, quarterly, and shortly after the occurrence of significant events. They would contain narrative information about the bank, its management, results of operations, financial condition, and the existence of enforcement actions. In addition, the reports would contain financial statements covering multiple reporting periods. The reports would also contain information concerning bank fees, service charges, and funds availability. Banks which currently are subject to 12 CFR 11 and those which are members of bank holding companies subject to periodic disclosure requirements of the Securities and Exchange Commission might be able to use reports filed pursuant to those requirements, supplemented with information about the bank. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	07/13/84	49 FR 28566
ANPRM Comment Period End	10/11/84	49 FR 28566
NPRM	10/30/85	50 FR 45372
NPRM Comment Period End	02/28/86	51 FR 04504
Final Action	06/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: David G. Hayes, Senior Economic Advisor, Economic and Policy Analysis Division, 202 447-1924, and, Charles M. Horn, Assistant Director, Securities and Corporate Practices Division, 202 447-1954, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Emily R. McNaughton, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Commercial Examinations Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1165

RIN: 1557-AA44

2098. RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES; CHANGE IN BANK CONTROL

Legal Authority: 12 USC 1817(j)(13)

CFR Citation: 12 CFR 5.50(i)

Legal Deadline: None

Abstract: The regulation revises the disclosure policy adopted under the Change in Bank Control Act to provide for the publication of notices of changes in control filed pursuant to the Act, except in certain tender offer situations, and to clarify the procedure under which additional information regarding the acquisition may be made available upon request. The regulation will not have a significant economic impact on a substantial number of small banks or other entities.

Timetable:

Action	Date	FR Cite
NPRM	05/07/85	50 FR 19183
NPRM Comment Period End	06/21/85	50 FR 20800
Final Action	06/00/86	

Small Entity: No

Agency Contact: James T. Pitts, Assistant Director, Department of the Treasury, Comptroller of the Currency, Securities and Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557-AA51

2099. ● SECURITIES OFFERING DISCLOSURE RULES

Legal Authority: 12 USC 1 et seq

CFR Citation: 12 CFR 16

Legal Deadline: None

Abstract: This rule consists of technical amendments involving changes in references to provisions of the Securities Exchange Act Disclosure Rules (12 CFR 11). This action is necessary because a recent amendment to Part 11 included a change in the format of that regulation. As a result, the present references in Part 16 to provisions of Part 11 are technically inaccurate. The regulation will not have a significant economic impact on a substantial number of small banks or other entities.

Timetable:

Action	Date	FR Cite
Final Action	06/00/86	

Small Entity: No

Agency Contact: Michael C. Dugas, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557-AA62

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Completed Actions

2100. SECURITIES EXCHANGE ACT DISCLOSURE RULES

Legal Authority: 15 USC 78

CFR Citation: 12 CFR 11

Legal Deadline: None

Abstract: The rule addresses a series of amendments to the securities disclosure regulations of the Office. The amendments govern such matters as the form and content of financial statements of national banks, prescribed formats for financial statements and schedules, and requirements prohibiting the falsification of accounting records and misrepresentations by officers and directors of national banks. The rule also reformats the regulation into a more logical form through the development of centralized bodies of nonfinancial and financial disclosure items comparable to the Securities and Exchange Commission's Regulations S-K and S-X, to which the various disclosure forms for registration, periodic reporting and proxy solicitation make reference. The regulation will not have a significant economic impact on a substantial number of small banks or other entities.

Timetable:

Action	Date	FR Cite
NPRM	09/21/84	49 FR 37246
NPRM Comment Period End	11/20/84	49 FR 37246
Final Action	10/30/85	50 FR 45276
Final Action Effective	12/30/85	50 FR 45276

Small Entity: No

Agency Contact: Michael C. Dugas, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557-AA06

2101. FAIR HOUSING HOME LOAN DATA SYSTEM

Legal Authority: 15 USC 1 et seq; 15 USC 481; 15 USC 1818; 15 USC 1691 et seq; 42 USC 3601 et seq

CFR Citation: 12 CFR 27

Legal Deadline: None

Abstract: This regulation requires national banks to record and retain information on age, race, sex, and marital status of applicants for home loans. Its purpose is to gather data necessary to statistically analyze lending practices to detect possible illegal discrimination. The Office anticipates amending this regulation only if it should become inconsistent with Regulation B data collection and recordkeeping requirements promulgated by the Board of Governors of the Federal Reserve System. After reviewing the final rule published by the Board on November 20, 1985 (50 FR 48018) the Office does not anticipate amending this regulation.

Timetable:

Action	Date	FR Cite
Withdrawn	12/17/85	

Small Entity: No

Agency Contact: Patrick J. Marr, Senior Fair Lending Specialist, Department of the Treasury, Comptroller of the Currency, Consumer Examinations Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 287-4265

RIN: 1557-AA14

2102. FACILITATING SHAREHOLDER COMMUNICATIONS

Legal Authority: 12 USC 24; 12 USC 92a; 12 USC 93a

CFR Citation: 12 CFR 12

Legal Deadline: None

Abstract: The proposed rule will relate to a national bank's obligation to forward proxy material and related information to bank customers owning securities held by the bank in its name or that of a bank nominee. Delays, inconsistent practices, voting difficulties, and other problems will be addressed. The rulemaking is expected to benefit bank customers by ensuring that they receive in a timely fashion those materials needed to make informed decisions on shareholder matters. The Office will not pursue this rulemaking project as The Shareholder Communications Act of 1985 (H. R. 1603); Pub. L. 99-222, signed into law on December 28, 1985, gave the Securities and Exchange Commission authority over this area with respect to national banks.

Timetable:

Action	Date	FR Cite
Withdrawn	12/29/85	

Small Entity: No

Agency Contact: Michael C. Dugas, Attorney, Department of the Treasury, Comptroller of the Currency, Securities and Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557-AA52

2103. ● SECURITIES EXCHANGE ACT DISCLOSURE RULES

Legal Authority: 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78p; 15 USC 78w

CFR Citation: 12 CFR 11

Legal Deadline: None

Abstract: This rule consists of technical amendments involving the correction of errors in some of the section or subsection designations and cross references, and the addition of clarifying instructions which should have accompanied a particular subsection. This action is necessary because the Office recently adopted final amendments to Part 11, which included a complete reformatting and reorganization of the regulation (50 FR 45276 on October 30, 1985). The regulation will not have a significant economic impact on a substantial number of small banks or other entities.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/30/85	51 FR 04889
Final Action	02/10/86	51 FR 04887

Small Entity: No

Agency Contact: Michael C. Dugas, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557-AA63

[FR Doc. 86-5779 Filed 04-18-86; 8:45 am]
BILLING CODE 4810-33-T

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 Pub. L. 96-354, the "Regulatory Flexibility Act," and Executive Order 12291, "Federal Regulations," Customs has prepared and is publishing for public information a list of regulations either under development or under review.

FOR FURTHER INFORMATION CONTACT: For additional information regarding the substance of any particular regulatory project described in the agenda, please communicate with the person identified

TREAS—CUSTOMS

as the "Agency Contact." All agency contact persons are located at U.S. Customs Service Headquarters, the address of which is noted below. Comments or inquiries of a general nature about the agenda itself should be directed to Gertrude A. Bresnahan, Regulations Control Branch, Office of Regulations and Rulings, Headquarters, U.S. Customs Service, Room 2426, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202-566-8237).

SUPPLEMENTARY INFORMATION:

Background

Public Law 96-354, the "Regulatory Flexibility Act" (RFA) and Executive Order (E.O.) 12291 of February 17, 1981, "Federal Regulations," require semiannual publication, in April and October of each year, or an agenda of regulations which are "likely to have a significant economic impact on a substantial number of small entities" and "major" regulations, respectively. The RFA and E.O. 12291 also require agencies to include in their agendas currently effective rules which are under agency review. Customs agenda includes a brief abstract of each regulatory project ("project") being considered, an indication of whether the project will have an RFA impact, the section(s) of the "Code of Federal Regulations" affected, the legal authority for the action being taken, the name, title, and telephone number of an agency contact and, where applicable, an approximate timetable of completing action on any project for which Customs has published a notice of proposed rulemaking. In addition, the status of projects referred to in previously published agendas is shown.

The following is the eleventh semiannual agenda to be published by Customs under the RFA and E.O. 12291. It has been determined that none of the projects listed as being under development meets the standards required of a "major" regulation provided in E.O. 12291.

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: January 22, 1986.

B. James Fritz,

Acting Director, Office of Regulations and Rulings.

United States Customs Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2104	19 CFR 19 Customs Warehouses; Duty-Free Stores	1515-AA22

United States Customs Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2105	19 CFR 111 Customs Brokers	1515-AA04
2106	19 CFR 133 Copyright	1515-AA07
2107	19 CFR 24.3a, (New) Accounting; Interest on Delinquent Accounts	1515-AA18
2108	19 CFR 12.104 to 12.104i, (New) Implementation of Convention on Cultural Property	1515-AA45
2109	19 CFR 6 Air Commerce Regulations	1515-AA47
2110	19 CFR 162.74 Prior Disclosure of Violations of 19 USC 1592	1515-AA48

United States Customs Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2111	19 CFR 142 Entry of Merchandise; Bonds	1515-AA09
2112	19 CFR 18 Foreign Trade Zones	1515-AA30
2113	19 CFR 10.8-10.9 Waiver of Certificate of Registration for Articles Exported for Repairs, Alterations or Processing	1515-AA40
2114	19 CFR 18.8 Liquidated Damages Claims Against Bonded Carriers	1515-AA41
2115	19 CFR 158.2 Entry Summary Filing	1515-AA43
2116	19 CFR 162.32 Fines, Penalties, and Forfeiture Procedures	1515-AA44

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Prerule Stage

2104. 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	
Pending Congressional Action	00/00/00	

Small Entity: No

Agency Contact: John R. Holl, Operation Officer, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5354

RIN: 1515-AA22

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Final Rule Stage

2105. CUSTOMS BROKERS

Significance: Regulatory Program

Legal Authority: 19 USC 1641

CFR Citation: 19 CFR 111

Legal Deadline: None

Abstract: Amend Customs Regulations to clarify responsibilities of customhouse brokers and to ensure uniform compliance with applicable regulations. Customs has under consideration as part of project issue of extent to which brokers should be regulated. Work plan 79-5 approved.

Timetable:

Action	Date	FR Cite
NPRM	08/07/85	50 FR 31871
NPRM Comment Period End	11/05/85	
TD under development	01/16/86	
Final Action	06/00/86	

Small Entity: Undetermined

Additional Information: SMALL BUSINESSES CONT: Determination of RFA impact to be made concurrent with publication of NPRM.

Agency Contact: John P. Simpson, Director, Department of the Treasury, United States Customs Service, Office of Regulations and Rulings, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-2507

RIN: 1515-AA04

2106. COPYRIGHT

Legal Authority: 17 USC 1603

CFR Citation: 19 CFR 133

Legal Deadline: None

Abstract: Amendments to Customs Regulations relating to recordation of copyrights with Customs, to implement provisions of Pub. L. 94-533, "Copyright Act of 1976." The project would reduce administrative costs to Customs and copyright applicants. Work plan 82-17 approved.

Timetable:

Action	Date	FR Cite
NPRM	07/07/83	48 FR 31245
NPRM Comment Period End	10/05/83	
In Treasury Review	09/12/85	
Final Action	06/00/86	

Small Entity: No

Agency Contact: Samuel Orandle, Attorney, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5765

RIN: 1515-AA07

2107. ACCOUNTING; INTEREST ON DELINQUENT ACCOUNTS

Legal Authority: 19 USC 197; 19 USC 198; 19 USC 1484; 19 USC 1500; 19 USC 1505; 19 USC 1623; 31 USC 483a

CFR Citation: 19 CFR 24.3a, (New); 19 CFR 113.4, (New)

Legal Deadline: None

Abstract: Establish interest charges for the last payment of supplemental duty bills (bills for additional duties ascertained upon liquidation), reimbursable services, and miscellaneous bills issued by Customs to organizations outside the Government. Provide incentive for prompt payment or reimbursement of interest costs resulting from Government borrowing. Work Plan 80-2 approved.

Timetable:

Action	Date	FR Cite
NPRM	03/10/83	48 FR 10077
NPRM Comment Period End	05/09/83	
Revised TD Under Development	01/16/86	
Final Action	06/00/86	

Small Entity: No

Agency Contact: Robert B. Hamilton, Accountant, Department of the Treasury, United States Customs Service, National Finance Center, 6026 Lakeside Blvd., Indianapolis, Indiana 46278, 317 298-1308

RIN: 1515-AA18

2108. IMPLEMENTATION OF CONVENTION ON CULTURAL PROPERTY

Legal Authority: 19 USC 66; 19 USC 1624; 19 USC 2612

CFR Citation: 19 CFR 12.104 to 12.104i, (New)

Legal Deadline: None

Abstract: Amends regulations to implement Convention on Cultural Property which prohibits illicit traffic in cultural property while allowing the exchange of national treasures for legitimate scientific, educational, and

cultural purposes. Certification or other documentation must be presented to show that exportation was not in violation of laws of country from which article originates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/25/85	50 FR 26193
TD In Treasury Review	01/13/86	
Final Action	06/00/86	

Small Entity: No

Agency Contact: Louis Alfano, Operations Officer, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW, Room 4114, Washington, DC 20229, 202 566-8652

RIN: 1515-AA45

2109. AIR COMMERCE REGULATIONS

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1624; 19 USC 1644; 49 USC 1509

CFR Citation: 19 CFR 6

Legal Deadline: None

Abstract: Revises rules relating to the entry and clearance of aircraft and the transportation of persons and cargo by aircraft. Sets forth the general Customs requirements applicable to all air commerce.

Timetable:

Action	Date	FR Cite
NPRM	07/26/85	50 FR 30455
NPRM Comment Period End	10/24/85	
TD Under Development	01/16/86	
Final Action	09/00/86	

Small Entity: No

Agency Contact: John A. Mathis, Attorney, Department of the Treasury, United States Customs Service, Room 2322, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-2957

RIN: 1515-AA47

2110. ● PRIOR DISCLOSURE OF VIOLATIONS OF 19 USC 1592

Legal Authority: 19 USC 66; 19 USC 1466; 19 USC 1584; 19 USC 1592; 19 USC 1613; 19 USC 1618

CFR Citation: 19 CFR 162.74

Legal Deadline: None

Abstract: Revises regulations to provide for further clarifications and changes relating to prior disclosure of violations of 19 USC 1592.

Timetable:

Action	Date	FR Cite
NPRM	07/08/85	50 FR 27829
NPRM Comment Period End	10/06/85	50 FR 36630
TD under development	01/21/86	
Final Action	06/00/86	

Small Entity: No

Agency Contact: Charles D. Ressin, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW, Washington, DC, 20229, 202 566-8317

RIN: 1515-AA48

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Completed Actions

2111. ENTRY OF MERCHANDISE; BONDS

Legal Authority: 19 USC 1623

CFR Citation: 19 CFR 142

Legal Deadline: None

Abstract: Acceptance of formal entries with unsecured bonds for certain importations. The project would decrease costs to an importer of merchandise valued less than $1,000. Work plan 81-15 approved.

Timetable:

Action	Date	FR Cite
NPRM	12/21/83	48 FR 56401
NPRM Comment Period End	02/21/84	
In Treasury Review	07/08/85	
Final Action TD 85-161	09/26/85	50 FR 38979
Final Action Effective	10/28/85	

Small Entity: No

Agency Contact: Herbert Geller, Operations Officer, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5307

RIN: 1515-AA09

2112. FOREIGN TRADE ZONES

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 81a to 81u; 19 USC 1202; 19 USC 1623; 19 USC 1624; 31 USC 9701

CFR Citation: 19 CFR 18; 19 CFR 24; 19 CFR 112; 19 CFR 141; 19 CFR 144; 19 CFR 146; 19 CFR 191

Legal Deadline: None

Abstract: Amends Customs Regulations to incorporate new audit-inspection method of zone supervision by Customs, as well as to set forth revised general provisions applicable to the administration of zones.

Timetable:

Action	Date	FR Cite
NPRM	07/17/84	49 FR 28855
NPRM Comment Period End	10/15/84	
In Treasury Review	09/16/85	
Final Action TD 86-16	02/11/86	51 FR 5040

Small Entity: Undetermined

Agency Contact: John Holl, Operations Officer, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-8151

RIN: 1515-AA30

2113. WAIVER OF CERTIFICATE OF REGISTRATION FOR ARTICLES EXPORTED FOR REPAIRS, ALTERATIONS OR PROCESSING

Legal Authority: 19 USC 66; 19 USC 197; 19 USC 198; 19 USC 1624; 19 USC 1641; 19 USC 1648

CFR Citation: 19 CFR 10.8-10.9

Legal Deadline: None

Abstract: Provides for waiver of the Certificate of Registration required for entry of articles exported for repair, alteration, or processing abroad, upon payment of duty on only the value of the work done abroad, when the importer satisfies Customs that exportation of the articles occurred.

Timetable:

Action	Date	FR Cite
NPRM	09/10/84	49 FR 35509
NPRM Comment Period End	11/09/84	
In Treasury Review	07/25/85	
Final Action TD 85-162	09/26/85	50 FR 38975
Final Action Effective	10/28/85	

Small Entity: No

Agency Contact: Leo Wells, Operations Officer, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW, Room 4114, Washington, DC 20229, **202 566-2957**

RIN: 1515-AA40

2114. LIQUIDATED DAMAGES CLAIMS AGAINST BONDED CARRIERS

Legal Authority: 19 USC 66; 19 USC 1624; 49 USC 1509

CFR Citation: 19 CFR 18.8

Legal Deadline: None

Abstract: To assure uniform assessment of liquidated damages claims against carriers, as well as cartmen, revises regulations relating to liability for shortages, irregular delivery, or nondelivery of imported merchandise.

Timetable:

Action	Date	FR Cite
NPRM	01/11/85	50 FR 1545
NPRM Comment Period End	03/12/85	
In Customs Review	07/25/85	
Final Action TD 85-191	11/29/85	50 FR 49037
Final Action Effective	12/30/85	

Small Entity: No

Agency Contact: William Rosoff, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW, Room 2414, Washington, DC 20229, **202 566-5732**

RIN: 1515-AA41

2115. ENTRY SUMMARY FILING

Legal Authority: 19 USC 66; 19 USC 197; 19 USC 198; 19 USC 1624; 19 USC 1641; 19 USC 1648

CFR Citation: 19 CFR 158.2

Legal Deadline: None

Abstract: Allows importers to file entry summaries and pay duty for less than the invoiced and manifested number of packages in a permitted shipment, provided the importer submits both a discrepancy report and, in lieu of the carrier's declaration on the report (attesting to the shortage), copies of the dock receipt or other documents evidencing nonreceipt of the lost or missing packages.

Timetable:

Action	Date	FR Cite
NPRM	10/23/84	49 FR 42576
NPRM Comment Period End	12/24/84	
In Treasury Review	07/11/85	
Final Action TD 85-159	09/23/85	50 FR 38519
Final Action Effective	10/23/85	

Small Entity: No

Agency Contact: Jerry C. Laderberg, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW, Room 2417, Washington, DC 20229, **202 566-5765**

RIN: 1515-AA43

2116. FINES, PENALTIES, AND FORFEITURE PROCEDURES

Legal Authority: 19 USC 66; 19 USC 1603; 19 USC 1609; 19 USC 1610; 19 USC 1611; 19 USC 1612; 19 USC 1618; 19 USC 1624; 19 USC 1641; 19 USC 1705; 46 USC 7; 46 USC 320

CFR Citation: 19 CFR 162.32; 19 CFR 162.45; 19 CFR 162.46; 19 CFR 171.12; 19 CFR 171.33

Legal Deadline: None

Abstract: To implement provisions of the Trade and Tariff Act of 1984, revises the administrative petitioning process and the summary forfeiture process relating to the disposal of merchandise seized and forfeited for violations of the Customs laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/27/85	50 FR 26588
NPRM Comment Period End	08/26/85	
Final Action TD 85-195	12/10/85	50 FR 50287
Final Action Effective	01/09/86	

Small Entity: No

Agency Contact: Jeremy Baskin, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW, Room 2332, Washington, DC 20229, **202 566-5746**

RIN: 1515-AA44

[FR Doc. 86-3780 Filed 04-18-86; 8:45 am]

BILLING CODE 4820-02-T

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 determined as of January 28, 1986 through March 31, 1987. 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 A. Bley, Executive Assistant to the Director, Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR (202-566-3331), not a toll-free call.

SUPPLEMENTARY INFORMATION:

General

Section 5 of Executive Order 12291 and section 602 of the Regulatory Flexibility Act of the Treasury Directive implementing that Act all 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 October of 1986.

Description

This Semiannual Agenda of Regulations lists all projects within the Internal Revenue Service (I.R.S.) as of January 28, 1986, for the development of regulations to appear in the "Code of Federal Regulations." This agenda lists existing regulations under development by the Legislation and Regulations Division and the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, I.R.S. The following information is provided for each regulation project: The title; priority status; whether the regulation is currently under review; 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 name and telephone numbers of the drafting and reviewing attorneys.

By direction of the Secretary of the Treasury.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Internal Revenue Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2117	26 USC 0643 Clarification of Section 1.643 (a)-3 relating to the Inclusion of Capital Gain in Distributable Net Income	1545-AI31
2118	26 USC 0861 Source of Interest and Dividends	1545-AI15
2119	26 USC 0925 FSC Transfer Pricing Rules, Distributions, Dividends Received, Deduction and Other Special Rules for FSC	1545-AI16

Internal Revenue Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2120	26 USC 0026 Limitation on Credits Based on Tax Liability	1545-AH58
2121	26 USC 0038 General Business Credit and Carryforward and Carryback of Unused Business Credit	1545-AH57
2122	26 USC 0044 Income Tax--Employee Stock Ownership Plan Credit	1545-AD56
2123	26 USC 0044A Rules Relating to Various Sections Concerning Dependency and Family Status of Individuals Living Apart	1545-AH44
2124	26 USC 0046 Income Tax--At Risk Limitations on Investment Credit	1545-AA15
2125	26 USC 0046 Income Tax--Changes Made by Secs 222(a) and 223(b) of the Crude Oil Windfall Profit Tax Act of 1980	1545-AA14
2126	26 USC 0047 Income Tax--Amendment of Recapture Rules	1545-AA18
2127	26 USC 0047 Amendment of Income Tax Regulations Under Sections 47, 48 and 196 Relating to Basis Adjustment to Reflect Investment Tax Credit	1545-AF06
2128	26 USC 0055 Income Tax--Alternative Minimum Tax	1545-AE80
2129	26 USC 0056 Corporate Minimum Tax	1545-AI07
2130	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
2131	26 USC 0058 Income Tax--Tax Benefit Rule for Minimum Tax	1545-AA33
2132	26 USC 0066 Income Tax--Treatment of Income of Certain Innocent Spouses in Community Property States	1545-AA37
2133	26 USC 0072 Income Tax--Unisex Annuity Tables	1545-AA38

TREAS—IRS

Internal Revenue Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2134	26 USC 0072 Income Tax--Clarification of the Income Tax Regulations with Respect to the Taxation of Distribution from Qualified Plans Providing Life Insurance Protection	1545-AD60
2135	26 USC 0072 Income Tax--Certain Distributions, Contributions, ETC	1545-AD61
2136	26 USC 0072 Loans Treated as Distributions	1545-AE41
2137	26 USC 0072 Income Tax--Early Withdrawals from Deferred Annuities	1545-AF08
2138	26 USC 0079 Nondiscrimination Requirements for Employer-Provided Group-Term Life Insurance	1545-AE89
2139	26 USC 0086 Regulations on Income Tax Under the Social Security Amendments Act of 1983 Relating to the Taxation of Social Security Benefits	1545-AG29
2140	26 USC 0101 Income Tax--Flexible Premium Contracts	1545-AF28
2141	26 USC 0103 Income Tax--To Amend the Regulations Relating to the Treatment of Replacement Funds	1545-AA46
2142	26 USC 0103 Income Tax--To Provide for the Tax Consequences of Refunding Industrial Development Bonds to the Issuer, Bond-Holder & Industrial User	1545-AA47
2143	26 USC 0103 Income Tax--To Clarify the "Substantially All" Test	1545-AA50
2144	26 USC 0103 Income Tax--To Clarify the "Public Use" and "Functionally Related" Requirements	1545-AA51
2145	26 USC 0103 Income Tax--To Define the Term "Principal User of a Facility"	1545-AA56
2146	26 USC 0103 Income Tax--To Define the Term "Facility"	1545-AA60
2147	26 USC 0103 Income Tax--To Clarify the Definition of Property That is a Solid Waste Disposal Facility & to Conform to Statutory Exemption for Industrial Development Bonds for qualified steam generating ETC	1545-AA64
2148	26 USC 0103 To Provide Regulations Under Section 103(b)(10) Relating to Local District Heating and Cooling Facilities	1545-AE22
2149	26 USC 0103 To Provide Regulations Under Section 103(b)(14)-- Relating to Limitation on Maturity of Industrial Development Bonds	1545-AE69
2150	26 USC 0103 Interest Exempt Other than Under the Internal Revenue Code	1545-AF49
2151	26 USC 0103 To Provide Regulations Under Section 103 (b) (6) (0) Relating to Restrictions on Financing Certain Facilities with Exempt Small Issues	1545-AF53
2152	26 USC 0103 Arbitrage: Treatment of Issue Price and Administrative Costs	1545-AF75
2153	26 USC 0103 Regulations Relating to Federally Guaranteed Bonds	1545-AG84
2154	26 USC 0103 Regulations Relating to $40 Million Small Issue Limit on Tax-Exempt Bonds Per Taxpayer	1545-AH19
2155	26 USC 0103 (b) Income Tax Regulations--To Provide Regulations Under Section 103 (b) (16) and (17) Relating to Acquisition of Land and Existing Facilities	1545-AH45
2156	26 USC 0103 (c) To Revise the Arbitrage Regulations Relating to the Temporary Period for Refunding Issues	1545-AH89
2157	26 USC 0103 (o) Denial of Tax Exemption for Consumer Loan Bonds	1545-AH97
2158	26 USC 0103A To Revise Definition of Areas of Chronic Economic Distress for Purposes of Mortgage Subsidy Bonds	1545-AG88
2159	26 USC 0108 Income Tax--Discharge of Indebtedness	1545-AA67
2160	26 USC 0111 Income Tax--Part 1--Income Tax Regulations Under Section 111 Relating to Inclusion of Tax Benefit Items	1545-AH17
2161	26 USC 0117 (d) Qualified Tuition Reductions (Section 532 of the Tax Reform Act of 1984)	1545-AI13
2162	26 USC 0118 Income Tax--Contributions in Aid of Construction for Certain Utilities	1545-AA71
2163	26 USC 0129 Income Tax--Dependent Care Assistance Programs	1545-AD65
2164	26 USC 0130 Income Tax--Part 1 Personal Injury Liability Assignments	1545-AF39
2165	26 USC 0133 Interest on ESOP Securities Acquisition Loans	1545-AG46
2166	26 USC 0162 Income Tax--Empl. Tax--Deductibility of Certain Transportation Expenses	1545-AA76
2167	26 USC 0162 Income Tax--To Provide Better Definitions in the Area of Political Advertising & Grassroots Lobbying	1545-AA79
2168	26 USC 0163 Income Tax--Limitation on Interest Deduction	1545-AA80
2169	26 USC 0168 Income Tax--Normalization Requirement for Public Utility Property	1545-AA88
2170	26 USC 0168 Finance Leases--Definition and Special Rules	1545-AF54
2171	26 USC 0168 To Provide Regulations Under Section 168 Relating to Intangible Property	1545-AF78
2172	26 USC 0169 Income Tax--Amortization of Certain Pollution Control Facilities	1545-AA89
2173	26 USC 0170 Income Tax--Charitable Contributions of Scientific Property Used for Research	1545-AA90
2174	26 USC 0170 Income Tax -- to Provide Regulations Relating to Contributions to Private Foundations	1545-AI09
2175	26 USC 0171 To Clarify Treatment of Amortizable Bond Premium with Respect to Bonds Issued in Certain Section 351 Transactions	1545-AI18
2176	26 USC 0183 Election to Postpone Determination with Respect to the Presumption That an Activity is Engaged In for Profit	1545-AG27
2177	26 USC 0189 Income Tax--Amortization of Real Property Construction Period Interest & Taxes	1545-AA97
2178	26 USC 0195 Income Tax--To Add Provisions Relating to Start-Up Expenditures	1545-AB02
2179	26 USC 0213 Medical Deduction for Lodging Away from Home	1545-AH21
2180	26 USC 0246 (c) Income Tax-Notice of Proposed Rulemaking-Holdings Periods for Dividends Received Deductions	1545-AH40
2181	26 USC 0246A Income Tax-Debt-Financed Portfolio Stock	1545-AH39
2182	26 USC 0263 Income Tax--Prepublication Expenditures of Publishers and Authors	1545-AA36
2183	26 USC 0263 Income Tax - Notice of Proposed Rulemaking - Payments in Lieu of Dividends in Connection with Short Sales, Section 263 (h) of the Internal Revenue Code and Section 56 (a) of the TRA 1984	1545-AH37

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Internal Revenue Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2184	26 USC 0266 Income Tax--Taxes and Carrying Charges Chargeable to Capital Account and Treated as Capital Items	1545-AB03
2185	26 USC 0274 Income Tax--To Add Provisions Relating to Foreign Conventions (as Amended by Section 4 of Public Law 96-608)	1545-AB04
2186	26 USC 0277 Income Tax--Taxation of Nonexempt Membership Organizations	1545-AB07
2187	26 USC 0280 Income Tax--Amortization of Production Cost of Motion Pictures, Books, Records, and Other Similar Property	1545-AB08
2188	26 USC 0280G Notice of Proposed Rulemaking Relating to Restrictions on Golden Parachute Payments	1545-AH49
2189	26 USC 0291 Income Tax--Special Rules Relating to Corporate Preference Items	1545-AE78
2190	26 USC 0302 Waiver of Family Attribution by Entities	1545-AF13
2191	26 USC 0305 Income Tax--To Clarify Meaning of Term "Reasonable Redemption Premium"	1545-AB15
2192	26 USC 0312 Income Tax - Amendments to Statutory Provisions Relating to Earnings and Profits	1545-AG30
2193	26 USC 0337 Income Tax--Miscellaneous Corporate Amendments	1545-AB12
2194	26 USC 0338 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	1545-AF93
2195	26 USC 0338 Income Tax--Application of Section 338 to Stock and Asset Acquisitions in the International Context	1545-AG13
2196	26 USC 0338 Deemed Sale Price When Certain Stock Purchases Are Treated as Asset Acquisitions	1545-AF29
2197	26 USC 0338 Income Tax--Regulations Under Section 338 (a)	1545-AE60
2198	26 USC 0346 Income Tax--Corporate Distributions of Appreciated Property and Partial Liquidations	1545-AF16
2199	26 USC 0367 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)	1545-AG68
2200	26 USC 0368 Income Tax--Corporate Reorganization Amendments	1545-AB29
2201	26 USC 0401 Defined Benefit Plan Terminations and the Reversion of Assets	1545-AF81
2202	26 USC 0401 Income Tax--Required Distributions from Qualified Plans and Individual Retirement Accounts and Partial Rollovers of Individual Retirement Accounts	1545-AE95
2203	26 USC 0401 Various Pension Parity, etc. Provisions Under the Tax Equity and Fiscal Responsibility Act of 1982 and the Economic Recovery Tax Act of 1981	1545-AE84
2204	26 USC 0401 Nondiscriminatory Coordination of Defined Contribution Plans with Old Age, Survivors, and Disability Insurance	1545-AE93
2205	26 USC 0402 Income Tax--Tax-Free Rollovers of Lump Sum Distributions and Plan Termination Payments. Lump Sum Distributions Made with Respect to a Decedent	1545-AD74
2206	26 USC 0403 Retirement Arrangements of Churches	1545-AE25
2207	26 USC 0404 Procedure and Administration Regulations Under the Tax Reform Act of 1984 Relating to Dividends from ESOP's	1545-AG65
2208	26 USC 0404 Income Tax--Deduction Limitations and Funding Rules for Valuing Certain Agreements	1545-AD76
2209	26 USC 0404 Income Tax--Employee Stock Ownership Plan Loan Payments	1545-AD77
2210	26 USC 0404 Income Tax--Deductibility of Payments of Deferred Compensation to Independent Contractors	1545-AD78
2211	26 USC 0409 Income Tax--Requirements for Tax Credit Employee Stock Ownership Plans, Employee Plan Credit, and Defined Contribution Plan Voting Rights	1545-AD82
2212	26 USC 0410 Retirement Equity Act Changes to Participation, Vesting, etc. Rules	1545-AH03
2213	26 USC 0411 Rules Clarifying the Income Tax Regulations, Part 1, with Respect to Service Computation Under Pension, etc. Plans	1545-AE39
2214	26 USC 0412 Income Tax--Pension Excise Taxes--Miscellaneous Funding Provisions	1545-AD85
2215	26 USC 0414 Income Tax--Definitions and Special Rules; Service for Predecessor	1545-AD87
2216	26 USC 0414 Income Tax--Church Plans	1545-AD88
2217	26 USC 0414 Income Tax Regulations--Affiliated Service Groups and Employee Leasing	1545-AE91
2218	26 USC 0415 Limitations on Benefits and Contributions Under Qualified Plans	1545-AE75
2219	26 USC 0417 Joint and Survivor Annuities	1545-AG72
2220	26 USC 0418 Income Tax--Reorganization Status	1545-AD91
2221	26 USC 0418 Income Tax--Minimum Contribution Requirement, In General	1545-AD92
2222	26 USC 0418 Income Tax--Overburden Credit Against Minimum Contribution Requirement	1545-AD94
2223	26 USC 0418 Income Tax--Adjustments in Accrued Benefits; Insolvent Plans; Related Vesting Provisions	1545-AD95
2224	26 USC 0419 Treatment of Funded Welfare Benefit Plans	1545-AG14
2225	26 USC 0446 Income Tax--Clarification of Relationship Between Sections 446(e) and 481	1545-AB38
2226	26 USC 0447 Income Tax--Method of Accounting for Corporations Engaged in Farming	1545-AB39
2227	26 USC 0451 Accounting for Long-Term Contracts; Corporations Filing Consolidated Returns With a Contractor	1545-AI19
2228	26 USC 0453 Income Tax Regulations--Part I. Installment Sales by Nontaxable Entities	1545-AF73
2229	26 USC 0453 Income Tax Regulations--Part 1--Special Rules Relating to Installment Obligations That Are Readily Tradable or Payable on Demand	1545-AG37
2230	26 USC 0453 Income Tax--Installment Sales Between Related Parties	1545-AB45
2231	26 USC 0453 Income Tax--Installment Method Reporting by Dealers in Personal Property	1545-AB47
2232	26 USC 0453 Income Tax -- Gain or Loss on the Disposition of an Installment Obligation	1545-AB41
2233	26 USC 0453 Income Tax--Installment Sales Revision Act of 1980, Regulations Relating to Wrap-Around Mortgages	1545-AB46

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Internal Revenue Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2234	26 USC 0461 Income Tax--Treatment of Prepaid Interest	1545-AB49
2235	26 USC 0461 (h) Income Tax Regulations--The Economic Performance Requirement	1545-AH32
2236	26 USC 0461 (i) Income Tax Regulations--Taxable Year of Deduction for Amounts Paid by Cash Method Tax Shelters	1545-AH35
2237	26 USC 0463 Income Tax--Accrual of Vacation Pay	1545-AB50
2238	26 USC 0465 Extension of the At-Risk Rules	1545-AF86
2239	26 USC 0465 Aggregation of Certain Activities for Purposes of the At-Risk Rules	1545-AI02
2240	26 USC 0467 Income Tax Regulations-Deferred Payments for Use of Property or Services	1545-AG80
2241	26 USC 0468A Income Tax Regulations -- Special Rules Relating to Nuclear Decommissioning Costs	1545-AI01
2242	26 USC 0472 Inventory Computed by Use of Consumer or Producer Price Indexes	1545-AF65
2243	26 USC 0473 Income Tax--Qualified Liquidations of LIFO Inventories	1545-AB56
2244	26 USC 0474 Use of One Inventory Pool by Small Business Electing LIFO Method of Accounting	1545-AF92
2245	26 USC 0501 Income Tax-Child Care Organizations	1545-AG64
2246	26 USC 0501 Income Tax--Amendment of Regulations to Reflect the Grant of Tax Exempt Status to Certain Hospital Service Organizations	1545-AE01
2247	26 USC 0501 Income Tax--Tax Treatment of Certain Social Clubs & Prohibition of Discrimination by Certain Social Clubs	1545-AD98
2248	26 USC 0505 Nondiscrimination Requirements under Sections 501 (c) (9) and (20)	1545-AG23
2249	26 USC 0505 Notification Requirement for Section 501(c) (9) and (20) Organizations	1545-AG44
2250	26 USC 0514 Income Tax--Unrelated Trade or Business Income	1545-AE00
2251	26 USC 0591 To Amend Section 1.591-1(b), Relating to Deductibility of Interest on Short-Term Certificates of Deposit Issued by Saving and Loan Institutions	1545-AI38
2252	26 USC 0595 Treatment of Foreclosed Property by Certain Creditors	1545-AF00
2253	26 USC 0612 Income Tax--Restoration of Depletion Deductions on Bonus and Advanced Royalties in Certain Cases	1545-AB69
2254	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
2255	26 USC 0644 Income Tax--Special Rule for Property Transferred at Less Than Fair Market Value	1545-AB76
2256	26 USC 0667 Income Tax--Procedure & Administration--Accumulation Trusts	1545-AB78
2257	26 USC 0679 Income Tax--Procedure & Administration--Foreign Trusts Having U.S. Beneficiaries	1545-AB79
2258	26 USC 0704 Amendment of Section 1.704-1 to Provide Rules on Partner's Distributive Shares of Items Attrib. to Nonrecourse Debt and the Interrelationship of Subsections (b) and (c) of Section 704	1545-AG00
2259	26 USC 0704 (c) Allocations of Income Gain, Loss, and Deduction with Respect to Property Contributed to a Partnership	1545-AG98
2260	26 USC 0706 Income Tax--Items Allocated to Portion of Year Partner Held Interest	1545-AB81
2261	26 USC 0707 Income Tax--Treatment of Payments to Partners Not Acting in Their Capacity as Partners	1545-AG83
2262	26 USC 0707 Amendment of Income Tax Regulations with Respect to Treatment of Disguised Sales by Partners	1545-AH22
2263	26 USC 0724 Contributions to a Partnership of Unrealized Receivables, Inventory Items or Capital Loss Property	1545-AG85
2264	26 USC 0751 Income Tax--Treatment of Unrealized Receivables and Inventory Items Held by Tiered Partnerships	1545-AH67
2265	26 USC 0752 Partner's Share of Partnership Liabilities	1545-AH26
2266	26 USC 0809 Imputed Earnings Rate for Mutual Life Insurance Companies	1545-AG63
2267	26 USC 0817 Temporary Income Tax Regulations- Diversification Requirements for Variable Annuity, Endowment, and Life Insurance Contracts	1545-AG78
2268	26 USC 0817 Income Tax Regulations-Diversification Requirements for Variable Annuity, Endowment, and Life Insurance Contracts	1545-AG79
2269	26 USC 0852 Extension of Holding Period for Losses Attributable to Capital Gain Dividends of RIC's and REIT's	1545-AH64
2270	26 USC 0861 Income Tax--Source of Income of Underwriting Income	1545-AB89
2271	26 USC 0864 (d) Regulations Relating to the Application of Sections 864 and 956 to Related Party International Factoring Transactions	1545-AH85
2272	26 USC 0871 Repeal of 30 Percent Withholding by the Tax Reform Act of 1984	1545-AG66
2273	26 USC 0897 Income Tax--Partnership, Trust, and Estate Rules Regarding Taxation of Foreign Investment in U.S. Real Property Interests	1545-AB98
2274	26 USC 0897 Notice of Proposed Rulemaking--Nonrecognition of Corporate Distributions and Reorganizations Under the Foreign Investment in Real Property Tax Act	1545-AF17
2275	26 USC 0902 Income Tax--To Clarify Rules for Determining Earnings & Profits of a Foreign Corporation & Amount of Creditable Foreign Taxes	1545-AC02
2276	26 USC 0904 Income Tax Regulations Under Section 121 of the Tax Reform Act of 1984 Relating to Resourcing Certain Amounts Received From A U.S. Owned Foreign Corporation	1545-AI33
2277	26 USC 0904(d) Proposed Regulations Relating to Certain Amounts Treated as Interest for Purposes of the Limitation on the Foreign Tax Credit	1545-AH84
2278	26 USC 0905 Income Tax--Procedure & Administration--Taxpayer's Obligation to File a Notice of Redetermination of Foreign Tax and Civil Penalties for Failure to File	1545-AC06
2279	26 USC 0907 Amendment of Regulations Under Section 907 of the Internal Revenue Code of 1954 to Conform Them to Section 211 of the Tax Equity and Fiscal Responsibility Act of 1982	1545-AE34

TREAS—IRS

Internal Revenue Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2280	26 USC 0954 Current Taxation of Foreign Oil Related Income of Controlled Foreign Corporations	1545-AE38
2281	26 USC 0995 Proposed Income Tax Regulations Under the Tax Reform Act of 1984 Relating to INTEREST CHARGE DISCs	1545-AG71
2282	26 USC 1014 Income Tax--Basis of Certain Appreciated Property Transferred to Decedent, ETC	1545-AC18
2283	26 USC 1031 Rules Relating to the Inapplicability of Section 1031 to Partnership Interests and the Limitation on the Period During Which Like Kind Exchanges May Be Made	1545-AH43
2284	26 USC 1042 Stock Sales, Etc, to and by ESOP's, Etc	1545-AG21
2285	26 USC 1056 Income Tax--Basis Limitation & Recapture of Depreciation on Player Contracts	1545-AC19
2286	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
2287	26 USC 1092 Income Tax--Tax Straddles	1545-AC21
2288	26 USC 1248 Income Tax--Gain from Sale or Exchange of Stock in Foreign Corporations	1545-AC31
2289	26 USC 1253 Income Tax--To Clarify Tax Treatment of Transfers of Franchises, Trademarks, & Trade Names	1545-AC34
2290	26 USC 1274 Income Tax--Temporary Regulations Under Section 1274 and 483 Relating to Deferred Payments Under the Tax Reform Act of 1984	1545-AG59
2291	26 USC 1275 Regulations Under Section 1271 Through 1275 Relating to Tax Treatment of Debt Instruments Having Original Issue Discount	1545-AH46
2292	26 USC 1276 Disposition Gain Representing Accrued Market Discount Treated as Ordinary Income; Deferral of Interest Deduction Allocable to Accrued Market Discount	1545-AH82
2293	26 USC 1286 Income Tax-Treatment of Stripped Bonds and Stripped Coupon	1545-AH75
2294	26 USC 1361 Income Tax--Treatment of Obligations Which Purport to Represent Debt as a Second Class of Stock	1545-AC37
2295	26 USC 1361 Income Tax--Definition of S Corporation	1545-AE86
2296	26 USC 1362 Amendment of Income Tax Regulations Under Code Sections 1362 and 1363 Relating to the Election, Revocation, and Termination of an S Corporation	1545-AE26
2297	26 USC 1366 Income Tax--Pass-Thru of S Corporation Items to Shareholders	1545-AE85
2298	26 USC 1367 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	1545-AE88
2299	26 USC 1371 Income Tax--Application of Subchapter C Rules to S Corporations	1545-AE90
2300	26 USC 1372 Income Tax--Treatment of S corporation as a Partnership for Certain Purposes of the Internal Revenue Code of 1954	1545-AE28
2301	26 USC 1377 Income Tax--Definitions and Special Rules Pertaining to S Corporation	1545-AE94
2302	26 USC 1382 Income Tax--To Clarify Section 1.1382-6 with Regard to Inventory Pools	1545-AB32
2303	26 USC 1388 Income Tax--Distributions Qualifying as Patronage Dividends	1545-AC39
2304	26 USC 1502 26 CFR Part I--Amendment of the Income Tax Regulations Under Section 1502 of the Code to Reflect Section 224 of Tax Equity and Fiscal Responsibility Act of 1982	1545-AF41
2305	26 USC 1502 Amendment of Consolidated Returns Regulations Relating to Life-Life Consolidations	1545-AF67
2306	26 USC 1502 Amendment of Section 1.1502-14 to Modify Treatment of Stock Redemptions and Nondividend Distributions in Excess of Basis	1545-AG35
2307	26 USC 1502 Income Tax--Consolidated Return/Accumulated Earnings Tax-Earnings and Profits when a Member is a Personal Holding Company	1545-AC51
2308	26 USC 1502 Income Tax--To Reflect Amendments of Consolidated Return Regulations to Reflect Merchant Marine Act of 1970 Concerning Merchant Marine & Fisheries Capital ETC	1545-AC52
2309	26 USC 1502 Income Tax--Accelerated Depreciation in Investment Adjustments	1545-AC47
2310	26 USC 1502 Income Tax--Application of Section 465 At Risk Limitations to Members that Join in Filing Consolidated Returns	1545-AC55
2311	26 USC 1504 Income Tax--Includibility in an Affiliated Group of Subsidiaries Formed to Comply with Foreign Laws	1545-AC58
2312	26 USC 1504 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"	1545-AH09
2313	26 USC 2001 Estate and Gift Taxes, Income Taxes-Unified Credit in Lieu of Exemptions, Unified Rate Schedule for Estate and Gift Taxes Situs of Foreign Partnerships for Estate Taxation	1545-AC60
2314	26 USC 2032 Estate Tax--Valuation of Certain Farm, etc. Real Property	1545-AC62
2315	26 USC 2055 Estate Tax - Permanent Rules for Reforming Governing Instruments Creating Charitable Remainder Trusts and Other Charitable Interest	1545-AI14
2316	26 USC 2055 Estate Tax-Regulations Relating to Reports of Reformations of Charitable Remainder Trusts	1545-AI28
2317	26 USC 2210 Assumption of Estate Tax Liability by ESOP's	1545-AG38
2318	26 USC 2518 Gift Tax--Certain Transfers Treated as Qualified Disclaimers	1545-AC70
2319	26 USC 3121 Empl. Tax--Social Security Tax on Employers of Individuals who Receive Income from Tips	1545-AC76
2320	26 USC 3121 Amendment of the Employment Tax Regulations Under Code Section 3121 to Conform to Section 321 of the Social Security Amendments of 1983	1545-AF91
2321	26 USC 3121 (w) Elections by Churches and Qualified Church-Controlled Organizations to Exclude Service Performed in Their Employ from Employment	1545-AH63
2322	26 USC 3231 Amend the Regulations to Clarify the Trucking Exception to the Definition of "Employee" for Purpose of the RRTA	1545-AG74
2323	26 USC 3306 Treatment of Certain Deferred Compensation and Salary Reduction Arrangements	1545-AF97

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Sequence Number	Title	Regulation Identifier Number
2324	26 USC 3405 Employment Tax--Withholding from Pensions, Annuities, and Other Deferred Income	1545-AE98
2325	26 USC 3406 To Provide Regulations Relating to Backup Withholding Under Section 3406	1545-AE20
2326	26 USC 3406 To Provide Temporary Regulations Relating to Backup Withholding Where the Service Notifies Payor to Withhold Due to an Incorrect Taxpayer Identification Number	1545-AF90
2327	26 USC 3406 Regulations on Backup Withholding in Case of a Notified Payee Underreporting	1545-AH83
2328	26 USC 3508 Treatment of Real Estate Agents and Direct Sellers as Nonemployees for Employment Tax Purposes--Reporting Requirements with Respect to Direct Sellers	1545-AE62
2329	26 USC 4051 Excise Tax--Retailers Excise Taxes on Motor Vehicles	1545-AF61
2330	26 USC 4071 Manuf. & Ret. Excise Tax--Refund for Certain Uses of Tread Rubber & Adjustments Pursuant to Warranty; Misc. Excise Taxes --Tax on Policies of Insurance Issued by Foreign Insurers	1545-AC88
2331	26 USC 4161 Regulations Relating to the Tax on Sale of Sport Fishing Equipment, Etc	1545-AH95
2332	26 USC 4681 Excise Tax--Environmental Taxes--Imposition of Tax on Hazardous Wastes	1545-AC92
2333	26 USC 4911 Income Tax--Lobbying by Public Charities	1545-AE02
2334	26 USC 4943 Foundation Excise Tax-Excess Business Holdings	1545-AG49
2335	26 USC 4962 Income Tax--Excise Tax--Procedure and Administration--Various Private Foundation Provisions	1545-AG18
2336	26 USC 4976 Tax with Respect to Certain Funded Welfare Benefit Plans	1545-AG12
2337	26 USC 4991 Excise Tax--With Respect to the Definition of Taxable Crude Oil	1545-AD00
2338	26 USC 4992 Excise Tax--Issues Arising Where Multiple Parties Share in Production, Including Unitizations, Partnerships, Trusts and Estates	1545-AC94
2339	26 USC 6012 Form of Individual Tax Return	1545-AF24
2340	26 USC 6015 To Provide Regulations Relating to New Exception to Estimated Tax Penalty Where Individual Has No Tax Liability for Preceding Taxable Year	1545-AE71
2341	26 USC 6031 Income Tax-Amendments to Requirements for Return of Partnership Income	1545-AE40
2342	26 USC 6037 Proposed Regulations Under Section 6037 Relating to Information Required to Be Furnished to Shareholders of S Corporations	1545-AH48
2343	26 USC 6039D Returns, etc. on Certain Fringe Benefit Plans	1545-AI22
2344	26 USC 6041 Information Reporting of Allowances, or Reimbursements, or Charges for Travel and Other Expenses of Public Sector Employees and Certain Other Persons	1545-AI42
2345	26 USC 6046 Income Tax--Regulations Relating to Returns as to Interests in Foreign Partnerships	1545-AE47
2346	26 USC 6111 Proposed Regulations Relating to Tax Shelter Registration	1545-AI04
2347	26 USC 6166 Estate Tax--Procedure and Administration--Deferral and Installment Payment of Estate Tax	1545-AD23
2348	26 USC 6222 Miscellaneous Rules Relating to Consolidated Administrative and Judicial Proceedings to Determine the Tax Treatment of Partnership Items	1545-AE51
2349	26 USC 6224 Statement of Procedural Rules to Provide Procedures for Partnership-Level Proceedings with Respect to Partnership Items	1545-AI08
2350	26 USC 6231 Designation of Tax Matters Partner for Purposes of Determining the Tax Treatment of Partnership Items	1545-AE53
2351	26 USC 6233 Extension of Partnership Audit Provisions	1545-AI05
2352	26 USC 6241 Determination of the Tax Treatment of Subchapter S Items at the Corporate Level	1545-AE96
2353	26 USC 6311 Procedure and Administration Regulations--Payment of Taxes by Check or Money Order and Liability of Financial Institutions for Unpaid Taxes	1545-AI24
2354	26 USC 6325 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	1545-AE82
2355	26 USC 6411 Income Tax--Tentative Refund of Tax Under Claim of Right Adjustment	1545-AD30
2356	26 USC 6501 Procedure and Administration Regulations--Extension of the Period for Assessment of Tax on Certain Circumstances	1545-AI23
2357	26 USC 6659 Procedure & Administration--Addition to Tax in the Case of Valuation Overstatements and Understatements, and Increase in the Negligence Penalty	1545-AD39
2358	26 USC 6700 Penalty for Promoting Abusive Tax Shelters	1545-AE99
2359	26 USC 6701 Penalty for Aiding and Abetting in the Understatement of Tax Liability	1545-AF01
2360	26 USC 6851 Amendment of the Income Tax Regulations Under Section 6815(d) Dealing with Certificates of Compliance with the Income Tax Laws Issued to Aliens Departing the United States	1545-AF80
2361	26 USC 6867 Income Tax--Presumption of Jeopardy in the Case of Illegal Activity Cash	1545-AE30
2362	26 USC 7701 Income Tax--Investment Credit in Case of Property Used by Tax Exempt Organizations & Governmental Units; Practice & Procedure--Def. of Service Contracts & Other Arrangements	1545-AA23
2363	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 (P.L. 98-369)	1545-AH13
2364	26 USC 7701 (g) Proposed Regulations Under the Tax Reform Act of 1984, Relating to the Definition of Fair Market Value of Property for Purposes of Determining Gain or Loss	1545-AG94
2365	26 USC 7805 Temporary Regulations on Effective Dates and Other Questions Arising Under the Employee Benefit Provisions of the Tax Reform Act of 1984	1545-AG41
2366	26 USC 7805 Effective Dates and Other Questions Arising Under Employee Benefit Provisions of the Tax Reform Act of 1984	1545-AI21
2367	26 USC 9999 Statement of Procedural Rules--Special Amendment	1545-AF68

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Sequence Number	Title	Regulation Identifier Number
2368	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

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Sequence Number	Title	Regulation Identifier Number
2369	26 USC 0023 Income Tax--Joint Ownership of Energy Items & Renewable Energy Source Expenditures for Purposes of the Residential Energy Credit to Conform to Secs 201(a) & 202 of the ETC	1545-AA03
2370	26 USC 0025 To Provide Regulations Relating to Mortgage Credit Certificates	1545-AH06
2371	26 USC 0025 Income Tax--Information Reporting for Mortgage Credit Certificates	1545-AI39
2372	26 USC 0028 Credit for Clinical Testing Expenses for Certain Drugs for Rare Diseases or Conditions	1545-AF64
2373	26 USC 0044 Income Tax--Credit for Increasing Research Activities	1545-AA07
2374	26 USC 0046 Synchronization of Interest	1545-AH69
2375	26 USC 0046 Income Tax--Investment Credit for Cooperatives	1545-AA09
2376	26 USC 0046 Income Tax--The Investment Credit for Qualified Progress Expenditures	1545-AA13
2377	26 USC 0047 Income Tax--Tax Treatment of Mass Assets for Investment Credit Purposes	1545-AA10
2378	26 USC 0048 Income Tax--Increase in Investment Tax Credit for Qualified Rehabilitation Expenditures	1545-AA12
2379	26 USC 0048 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	1545-AA26
2380	26 USC 0048 Income Tax--Definition of Films That Are "Topical or Otherwise Essentially Transitory in Nature"	1545-AA22
2381	26 USC 0061 Income Tax--Nonqualified Salary Reduction Agreements	1545-AA35
2382	26 USC 0079 Income Tax--Group Term Life Insurance--Evidence of Insurability	1545-AA39
2383	26 USC 0103 Income Tax--Industrial Development Bonds for Vehicles Used for Mass Commuting	1545-AA43
2384	26 USC 0103 Income Tax--To Amend the Regulations Under Sections 1.103-13 and 1.103-14 with Respect to the Calculations of "Overissuance" and "Cumulative Cash Flow Deficit"	1545-AA44
2385	26 USC 0103 Income Tax--Exemption for Industrial Development Bonds for Water Facilities	1545-AA49
2386	26 USC 0103 Income Tax--To Clarify the Definition of the Term "Issue"	1545-AA54
2387	26 USC 0103 Income Tax--To Clarify the Definition of Property Which is a Pollution Control Facility	1545-AA58
2388	26 USC 0103 Income Tax--Manner of Electing $10 Million Limitation on Exempt Small Issues	1545-AA59
2389	26 USC 0103 Income Tax--Mortgage Subsidy Bonds	1545-AA63
2390	26 USC 0103 To Provide Regulations Requiring Certain Debt Obligations To Be Issued in Registered Form	1545-AE18
2391	26 USC 0103 To Provide Regulations Under Section 103(k) and (l)-- Relating to Public Approval and Information Reporting Requirements for Private Activity Bonds	1545-AE24
2392	26 USC 0103 To Modify Requirements Relating to $10 Million Election and Capital Expenditure Statements	1545-AH18
2393	26 USC 0103 Temporary Regulations Relating to Federally Guaranteed Bonds	1545-AH20
2394	26 USC 0103 (b) To Provide Regulations Relating to the Tax Exemption of Obligations to Finance Mixed-Use Residential Rental Property	1545-AH68
2395	26 USC 0103 (c) Amendment of Regulations Relating to Arbitrage on Nonpurpose Obligations to Reflect Section 624 of TRA of 1984	1545-AH07
2396	26 USC 0103 (n) To Provide Regulations Under Section 103 (n) Relating to Carryforward Elections and Election to Allocate State Ceiling to Facilities for Local Furnishing of Electricity	1545-AG91
2397	26 USC 0103 (n) To Provide Regulations Relating to the State Volume Cap on Private Activity Bonds	1545-AH62
2398	26 USC 0104 Income Tax--Changes in Exclusion for Sick Pay & Certain Military, Etcetera, Disability Pensions; Certain Disability Income	1545-AA66
2399	26 USC 0120 Income Tax--Prepaid Legal Expenses	1545-AD62
2400	26 USC 0125 Income Tax--Tax Treatment of Cafeteria Plans	1545-AD63
2401	26 USC 0126 Income Tax-Exclusion from Income of Certain Cost-Sharing Payments Under Government Programs	1545-AA73
2402	26 USC 0131 Income Tax--Part I Exclusion from Gross Income for Certain Foster Care Payments	1545-AF52
2403	26 USC 0162 Income Tax--To Add Provisions Relating to State Legislators' Travel Expenses	1545-AA78
2404	26 USC 0165 Sanctions on Issuers and Holders of Registration-Required Obligations Not in Registered Form	1545-AF63
2405	26 USC 0165 Income Tax Regulations--Tax Straddles Relating to Section 108 of the Tax Reform Act of 1984	1545-AG57
2406	26 USC 0168 Income Tax--Accelerated Cost Recovery System	1545-AA87
2407	26 USC 0168 Income Tax--Relating to Terminal Rental Adjustment Clauses in Certain Motor Vehicle Leases	1545-AF32
2408	26 USC 0168 Tax-Exempt Entity Leasing	1545-AH76
2409	26 USC 0170 Deductions in Excess of $5,000 Claimed for Certain Charitable Contributions of Property and Information Reporting by Donees Who Make Certain Dispositions of Donated Property	1545-AG86
2410	26 USC 0172 Income Tax--Net Operating Losses Attributable to Product Liability Losses	1545-AA93
2411	26 USC 0172 Income Tax--Net Operating Losses for Certain Real Estate Investment Trusts	1545-AA94
2412	26 USC 0179 Income Tax--Election to Expense Certain Depreciable Assets	1545-AA95

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Sequence Number	Title	Regulation Identifier Number
2413	26 USC 0219 Individual Retirement Plans, Simplified Employee Pensions, and Qualified Voluntary Employee Contributions	1545-AD66
2414	26 USC 0219 Individual Retirement Plans and Simplified Employee Pensions	1545-AD59
2415	26 USC 0267 Regulations Under Section 267 IRC to Reflect Section 174 of the Tax Reform Act of 1984 Relating to Losses, Expenses, and Interest in Transactions Between Related Taxpayers	1545-AG11
2416	26 USC 0269 Income Tax--Personal Service Corporations	1545-AF11
2417	26 USC 0274 Income Tax--Deductibility of Gifts by Employers	1545-AB06
2418	26 USC 0280A Income Tax--Deductions for Expenses Attributable to Business Use of Homes, Rental of Vacation Homes	1545-AB09
2419	26 USC 0280F Limitations on Amount of Depreciation and Investment Tax Credit for Luxury Automobiles and Certain Other Property	1545-AG99
2420	26 USC 0303 Income Tax--Distribution in Redemption of Stock to Pay Death Taxes	1545-AB13
2421	26 USC 0305 Income Tax--Dividend Reinvestment in Stock of Public Utilities	1545-AB14
2422	26 USC 0337 Income Tax--Simultaneous Liquidation of a Parent and Subsidiary	1545-AB18
2423	26 USC 0338 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	1545-AF38
2424	26 USC 0338 Temporary Regulations--Application of Section 338 to Stock and Asset Acquisitions in the International Context	1545-AH87
2425	26 USC 0338 Questions and Answers Relating to Domestic Matters under Section 338 of the Internal Revenue Code of 1954 - Cross Reference to the Temporary Regulations	1545-AH88
2426	26 USC 0338 Deemed Sale Price When Certain Stock Purchases are Treated as Asset Acquisitions	1545-AI25
2427	26 USC 0341 Amendment of the Income Tax Regulations Under Section 341, Relating to Collapsible Corporations, to Reflect the Tax Reform Act of 1984	1545-AG33
2428	26 USC 0355 Income Tax--Distribution of Stock and Securities of a Controlled Corporation	1545-AB20
2429	26 USC 0358 Income Tax--Triangular Reorganizations, Basis and Other Consequences	1545-AB21
2430	26 USC 0367 Income Tax--Treatment of Exchanges Described in Section 367 (b)	1545-AB26
2431	26 USC 0367(b) Income Tax--Part 1--Temporary-Whether Earnings and Profits Should be Allocated to an Acquiring CFC from an Acquired CFC Following a Non-Recognition Transaction	1545-AI32
2432	26 USC 0368 Income Tax--Exchange Funds	1545-AB31
2433	26 USC 0368 Income Tax--Temporary Regulations--Reorganizations Involving Financially Troubled Thrift Institutions	1545-AB28
2434	26 USC 0401 Notice, Election, and Consent Rules Under the Retirement Equity Act of 1984	1545-AH71
2435	26 USC 0401 Notice, Election, and Consent Rules under the Retirement Equity Act of 1984	1545-AH80
2436	26 USC 0401 Income Tax--Refund of Mistaken Contributions	1545-AD68
2437	26 USC 0401 Certain Cash or Deferred Arrangements	1545-AD72
2438	26 USC 0402 Income Tax--Treatment of Certain Lump Sum Distributions	1545-AD73
2439	26 USC 0403 Income Tax--Taxability of Beneficiary Under Annuity Purchase by Sec. 501(c) Organization or Public School	1545-AD75
2440	26 USC 0404 Income Tax--Deduction of Employer Liability Payments, Notice of Reorganization and Funding Requirements	1545-AD80
2441	26 USC 0404A Income Tax--Deduction for Certain Foreign Deferred Compensation Plans	1545-AD81
2442	26 USC 0408 Annual Information Reports by Trustees and Issuers of Individual Retirement Plans	1545-AF83
2443	26 USC 0411 Restrictions on Cash-Outs Under the Retirement Equity Act of 1984	1545-AH01
2444	26 USC 0411 Income Tax--Coordination of Vesting and Nondiscrimination Requirements for Qualified Plans	1545-AD83
2445	26 USC 0412 Income Tax--Excise Tax Regulations--Funding for Qualified Plans	1545-AD84
2446	26 USC 0414 Income Tax--Definitions & Special Rules	1545-AB35
2447	26 USC 0414 Income Tax--Employees of an Affiliated Service Group	1545-AD90
2448	26 USC 0422A Income Tax--Creation & Treatment of Incentive Stock Options	1545-AB36
2449	26 USC 0453 Income Tax--General Rules Relating to Installment Sales	1545-AB42
2450	26 USC 0453 Income Tax--Installment Obligations Received from a Liquidating Corporation	1545-AB43
2451	26 USC 0453 Income Tax--Installment Obligations Received in Transactions in which Gain or Loss is Generally Not Recognized	1545-AB44
2452	26 USC 0453a Income Tax Regulations--Part 1. Installment Sale by Dealers in Personal Property	1545-AF71
2453	26 USC 0458 Income Tax--Exclusion from Gross Income with Respect to Magazines, Paperbacks, and Record Returns After Close of Taxable Year	1545-AB48
2454	26 USC 0461 (h) Temporary Income Tax Regulations--The Economic Performance Requirement	1545-AH33
2455	26 USC 0461 (i) Temporary Income Tax Regulations--Taxable Year of Deduction for Amounts Paid by Cash Method Tax Shelters	1545-AH31
2456	26 USC 0463 Income Taxes--Election for Accrued Vacation Pay Under Transitional Rule Provided in Section 91(i) of the Tax Reform Act of 1984	1545-AH16
2457	26 USC 0464 Income Tax--Limitation on Deductions in Case of Farming Syndicates	1545-AB51
2458	26 USC 0465 Income Tax--Determination of Amounts at Risk with Respect to Certain Activities	1545-AB52
2459	26 USC 0465 Aggregation of Certain Activities	1545-AI41
2460	26 USC 0467 Temporary Income Tax Regulations-Deferred Payments for Use of Property or Services	1545-AG81

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Sequence Number	Title	Regulation Identifier Number
2461	26 USC 0468A Temporary Income Tax Regulation--Special Rules Relating to Nuclear Decommissioning Costs	1545-AH08
2462	26 USC 0472 Income Tax--Three-Year Averaging for Increases in Inventory Value when Electing LIFO Method of Accounting; Value when Electing LIFO Method of Accounting	1545-AB55
2463	26 USC 0501 Income Tax--Rules Clarifying the Regulations With Respect to the Computation of "Gross Income" of an Electric Cooperative	1545-AD99
2464	26 USC 0512 Income Tax--Social Clubs Unrelated Business Income	1545-AB59
2465	26 USC 0513 Income Tax--Hospital Services Not to Constitute an Unrelated Trade or Business	1545-AE05
2466	26 USC 0593 Income Tax--Limitation on Additions to Bank Loss Reserves	1545-AB66
2467	26 USC 0613A Income Tax--Supplementary Rules on Limitations on Percentage Depletion for Oil & Gas	1545-AB73
2468	26 USC 0613A Income Tax--To Conform to Sec 3 of the Act of 12/28/80	1545-AB74
2469	26 USC 0642 Income Tax--Disallowance of Certain Items as Deductions for Estate and Income Tax Purposes	1545-AB75
2470	26 USC 0807(d) Temporary Regulations Relating to the Mortality and Morbidity Tables to be Used for Insurance Products for Which There are No Applicable Commissioner's Tables	1545-AH98
2471	26 USC 0818 Treatment of Graded Premium Policies Under the Approximate Revaluation Method of Recomputing Reserves	1545-AF03
2472	26 USC 0820 Income Tax--To Clarify the Treatment of Certain Amounts Refunded in Reinsurance Transactions	1545-AB86
2473	26 USC 0861 Source of Interest and Dividends	1545-AF15
2474	26 USC 0861 Amendment of the Income Tax Regulations Under Sec. 1.861-8 to Provide for the Allocation and Apportionment of Partnership Expenses	1545-AF57
2475	26 USC 0871 Income Tax--Original Issue Discount	1545-AB93
2476	26 USC 0871 Employment Taxes: Application of the Repeal of 30% Withholding by the Tax Reform Act of 1984 and of Information Reporting and Backup Withholding in Light of Such Repeal	1545-AH15
2477	26 USC 0871 Temporary Income Tax Regulations under Sections 163 Relating to Registration-Required Obligations and under Sections 871 and 881 Relating to the Partial Repeal of 30 Percent Withholding	1545-AH90
2478	26 USC 0904 Income Tax--Recapture of Overall Foreign Losses	1545-AC05
2479	26 USC 0905 Income Tax--Temporary Regulations--Taxpayer's Obligation to File a Notice of Redetermination of Foreign Tax and Civil Penalties for Failure to File	1545-AC09
2480	26 USC 0921 FSC General Rules, Requirements, Definitions, and Special Rules	1545-AG67
2481	26 USC 0924 Income Tax Regulations Relating to Foreign Management and Foreign Economic Processes Requirements of a Foreign Sales Corporation	1545-AH10
2482	26 USC 0925 Temporary Regulations Relating to FSC Transfer Pricing Rules, Distributions, Dividends Received Deduction and Other Special Rules for FSCs	1545-AI17
2483	26 USC 0936 Amendment of Regulations Under Sections 934 and 936 to Conform to Changes Made by Section 213 of the Tax Equity and Fiscal Responsibility Act of 1982	1545-AF21
2484	26 USC 0936 Income Tax--Definition of Qualified Possession Source Investment Income for Purposes of Puerto Rico & Possession Tax Credit	1545-AC10
2485	26 USC 103A To Provide Regulations Relating to Extension of Mortgage Subsidy Bonds	1545-AI36
2486	26 USC 1058 Income Tax--Transfers of Securities Under Certain Agreements	1545-AC20
2487	26 USC 1092 (b) Income Tax Regulations Under the Tax Reform Act of 1984 Relating to Mixed Straddles	1545-AH59
2488	26 USC 1092 (b) Income Tax Regulations Under the Economic Recovery Tax Act of 1981 and the Tax Reform Act of 1984, Relating to Straddles	1545-AH60
2489	26 USC 1239 Income Tax--Time for Determining Relatedness Under Section 1239--Relating to Transfer of Depreciable Property Between Related Persons	1545-AC29
2490	26 USC 1254 Income Tax--Gain from Disposition of Interest in Oil or Gas Property	1545-AC35
2491	26 USC 1371 Income Tax--Certain Rules Relating to Shareholders of Subchapter S Corporations	1545-AC38
2492	26 USC 1378 Income Tax--Certain Elections Under the Subchapter S Revision Act of 1982	1545-AF30
2493	26 USC 1441 Withholding on Items of Income Covered by an Income Tax Convention	1545-AH86
2494	26 USC 1445 Income Tax: Withholding Upon Dispositions of U.S. Real Property Interest by Foreign Persons	1545-AG70
2495	26 USC 1502 Income Tax--Credit & Deductions etc., for Consolidated Returns	1545-AC48
2496	26 USC 1563 Income Tax--To Reflect the U.S. Supreme Court in U.S. v. Vogel Fertilizer Co., Holding that Each Member of Stockgroup must Own Stock in Each Brother-Sister Corp	1545-AC59
2497	26 USC 2036 Estate & Gift Taxes--Inclusion of Stock in Estate Where Decedent Retained Voting Rights	1545-AC63
2498	26 USC 2056 Estate and Gift Taxes--Increase in Limitations on Marital Deductions	1545-AC67
2499	26 USC 2518 Estate & Gift Taxes--Disclaimers	1545-AC71
2500	26 USC 2621 Estate & Gift Tax--Generation-Skipping Transfers Tax Return Requirement, ETC	1545-AC74
2501	26 USC 3121 Employment Tax--To Require Withholding of Social Security and Railroad Retirement Tax from Certain Payments of Sick Pay	1545-AC77
2502	26 USC 4051 Temporary Regulation Excise Taxes on Heavy Trucks, Truck Trailers and Semitrailers, and Tractors Sold at Retail	1545-AF79
2503	26 USC 4061 Excise Tax--Manufacturers Excise Taxes on Motor Vehicles	1545-AC86
2504	26 USC 4081 Manufacturers and Retailers Excise Taxes--Taxes on Fuels, Tires and Gasoline	1545-AF58
2505	26 USC 4611 Excise Tax--Environmental Taxes--Imposition of Taxes on Petroleum and Certain Chemicals	1545-AC91
2506	26 USC 4701 Excise Tax--Tax on Issuer of Registration-Required Obligation Not in Registered Form	1545-AF31

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Sequence Number	Title	Regulation Identifier Number
2507	26 USC 4961 Foundation Excise Tax--Procedure and Administration--Revision of Second Tier Excise Tax Provisions, etc. Under Chapters 42 and 43	1545-AE09
2508	26 USC 4991 Excise Tax--Definition of Newly Discovered Oil	1545-AC96
2509	26 USC 4993 Excise Tax--Incremental Tertiary Oil	1545-AD04
2510	26 USC 4994 Excise Tax--Oil From a Stripper Well Property	1545-AD01
2511	26 USC 4996 Excise Tax--Definition of Oil Removed from the Premises	1545-AC95
2512	26 USC 4996 Excise Tax--Definition of Property Under the Crude Oil Windfall Profit Tax Act 1980	1545-AD08
2513	26 USC 4996 Excise Tax--Amendment of Sec 51.4996-1(b) With Respect to the Treatment of Net Profits Interests for Windfall Profits Tax Purposes	1545-AD09
2514	26 USC 6011 Returns Required on Magnetic Media	1545-AF12
2515	26 USC 6045 Information Returns of Brokers	1545-AG02
2516	26 USC 6045 Information Returns of Brokers	1545-AG52
2517	26 USC 6049 Original Issue Discount Reporting Requirements Under Section 6049	1545-AI20
2518	26 USC 6050 Notice of Proposed Rulemaking Relating to Reporting of Transfers of Security to a Person Other than the Lender Under the Tax Reform Act of 1984	1545-AG51
2519	26 USC 6050H Income Tax--Mortgage Interest Reporting	1545-AG93
2520	26 USC 6050I Income Tax--Returns Relating to Cash Payments in Excess of $10,000 Received in a Trade or Business	1545-AG97
2521	26 USC 6050J Notice of Proposed Rulemaking Relating to Reporting of Foreclosures and Abandonments of Security Under the Tax Reform Act of 1984	1545-AG48
2522	26 USC 6050K Returns Relating to Sales or Exchanges of Certain Partnership Interests	1545-AH42
2523	26 USC 6053 Employee Tip Reporting and Substantiation Requirements	1545-AH24
2524	26 USC 6111 Proposed Regulations Under Sections 6111 and 6709, Relating to Tax Shelter Registration	1545-AG45
2525	26 USC 6111 Procedure and Administration Regulations Relating to Tax Shelter Registration and the Requirement to Maintain Lists of Investors	1545-AH29
2526	26 USC 6111 Temporary Regulations Relating to Tax Shelter Registration	1545-AI10
2527	26 USC 6112 Requirement to Maintain Lists of Investors in Potentially Abusive Tax Shelters	1545-AG58
2528	26 USC 6231 Definition of "Partnership Item"	1545-AF09
2529	26 USC 6231 (c) (1) Special Rules for Certain Refund Claims Treated as Special Enforcement Areas Under Rules for Consolidated Partnership Proceedings	1545-AH00
2530	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
2531	26 USC 6611 Procedure and Administration Regulations--Modifications of Interest Payments for Certain Periods	1545-AF10
2532	26 USC 6621 Procedure and Administration Regulations - Increased Rate of Interest on Substantial Underpayments Attributable to Certain Tax Motivated Transactions	1545-AG75
2533	26 USC 6655 To Provide Regulations Relating to Accelerated Payment of Estimated Taxes by Corporations	1545-AE37
2534	26 USC 7216 Amendment of Regulations to Permit Disclosure of Tax Return Information between Franchisees who Jointly Operate a Tax Service	1545-AH91
2535	26 USC 7502 Procedure and Administration--Amendment of Regulations Relating to the Timely Mailing of Returns, Taxes and Deposits	1545-AD42
2536	26 USC 7609 Administrative Summonses	1545-AF33
2537	26 USC 7611 Procedure and Administration--Restrictions on Church Tax Inquiries and Examinations	1545-AI12
2538	26 USC 7701 Amendments of the Regulations on Procedure and Administration Under Section 7701 Relating to Classification of Certain Investment Arrangements	1545-AG20
2539	26 USC 7871 Indian Tribal Governments Treated as States for Certain Purposes	1545-AF77
2540	26 USC 7872 Regulations on Income Tax Under the Tax Reform Act of 1984, Relating to Below-Market Loans	1545-AH72
2541	26 USC 9999 Income Tax--Maritime Capital Construction Fund	1545-AD46
2542	26 USC 9999 Statement of Procedural Rules--Amendments to Statement of Procedural Rules--1981-1	1545-AD55

Internal Revenue Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2543	26 USC 0025 Income Tax--Information Reporting for Mortgage Credit Certificates	1545-AI37
2544	26 USC 0051 Income Tax--Adjustments to New Jobs Credit	1545-AA31
2545	26 USC 0083 Income Tax--To Make Certain Amendatory Changes to Rules Relating to Property Transferred in Connection with Performance of Services	1545-AA41
2546	26 USC 0103 Income Tax--Increase in Limit on Small Issues of Industrial Development Bonds	1545-AA57
2547	26 USC 0103A To Provide Regulations Relating to Extension of Mortgage Subsidy Bonds	1545-AH66

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Sequence Number	Title	Regulation Identifier Number
2548	26 USC 0105 Income Tax Regulations Under the Revenue Act of 1978, Relating to Self-Insured Medical Expenses Reimbursement Plans	1545-AG34
2549	26 USC 0116 Income Tax--Partial Exclusion of Dividends and Interest Received by Individuals	1545-AA69
2550	26 USC 0132 Income Tax--Notice of Proposed Rulemaking Relating to the Exclusion from Gross Income of Certain Fringe Benefits	1545-AH56
2551	26 USC 0132 Notice of Proposed Rulemaking Relating to the Taxation of Fringe Benefits and Exclusions from Gross Income for Certain Fringe Benefits	1545-AH73
2552	26 USC 0132 Temporary Regulations Relating to the Taxation of Fringe Benefits and Exclusions From Gross Income For Certain Fringe Benefits	1545-AI03
2553	26 USC 0166 Income Tax--Deductions for Addition to a Reserve for Certain Guaranteed Debt Obligations	1545-AA81
2554	26 USC 0168 Temporary Regulations Under the Tax Reform Act of 1984, Relating to Tax-Exempt Entity Leasing	1545-AG26
2555	26 USC 0170 Income Tax--Estate & Gift Taxes--Transfers of Partial Interests in Property for Conservation Purposes--To Extend Certain Temporary Tax Provisions	1545-AA91
2556	26 USC 0274 Income Tax--Disallowance of Certain Entertainment Expenses--To Conform to Section 361, Revenue Act of 1978	1545-AB05
2557	26 USC 0274 Withdrawal of Temporary Regulations under Section 274 Relating to Contemporaneous Recordkeeping with Respect to Certain Passenger Automobiles and Certain Other Listed Property	1545-AH81
2558	26 USC 0274 To Provide Temporary Regulations Relating to the Revised Recordkeeping Requirements	1545-AI40
2559	26 USC 0338 Regulations Under Section 338(h)(10) Relating to Special Elective Recognition of Gain or Loss	1545-AI26
2560	26 USC 0368 Income Tax--Acquisition of a Corporation by Merger of a Corporation Controlled by the Acquiring Corporation	1545-AB30
2561	26 USC 0446 Income Tax--Requests for Change of Method of Accounting from an Erroneous Method of Accounting	1545-AB37
2562	26 USC 0451 Income Tax--To Clarify Treatment of Certain Costs Incurred with Respect to Long Term Contracts	1545-AB40
2563	26 USC 0483 Income Tax--Maximum Rate of Imputed Interest for Sale of Land Between Related Persons	1545-AB58
2564	26 USC 0483 Income Tax--Semiannual Compounding of the Test Rate Under Section 483	1545-AF59
2565	26 USC 0527 Income Tax--Rates of Tax for Principal Campaign Committees	1545-AB60
2566	26 USC 0704 Income Tax--Determination of Partner's Distributive Share	1545-AB80
2567	26 USC 0892 Income Tax--Rules for Determining Whether Loans or Net Leases Are Commercial Activities	1545-AB94
2568	26 USC 1092(b) Income Tax -- Mixed Straddle Account Elections	1545-AI29
2569	26 USC 1092(b) Income Tax -- Coordination of Loss Deferral and Wash Sale Rules and Treatment of Holding Periods and Losses Under Section 1092	1545-AI30
2570	26 USC 1374 Amendment of Income Tax Regulations Under Sections 1374 and 1375 Relating to the Imposition of Tax on Capital Gains and Passive Investment Income	1545-AE92
2571	26 USC 2001 Temporary Estate, Gift and Generation-Skipping Transfer Tax Regulations under the Tax Reform Act of 1984	1545-AH96
2572	26 USC 3720A Temporary Procedure and Administration Regulations under the Spending Reduction Act of 1984 Relating to the Reduction of Tax Overpayments by the Amount of Past-Due Legally Enforceable Etc	1545-AI00
2573	26 USC 4041 Excise Tax--Applicable to Articles Sold on and After 1964	1545-AC85
2574	26 USC 4051 Excise Tax - Part 145 - Temp. - Definition of First Retail Sale Relating To Tax on Trucks Sold at Retail	1545-AI11
2575	26 USC 4071 Manufacturers & Retailers Excise Tax--Relating to Recapped or Retreaded Tires	1545-AC89
2576	26 USC 4994 Excise Tax--Exemptions for Qualified Governmental Interests, Qualified Charitable Interests (Including Residential Child Care Agencies), Indian Oil, Alaskan ETC	1545-AD05
2577	26 USC 6050 Reporting of State and Local Income Tax Refunds	1545-AE76
2578	26 USC 6050H Income Tax--Mortgage Interest Reporting	1545-AH27
2579	26 USC 6050K Returns Relating to Sales or Exchanges of Certain Partnership Interests	1545-AI35
2580	26 USC 6053(c) Employee Tip Reporting and Substantiation Requirements	1545-AI34
2581	26 USC 6232 Proposed Regulations of Section 6232, Relating to the Applicability of Partnership Audit Rules to the Windfall Profit Tax	1545-AG54
2582	26 USC 6416 Excise Tax--Sporting Goods and Firearms & Administration Provisions of Special Application to Manufacturers & Retailers Excise Tax	1545-AD12
2583	26 USC 6430 Credit or Refund of Windfall Profit Tax Paid by a Trust to Certain Beneficiaries	1545-AI27
2584	26 USC 7872 Temporary Income Tax Regulations Under the Tax Return Act of 1984, Relating to Below-Market Loans	1545-AG82

DEPARTMENT OF THE TREASURY (TREAS)
Internal Revenue Service (IRS)

Prerule Stage

2117. ● 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 1954; 26 USC 643(a)(3) Internal Revenue Code of 1954

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
ANPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-148-85.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AI31

2118. ● SOURCE OF INTEREST AND DIVIDENDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 4a

Legal Deadline: None

Abstract: Proposal would remove Temporary Income Tax Regulations relating to source of income. The Temporary Income Tax Regulations have been mooted by amendment of section 861 (b).

Timetable:

Action	Date	FR Cite
ANPRM	05/01/86	

Small Entity: Not Applicable

Additional Information: LR-109-85.

Drafting attorney: Richard Chewning (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel Reviewing Attorney: Jane Sarosdy (202) 566-5911.

Agency Contact: Richard Chewning, Attorney - Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AI15

2119. ● FSC TRANSFER PRICING RULES, DISTRIBUTIONS, DIVIDENDS RECEIVED, DEDUCTION AND OTHER SPECIAL RULES FOR FSC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 925(b)(1) Internal Revenue Code of 1954; 26 USC 925(b)(2) Internal Revenue Code of 1954; 26 USC 927(d)(2) (B) Internal Revenue Code of 1954; 26 USC 927(e)(1) and (2) Internal Revenue Code of 1954

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
ANPRM	05/01/86	

Small Entity: Not Applicable

Additional Information: LR-110-85.

Drafting attorney: Richard Chewning (202) 566-3289.

Reviewing attorney: Carol Doran Klein (202) 566-3289.

Office of International Tax Counsel Reviewing Attorney: Jane Sarosdy (202) 566-5911.

Agency Contact: Richard Chewning, Attorney - Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AI16

DEPARTMENT OF THE TREASURY (TREAS)
Internal Revenue Service (IRS)

Proposed Rule Stage

2120. LIMITATION ON CREDITS BASED ON TAX LIABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 26 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide for the grouping of tax credits and credit limitation based on tax liability. The current regulations concerning credits will be renumbered to conform to amendments made by the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	08/15/86	

Small Entity: Not Applicable

Additional Information: LR-290-84.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH58

2121. GENERAL BUSINESS CREDIT AND CARRYFORWARD AND CARRYBACK OF UNUSED BUSINESS CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 38 Internal Revenue Code of 1954; 26 USC 39 Internal Revenue Code of 1954; 26 USC 196 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the general business credit established in the Tax Reform Act of 1984. These regulations will also provide rules for the carryback and carryforward of unused business credits. The regulations will define the general business credit, set forth limitations on the amount of credit allowed for the taxable year and set forth treatment of credit amounts in excess of the limitation.

Timetable:

Action	Date	FR Cite
NPRM	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-300-84.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH57

2122. INCOME TAX--EMPLOYEE STOCK OWNERSHIP PLAN CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 41 Internal Revenue Code of 1954; 26 USC 404(i) Internal Revenue Code of 1954; 26 USC 409 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide guidance for electing the employee stock ownership credit based on contributions to a tax credit employee stock ownership plan. The maximum credit is determined as a percentage of aggregate compensation of employees under the plan which cannot exceed 0.5.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: EE-151-81.

Drafting attorney: John C. Khil (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD56

2123. RULES RELATING TO VARIOUS SECTIONS CONCERNING DEPENDENCY AND FAMILY STATUS OF INDIVIDUALS LIVING APART

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will clarify the treatment of a dependent of both parents for medical expense deduction and provide consistent rules among various inter-related sections concerning the family status of individuals living apart.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-238-84.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Victor Thuronyi (202) 566-2566.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH44

2124. INCOME TAX--AT RISK LIMITATIONS ON INVESTMENT CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46(c)(8) Internal Revenue Code of 1954; 26 USC 46(c)(9) Internal Revenue Code of 1954; 26 USC 47(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will explain and illustrate the application of the investment tax credit at risk rules under which (with certain exceptions) a taxpayer's credit base for section 38 property for purposes of calculating the amount of investment credit (for certain taxpayers engaged in certain activities) shall be reduced by the nonqualified nonrecourse financing with respect to such property.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-240-81.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Rick D'Avino (202) 566-4518.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AA15

2125. INCOME TAX--CHANGES MADE BY SECS 222(A) AND 223(B) OF THE CRUDE OIL WINDFALL PROFIT TAX ACT OF 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46(a) Internal Revenue Code of 1954; 26 USC 48(l)

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations will reflect the repeal of the refundable feature of the solar and wind energy credits and the extension of the energy credit through 1990 for certain long-term energy projects.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Not Applicable

Additional Information: LR-150-80.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AA14

2126. INCOME TAX--AMENDMENT OF RECAPTURE RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 47 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The investment tax credit recapture regulations will be updated to explain the recapture treatment for recovery property.

Timetable:

Action	Date	FR Cite
NPRM	08/31/86	

Small Entity: Not Applicable

Additional Information: LR-315-81.

Drafting attorney: Patricia Wendlandt (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Patricia Wendlandt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AA18

2127. 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 1954; 26 USC 47 Internal Revenue Code of 1954; 26 USC 48 Internal Revenue Code of 1954; 26 USC 196 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

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	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-183-82.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury attorney: Victor Thuronyi (202) 566-2566.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AF06

2128. INCOME TAX--ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 55 Internal Revenue Code of 1954; 26 USC 57 Internal Revenue Code of 1954; 26 USC 58 Internal Revenue Code of 1954

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
NPRM	07/00/86	

Small Entity: Not Applicable

Additional Information: LR-235-82.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Treasury attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AE80

2129. CORPORATE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 56 Internal Revenue Code of 1954; 26 USC 57 Internal Revenue Code of 1954; 26 USC 58 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules for the computation of the "add on" corporate minimum tax. The regulations will also provide rules relating to those minimum tax preference items which are applicable to corporations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-36-85.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Treasury attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: Margaret M. O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AI07

2130. 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 1954; 26 USC 57 Internal Revenue Code of 1954

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	*12/00/86	

Small Entity: Not Applicable

Additional Information: LR-209-78.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Mo Schuldinger (202) 566-2928.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AA34

2131. INCOME TAX--TAX BENEFIT RULE FOR MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 56 Internal Revenue Code of 1954; 26 USC 57 Internal Revenue Code of 1954; 26 USC 58 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide tax benefit rules with respect to the minimum tax for tax preferences.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-151-76.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AA33

2132. INCOME TAX--TREATMENT OF INCOME OF CERTAIN INNOCENT SPOUSES IN COMMUNITY PROPERTY STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 66 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules for determining acceptable amounts of community earned income transferred between spouses living apart in community property states, which will not preclude the disregard of community property laws for federal tax purposes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-41-81.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AA37

2133. INCOME TAX--UNISEX ANNUITY TABLES

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide unisex tables to be used in reporting payments received on annuity contracts. The unisex tables would replace the tables currently prescribed in the regulations. The current tables are different for men and women.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Not Applicable

Additional Information: LR-19-80.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AA38

2134. INCOME TAX--CLARIFICATION OF THE INCOME TAX REGULATIONS WITH RESPECT TO THE TAXATION OF DISTRIBUTION FROM QUALIFIED PLANS PROVIDING LIFE INSURANCE PROTECTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would simplify income tax treatment of amounts distributed from qualified employee plans that provide life insurance.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: EE-44-80.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD60

2135. INCOME TAX--CERTAIN DISTRIBUTIONS, CONTRIBUTIONS, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72(o) Internal Revenue Code of 1954; 26 USC 72(m) Internal Revenue Code of 1954; 26 USC 405(d)(3) Internal Revenue Code of 1954; 26 USC 401(d)(5) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulation will provide taxpayers with guidance regarding income tax treatment of distributions of qualified voluntary employee contributions from qualified employee plans.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-149-81.

Drafting attorney: Nancy J. Marks (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD61

2136. LOANS TREATED AS DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance on the application of new rules for determining the income tax treatment to be accorded loans to participants or beneficiaries from qualified employer plans. The new loan rules are provided in new section 72(p) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: EE-106-82.

Drafting attorney: Calder L. Robertson, Jr. (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Jeffrey A. Quinn (202) 566-2175.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AE41

2137. INCOME TAX--EARLY WITHDRAWALS FROM DEFERRED ANNUITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules for reporting amounts withdrawn from deferred annuities.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: Not Applicable

Additional Information: LR-279-82.

Drafting attorney: Alice M. Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Donald Rocap (202) 566-2926.

Agency Contact: Alice M. Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF08

2138. NONDISCRIMINATION REQUIREMENTS FOR EMPLOYER-PROVIDED GROUP-TERM LIFE INSURANCE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 79(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance relating to the nondiscrimination requirements for group-term life insurance purchased for employees.

Timetable:

Action	Date	FR Cite
NPRM	03/30/86	

Small Entity: Not Applicable

Additional Information: EE-110-82.

Drafting attorney: Nancy J. Marks (202) 566-3430.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel reviewing attorneys: Garlock, Rocap.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE89

2139. REGULATIONS ON INCOME TAX UNDER THE SOCIAL SECURITY AMENDMENTS ACT OF 1983 RELATING TO THE TAXATION OF SOCIAL SECURITY BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 86 Internal Revenue Code of 1954; 26 USC 6050F Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules relating to the taxation of social security benefits.

The regulations explain the calculation for determining the amount of social security benefits includible in the gross income of the recipient of the benefits. The regulations also provide rules for information reporting with respect to the benefit payments which require the furnishing of the amount of social security benefits paid to and repaid by the recipient along with the name, address, and taxpayer identification number of the recipient.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-81-84.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AG29

2140. INCOME TAX--FLEXIBLE PREMIUM CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 101(f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules for determining what portion (if any) of a flexible premium life insurance contract is life insurance for purposes of section 101 of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-308-82.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Treasury attorney: Donald Rocap (202) 566-2926.

Agency Contact: Alice M. Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AF28

2141. INCOME TAX--TO AMEND THE REGULATIONS RELATING TO THE TREATMENT OF REPLACEMENT FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to issuers, purchasers and users of tax-exempt obligations relating to whether amounts are replaced by the proceeds of such obligations. As such, such amounts will be treated as proceeds of such obligation and would be required to be invested at less than a materially higher yield. If such amounts are not invested at less than a materially higher yield than the yield on the obligations then the obligations would be arbitrage bonds.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-99-82.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Fischer (202) 566-3394.

Office of Tax Legislative Counsel reviewing attorney: Jim Lokey.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AA46

2142. INCOME TAX--TO PROVIDE FOR THE TAX CONSEQUENCES OF REFUNDING INDUSTRIAL DEVELOPMENT BONDS TO THE ISSUER, BOND-HOLDER & INDUSTRIAL USER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide that advance refunding issues defined as those refunding issues issued more than 180 days before the redemption of the issue to be refunded may be exempt issues if issued to refund qualified public facilities. A definition of qualified public facilities is provided. Special rules for multipurpose issues are also provided.

Timetable:

Action	Date	FR Cite
Previous Notice	12/06/77	42 FR 61613
Hearing	03/15/78	
Previous Notice	02/06/79	44 FR 7177
NPRM	06/30/86	

Small Entity: Not Applicable

Additional Information: LR-70-77.

Drafting attorney: Susan Thompson Baker (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Agency Contact: Susan Thompson Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AA47

2143. INCOME TAX--TO CLARIFY THE "SUBSTANTIALLY ALL" TEST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance in determining the amount of proceeds of an issue of industrial development bonds. Generally such bonds are exempt only if substantially all of the issue proceeds are used for a purpose designated in 26 USC 103 (b).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-182-79.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lokey.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AA50

2144. INCOME TAX--TO CLARIFY THE "PUBLIC USE" AND "FUNCTIONALLY RELATED" REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The amendments to the regulations would provide additional rules to determine under what circumstances property is treated as functionally related and subordinate to an exempt facility, such as a dock or wharf, and, therefore financeable with tax-exempt industrial development bonds. Furthermore, the regulations would examine the public use requirement which generally restricts tax-exempt financing to exempt facilities used by the general public.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-51-79.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Lokey.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AA51

2145. INCOME TAX--TO DEFINE THE TERM "PRINCIPAL USER OF A FACILITY"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) Internal Revenue Code of 1954

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 industrial development 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	06/30/86	

Small Entity: Not Applicable

Additional Information: LR-59-74.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Thuronyi.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AA56

2146. INCOME TAX--TO DEFINE THE TERM "FACILITY"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would clarify meaning of term "FACILITY" for purposes of exempt small issues of industrial development bonds. This will affect whether something could qualify for the small issue exemption from the definition of industrial development bonds.

Timetable:

Action	Date	FR Cite
NPRM	12/08/86	

Small Entity: Not Applicable

Additional Information: LR-227-80.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AA60

2147. INCOME TAX--TO CLARIFY THE DEFINITION OF PROPERTY THAT IS A SOLID WASTE DISPOSAL FACILITY & TO CONFORM TO STATUTORY EXEMPTION FOR INDUSTRIAL DEVELOPMENT BONDS FOR QUALIFIED STEAM GENERATING ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) Internal Revenue Code of 1954; 26 USC 103(g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules to determine whether property is a sewage or solid waste disposal facility or a facility for the local furnishing of electric energy or gas. Qualifying property may be financed with tax-exempt industrial development bonds.

Timetable:

Action	Date	FR Cite
NPRM	10/01/86	

Small Entity: Not Applicable

Additional Information: LR-100-75.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

TITLE CONT: or alcohol-producing facilities.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AA64

2148. TO PROVIDE REGULATIONS UNDER SECTION 103(B)(10) RELATING TO LOCAL DISTRICT HEATING AND COOLING FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code; 26 USC 103 Internal Revenue Code

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to issuers, purchasers and users of industrial development bonds substantially all of the proceeds of which are to be used to provide local district heating and cooling. As such, the regulations will provide guidance with respect to which parts of heating

and cooling facilities may be financed with the proceeds of such bonds.

Timetable:

Action	Date	FR Cite
NPRM	12/01/86	

Small Entity: Not Applicable

Additional Information: LR-219-82.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Elliott Stern (202) 535-6968.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AE22

2149. TO PROVIDE REGULATIONS UNDER SECTION 103(B)(14)--RELATING TO LIMITATION ON MATURITY OF INDUSTRIAL DEVELOPMENT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Rules will provide guidance with respect to computation of average weighted economic life and average weighted maturity. Rules limit the average length of the maturity of all industrial development bonds.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-220-82.

Drafting attorney: Richard G. Blumenreich (202) 566-3297.

Reviewing attorney: Mitchell H. Rapaport (202) 566-3294.

Office of Tax Legislative Counsel reviewing attorney: James Lokey (202) 566-5453.

Agency Contact: Richard G. Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE69

2150. INTEREST EXEMPT OTHER THAN UNDER THE INTERNAL REVENUE CODE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(m) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposal would describe the application of new Code section 103 (m) to interest earned on obligations which are exempt from taxation under Federal laws outside the Internal Revenue Code. Section 103 (m) broadens the types of obligations described in section 103 (a) to include obligations on which the interest is tax-exempt under provisions of Federal law outside of the Code. Section 103 (m) provides that interest on obligations described in section 103 (m) is considered to be interest described in section 103 (a) for all purposes of the Code.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-34-83.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney:

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AF49

2151. TO PROVIDE REGULATIONS UNDER SECTION 103 (B) (6) (0) RELATING TO RESTRICTIONS ON FINANCING CERTAIN FACILITIES WITH EXEMPT SMALL ISSUES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulations would define the types of projects which may not be financed with the proceeds of tax-exempt obligations. The amendments will conform the regulations to changes made in section 103 (b) (6) by section 214 (e), Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-84-83.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Schuldinger.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AF53

2152. ARBITRAGE: TREATMENT OF ISSUE PRICE AND ADMINISTRATIVE COSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103-13

Legal Deadline: None

Abstract: This regulation would provide guidance to issuers of municipal bonds as to the proper treatment of administrative costs and determination of issue price. This regulation would replace the existing regulation which was invalidated by the D.C. Circuit Court of Appeals.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-32-83.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John Fischer (202) 566-3394.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AF75

2153. REGULATIONS RELATING TO FEDERALLY GUARANTEED BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

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
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-156-84.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AG84

2154. REGULATIONS RELATING TO $40 MILLION SMALL ISSUE LIMIT ON TAX-EXEMPT BONDS PER TAXPAYER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC (b)(15) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations would provide guidance regarding the provision enacted by the Tax Reform Act of 1984 which generally denies Federal income tax exemption for a small issue of development bonds if any of its beneficiaries receives the benefits of more than $40 million of prior outstanding industrial development bonds allocated to itself, including its allocated portion of the small issue in question. 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	06/30/86	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-157-84.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Thuronyi.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AH19

2155. INCOME TAX REGULATIONS--TO PROVIDE REGULATIONS UNDER SECTION 103 (B) (16) AND (17) RELATING TO ACQUISITION OF LAND AND EXISTING FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 (b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103

Legal Deadline: None

Abstract: The regulations will provide rules relating to the prohibition on use of more that 25 percent of the proceeds to acquire land and the exception for first time farmers. The regulations will also provide rules on the prohibition on use of proceeds to acquire existing property and the exception for rehabilitations.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-219-84.

Drafting Attorney: Richard B. Blumenreich (202) 566-3297.

Reviewing attorney: Mitchell H. Rapaport (202) 566-3294.

Treasury attorney: James Lokey (202) 566-5453.

Agency Contact: Richard G. Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH45

2156. TO REVISE THE ARBITRAGE REGULATIONS RELATING TO THE TEMPORARY PERIOD FOR REFUNDING ISSUES

Legal Authority: 26 USC 103(c) Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will consider whether to amend the arbitrage regulations under section 103(c) relating to the temporary period for refunding issues.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-60-85.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Jim Lokey (202) 566-5453.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AH89

2157. DENIAL OF TAX EXEMPTION FOR CONSUMER LOAN BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to consumer loan bonds. The regulations will explain the meaning of the term "loan" for purposes of this provision. The regulations will also provide guidance

on which obligations are not consumer loan bonds.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-20-85.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Jim Lokey (202) 566-5453.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AH97

2158. TO REVISE DEFINITION OF AREAS OF CHRONIC ECONOMIC DISTRESS FOR PURPOSES OF MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 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
NPRM	06/30/86	

Small Entity: Not Applicable

Additional Information: LR-307-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Suzanne R. McDowell (202) 566-8277.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AG88

2159. INCOME TAX--DISCHARGE OF INDEBTEDNESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 108 Internal Revenue Code of 1954; 26 USC 1017 Internal Revenue Code of 1954; PL 96-589, 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
NPRM	01/00/87	

Small Entity: Not Applicable

Additional Information: LR-91-81.

Drafting attorney: Andrew Pullman (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Office of Tax Legislative Counsel reviewing attorney: Lokey.

Agency Contact: Charles M. Whedbee, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3474**

RIN: 1545-AA67

2160. INCOME TAX--PART 1--INCOME TAX REGULATIONS UNDER SECTION 111 RELATING TO INCLUSION OF TAX BENEFIT ITEMS

Legal Authority: 26 USC 111 Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will revise the rules for determining whether the recovery of an amount deducted in a prior taxable year must be included in income, to reflect changes in section 111 made by section 170 of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	04/02/86	

Small Entity: Not Applicable

Additional Information: LR-303-84.

Drafting attorney: Annie R. Alexander (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3318.

Treasury attorney: James Bridgeman (202) 566-4902.

Agency Contact: Annie R. Alexander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH17

2161. QUALIFIED TUITION REDUCTIONS (SECTION 532 OF THE TAX REFORM ACT OF 1984)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 117 (d) Internal Revenue Code of 1954

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 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.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-35-85.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Treasury attorney: Kent Mason (202) 566-6964.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AI13

2162. INCOME TAX--CONTRIBUTIONS IN AID OF CONSTRUCTION FOR CERTAIN UTILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 118(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Notice would define and interpret when a utility has received a contribution in aid of construction. Changes to the applicable law were made by section 2120 of the Tax Reform Act of 1976 and section 364 of the Tax Reform Act of 1978.

Timetable:

Action	Date	FR Cite
Previous NPRM	09/27/78	
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-136-76.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Rocap.

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AA71

2163. INCOME TAX--DEPENDENT CARE ASSISTANCE PROGRAMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 129 Internal Revenue Code of 1954; 26 USC 3121(a)(18) Internal Revenue Code of 1954; 26 USC 3306(b)(13) Internal Revenue Code of 1954; 26 USC 3401(a)(18) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31

Legal Deadline: None

Abstract: Internal Revenue Code section 129 excludes from an employee's gross income amounts paid or expenses incurred by an employer for dependent care assistance provided to an employee pursuant to a qualified program. Payments or benefits excluded under this section are not wages and consequently are not subject to tax under the Federal Insurance Contributions Act and the Federal Unemployment Act and are not subject to withholding. The regulation sets forth plan requirements and related rules.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-147-81.

Drafting attorney: Monice L. Rosenbaum (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AD65

2164. INCOME TAX--PART 1 PERSONAL INJURY LIABILITY ASSIGNMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 130 Internal Revenue Code of 1954

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
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-82-83.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Tax Legislative Counsel attorney:

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AF39

2165. INTEREST ON ESOP SECURITIES ACQUISITION LOANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 133 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance concerning the treatment of interest on ESOP securities acquisition loans.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: EE-73-84.

Drafting Attorney: John T. Ricotta (202) 566-3544.

Reviewing Attorney: Michael A. Thrasher (202) 566-3961.

Treasury Attorney: Harry Conaway (202) 566-4902.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AG46

2166. INCOME TAX--EMPL. TAX--DEDUCTIBILITY OF CERTAIN TRANSPORTATION EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 162 Internal Revenue Code of 1954; 26 USC 62 Internal Revenue Code of 1954; 26 USC 262 Internal Revenue Code of 1954; 26 USC 3121 Internal Revenue Code of 1954; 26 USC 3306 Internal Revenue Code of 1954; 26 USC 3401 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31

Legal Deadline: None

Abstract: The regulations would provide guidelines for determining when a taxpayer may deduct some transportation expenses incurred in traveling between his home and some places of work.

Timetable:

Action	Date	FR Cite
NPRM	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-173-77.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Treasury attorney: Fairlea Sheehy (202) 566-4902.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AA76

2167. INCOME TAX--TO PROVIDE BETTER DEFINITIONS IN THE AREA OF POLITICAL ADVERTISING & GRASSROOTS LOBBYING

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 162 Internal Revenue Code of 1954; 26 USC 4945 Internal Revenue Code of 1954

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
NPRM	06/00/86	
NPRM Comment Period End	09/00/86	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-190-77.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: David R. Haglund (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney: McDowell.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AA79

2168. INCOME TAX--LIMITATION ON INTEREST DEDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 163(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to the deductibility of interest on indebtedness incurred to purchase or carry investment property.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-1639.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AA80

2169. INCOME TAX--NORMALIZATION REQUIREMENT FOR PUBLIC UTILITY PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168(e)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The temporary regulations would provide guidance to public utilities relating to the transitional rules for the public utility normalization requirements of ACRS under section 168 (e) (3). Prior to ACRS some public utilities did not have to normalize in order to use accelerated depreciation. Under the transitional rule these utilities are given until January 1, 1983 to meet the normalization requirements of section 168 (e) (3).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-244-81.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Evans.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AA88

2170. FINANCE LEASES--DEFINITION AND SPECIAL RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulations project would provide rules regarding what transaction would qualify as a finance lease, a new tax law concept enacted by the Tax Equity and Fiscal Responsibility Act of 1982. This project would also provide guidelines for determining whether a transaction characterized as a lease is really a lease for Federal tax purposes as opposed to a conditional sale or a financing arrangement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-90-83.

Drafting attorney: Robert Beatson (202) 566-3590.

Reviewing attorney: John A. Tolleris (202) 566-3590.

Treasury attorney: Blake Rubin (202) 566-2627.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AF54

2171. TO PROVIDE REGULATIONS UNDER SECTION 168 RELATING TO INTANGIBLE PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The project will clarify what type of property is "tangible" property subject to the allowance for depreciation under the accelerated cost recovery system.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Not Applicable

Additional Information: LR-17-84.

Drafting attorney: Ada S. Rousso (202) 566-3287.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Ada S. Rousso, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AF78

2172. INCOME TAX--AMORTIZATION OF CERTAIN POLLUTION CONTROL FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 169 Internal Revenue Code of 1954; Tax Reform Act of 1976 sec 2112

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide a definition of "Pollution Control Facility" for purposes of amortization. An eligible taxpayer would be permitted to amortize the basis of the pollution control facility over a period of five years.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-193-76.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AA89

2173. INCOME TAX--CHARITABLE CONTRIBUTIONS OF SCIENTIFIC PROPERTY USED FOR RESEARCH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 170 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to corporations making a qualified research contribution of scientific equipment or apparatus to an institution of higher education.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information:

LR-219-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AA90

2174. INCOME TAX -- TO PROVIDE REGULATIONS RELATING TO CONTRIBUTIONS TO PRIVATE FOUNDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the percentage limitations for charitable contributions to private foundations. The regulations will also provide rules relating to "qualified appreciated stock" as that term is defined in section 170 (e) (5) of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	08/15/86	

Small Entity: Not Applicable

Additional Information: LR-321-84.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney: James Bridgeman (202) 566-4902.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AI09

2175. ● TO CLARIFY TREATMENT OF AMORTIZABLE BOND PREMIUM WITH RESPECT TO BONDS ISSUED IN CERTAIN SECTION 351 TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.171-2(a)(1)

Legal Deadline: None

Abstract: This regulation would prescribe the method for determining the bond premium on bonds with a substituted basis. This method will result in the true yield from the bond being reported and avoid the possibility of having capital losses converted into ordinary losses.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-129-83.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: John Coulter (202) 566-4473.

Treasury attorney:

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AI18

2176. 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 1954; 26 USC 183(e) (3) Internal Revenue Code of 1954

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
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-73-84.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AG27

2177. INCOME TAX--AMORTIZATION OF REAL PROPERTY CONSTRUCTION PERIOD INTEREST & TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 189 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide that only a portion of the real property construction period interest and taxes are deductible for the taxable year they are paid or accrued. The remaining amounts are amortized over varying periods of time depending on the category of real property to which such amounts are attributable and the taxable year the interest and taxes are paid or accrued.

Timetable:

Action	Date	FR Cite
NPRM	06/30/86	

Small Entity: Not Applicable

Additional Information: LR-145-76.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AA97

2178. INCOME TAX--TO ADD PROVISIONS RELATING TO START-UP EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 195 Internal Revenue Code of 1954

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
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-36-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB02

2179. MEDICAL DEDUCTION FOR LODGING AWAY FROM HOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 213 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the deduction for medical expenses incurred for lodging away from home.

Timetable:

Action	Date	FR Cite
NPRM	08/15/86	

Small Entity: Not Applicable

Additional Information: LR-302-84.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH21

2180. INCOME TAX-NOTICE OF PROPOSED RULEMAKING-HOLDINGS PERIODS FOR DIVIDENDS RECEIVED DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 246 (c) Internal Revenue Code of 1954; 26 USC 1059 Internal Revenue Code of 1954; 26 USC 854 Internal Revenue Code of 1954; 26 USC 7701 (f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Amendment of the regulations under section 246 (c) and related sections of the Internal Revenue Code of 1954 to interpret the limitations on qualification for a dividends received deduction imposed by the holding period. The regulations will explain how that holding period is effected when a taxpayer has diminished his risk of loss.

Timetable:

Action	Date	FR Cite
NPRM	11/30/86	

Small Entity: Not Applicable

Additional Information: LR-8-85.

Drafting attorney: Patricia Wendlandt (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Patricia Wendlandt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AH40

2181. INCOME TAX-DEBT-FINANCED PORTFOLIO STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 246A Internal Revenue Code of 1954; 26 USC 7701(f) Internal Revenue Code of 1954

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
NPRM	08/31/86	

Small Entity: Not Applicable

Additional Information: LR-261-84.

Drafting attorney: Patricia Wendlandt (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Patricia Wendlandt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AH39

2182. INCOME TAX--PREPUBLICATION EXPENDITURES OF PUBLISHERS AND AUTHORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 263 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to taxpayers relating to the capitalization of pre-publication expenses of publishers and authors.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-253-76.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AA36

2183. INCOME TAX - NOTICE OF PROPOSED RULEMAKING - PAYMENTS IN LIEU OF DIVIDENDS IN CONNECTION WITH SHORT SALES, SECTION 263 (H) OF THE INTERNAL REVENUE CODE AND SECTION 56 (A) OF THE TRA 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 263 (h) Internal Revenue Code of 1954; 26 USC 265 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the disallowance of deductions for payments made in lieu of dividends in connection with short sales as required by section 263 (h) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	04/15/86	

Small Entity: Not Applicable

Additional Information: LR-9-85.

Drafting attorney: Patricia Wendlandt (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Patricia Wendlandt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AH37

2184. INCOME TAX--TAXES AND CARRYING CHARGES CHARGEABLE TO CAPITAL ACCOUNT AND TREATED AS CAPITAL ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 266 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules for electing to capitalize certain taxes and carrying charges that are otherwise expressly deductible under subtitle A of the Code.

Timetable:

Action	Date	FR Cite
NPRM	06/30/86	

Small Entity: Not Applicable

Additional Information: LR-22-82.

Drafting attorney: Bruce B. Jurist (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB03

2185. 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 1954; 26 USC 274(h) Internal Revenue Code of 1954; 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 as 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
NPRM	08/00/86	

Small Entity: Not Applicable

Additional Information: LR-114-81.

Drafting attorney: Ada S. Rousso (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

Draft of notice to Treasury for review 11/08/82.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AB04

2186. INCOME TAX--TAXATION OF NONEXEMPT MEMBERSHIP ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 277 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would relate to the taxation of nonexempt membership organizations. The regulations would clarify the deductibility to the organization for furnishing services, facilities, et cetera, to its members.

Timetable:

Action	Date	FR Cite
Hearing	08/08/72	
NPRM	00/00/00	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-1721.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington DC 20224, **202 566-3238**

RIN: 1545-AB07

2187. INCOME TAX--AMORTIZATION OF PRODUCTION COST OF MOTION PICTURES, BOOKS, RECORDS, AND OTHER SIMILAR PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 280 Internal Revenue Code of 1954; Section 210 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to taxpayers relating to the amortization of certain production costs that are otherwise not capitalized. The regulations relate to production costs for motion pictures, books, records, and similar property.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-220-76.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB08

2188. NOTICE OF PROPOSED RULEMAKING RELATING TO RESTRICTIONS ON GOLDEN PARACHUTE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 280G Internal Revenue Code of 1954

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	04/02/86	

Small Entity: Not Applicable

Additional Information: LR-217-84.

Drafting attorney: Annie R. Alexander (202) 566-3297.

Reviewing attorney: Sharon Galm (202) 566-3930.

Treasury attorney: Don Rocap (202) 566-2926.

Agency Contact: Annie R. Alexander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH49

2189. INCOME TAX--SPECIAL RULES RELATING TO CORPORATE PREFERENCE ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 291 Internal Revenue Code of 1954; 26 USC 57(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the determination of the reduction for certain corporate preference items.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: Not Applicable

Additional Information: LR-234-82.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AE78

2190. WAIVER OF FAMILY ATTRIBUTION BY ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 302(c)(2) Internal Revenue Code of 1954

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
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-189-82.

Drafting attorney: Michel A. Daze' (202) 566-6456.

Reviewing attorney: Charles M. Whedbee (202) 566-3487.

Treasury attorney: McClanahan.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6456**

RIN: 1545-AF13

2191. INCOME TAX--TO CLARIFY MEANING OF TERM "REASONABLE REDEMPTION PREMIUM"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 305 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules to determine when the difference between redemption price and issue price of preferred stock will be treated as a stock distribution.

Timetable:

Action	Date	FR Cite
NPRM	10/01/86	

Small Entity: Not Applicable

Additional Information: LR-91-74.

Drafting attorney: Mark Jennings (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Garlock.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB15

2192. INCOME TAX - AMENDMENTS TO STATUTORY PROVISIONS RELATING TO EARNINGS AND PROFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 312 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules for the calculation of earnings and profits to reflect changes in the law made by section 61 of the Deficit Reduction Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-154-84.

Drafting attorney: John Broadbent (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: John Broadbent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, D.C. 20224, 202 566-3458

RIN: 1545-AG30

2193. INCOME TAX--MISCELLANEOUS CORPORATE AMENDMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 302 Internal Revenue Code of 1954; 26 USC 337 Internal Revenue Code of 1954; 26 USC 1371 Internal Revenue Code of 1954; 26 USC 351 Internal Revenue Code of 1954; 26 USC 312 Internal Revenue Code of 1954; 26 USC 542(c) Internal Revenue Code of 1954; PL 96-589, Sec 5

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would amend the Income Tax Regulations to conform them to miscellaneous corporate amendments made by the Bankruptcy Tax Act of 1980.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-71-81.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB12

2194. 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 1954; 26 USC 338 Internal Revenue Code of 1954

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 recognizes gain or loss on the deemed 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 Period End	03/10/86	
Final Action	01/31/87	

Small Entity: Not Applicable

Additional Information: LR-218-83.

Drafting attorney: Patricia Wendlandt (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Patricia Wendlandt, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AF93

2195. INCOME TAX--APPLICATION OF SECTION 338 TO STOCK AND ASSET ACQUISITIONS IN THE INTERNATIONAL CONTEXT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954

CFR Citation: 26 CFR 338

Legal Deadline: None

Abstract: These regulations will provide rules relating to section 338 as it applies to stock and asset acquisitions in the international context.

Timetable:

Action	Date	FR Cite
NPRM	04/15/86	

Small Entity: Not Applicable

Additional Information: LR-35-84.

Drafting attorney: Duane H. Pellervo (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C., 20224, 202 566-3458

RIN: 1545-AG13

2196. DEEMED SALE PRICE WHEN CERTAIN STOCK PURCHASES ARE TREATED AS ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954

TREAS—IRS **Proposed Rule Stage**

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	03/01/86	

Small Entity: Not Applicable

Additional Information: LR-191-82.

Drafting attorney: Patricia Wendlandt (202) 566-3458.

Reviewing attorney: Charles Whedbee (202) 566-3487.

Office of Tax Legislative Counsel reviewing attorney: Thomas Wessel.

Agency Contact: Patricia Wendlandt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AF29

2197. INCOME TAX--REGULATIONS UNDER SECTION 338 (A)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954; PL 97-248, Sec 224; PL 97-448, Sec 306

CFR Citation: 26 CFR 1; 26 CFR 31

Legal Deadline: None

Abstract: This regulation would establish general rules relating to the effect of an election under section 338 (g), which permits certain stock purchases to be treated as asset acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-212-82.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Thomas F. Wessel (202) 535-6963.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AE60

2198. INCOME TAX--CORPORATE DISTRIBUTIONS OF APPRECIATED PROPERTY AND PARTIAL LIQUIDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 346(b) Internal Revenue Code of 1954; 26 USC 302(b) Internal Revenue Code of 1954; 26 USC 302(e) Internal Revenue Code of 1954; 26 USC 311(d) Internal Revenue Code Of 1954; 26 USC 311(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would interpret and prevent the circumvention of the repeal of the special tax treatment for partial corporate liquidations as effected by section 222 of the Tax Equity and Fiscal Responsibility Act of 1982. Proposal would also interpret the definitions and special rules relating to appreciated property used to redeem stock contained in section 311 of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: Not Applicable

Additional Information: LR-218-82.

Drafting attorney: Charles W. Culmer (202) 566-4336.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: David C. Garlock (202) 566-2566.

Agency Contact: Charles W. Culmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AF16

2199. 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 1954; 26 USC 367 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

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 nonrecognitions 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 section 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	03/00/86	

Small Entity: Not Applicable

Additional Information: LR-150-84.

Drafting attorney: Charles W. Culmer (202) 566-4336.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Treasury attorney: Joseph L. Andrus (202) 566-2964.

Agency Contact: Charles W. Culmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AG68

2200. INCOME TAX--CORPORATE REORGANIZATION AMENDMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 368 Internal Revenue Code of 1954; 26 USC 354 Internal

Revenue Code of 1954; 26 USC 358 Internal Revenue Code of 1954; 26 USC 361 Internal Revenue Code of 1954; 26 USC 362 Internal Revenue Code of 1954; 26 USC 381 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would provide regulations with respect to amendments to the provisions of the Internal Revenue Code of 1954 dealing with bankruptcy and other insolvency reorganizations, thereby giving the public needed guidance on how the Internal Revenue Service intends to interpret those amendments.

Timetable:

Action	Date	FR Cite
NPRM	01/00/87	

Small Entity: Not Applicable

Additional Information: LR-63-81.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lokey.

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB29

2201. DEFINED BENEFIT PLAN TERMINATIONS AND THE REVERSION OF ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 401 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations describe when, in fact, a defined benefit pension plan has been terminated so as to permit reversion to the employer of excess assets.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: EE-106-83.

Drafting attorney: Suzanne K. Tank (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Treasury attorney: Conaway.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AF81

2202. 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 1954; 26 USC 401(a)(9) Internal Revenue Code of 1954; 26 USC 408(b)(3) Internal Revenue Code of 1954; 26 USC 408(d)(3)(C) Internal Revenue Code of 1954; 26 USC 408(j) Internal Revenue Code of 1954; 26 USC 408(k) Internal Revenue Code of 1954; 26 USC 409(b)(3)(C) Internal Revenue Code of 1954; 26 USC 219(d)(4) Internal Revenue Code of 1954

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 concerning required distributions from qualified plans and individual retirement accounts and partial rollovers of individual retirement accounts.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: EE-113-82.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AE95

2203. VARIOUS PENSION PARITY, ETC. PROVISIONS UNDER THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 AND THE ECONOMIC RECOVERY TAX ACT OF 1981

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72 Internal Revenue Code of 1954; 26 USC 101 Internal Revenue Code of 1954; 26 USC 401 Internal Revenue Code of 1954; 26 USC 404 Internal Revenue Code of 1954; 26 USC 408 Internal Revenue Code of 1954; 26 USC 457 Internal Revenue Code of 1954; 26 USC 1379 Internal Revenue Code of 1954; 26 USC 2039 Internal Revenue Code of 1954; 26 USC 4972 Internal Revenue Code of 1954; PL 95-600, Sec 131 Revenue Act of 1978; PL 97-248, Sec 237; PL 97-248, Sec 238; PL 97-248, Sec 245; PL 97-248, Sec 252; ...

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 54

Legal Deadline: None

Abstract: Regulations will interpret changes in sections 72, 101, 401, 404, 408, 457, 1379, 2039, and 4972 of the Internal Revenue Code relating to the elimination of distinctions between corporate pension plans and plans covering self-employed individuals.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: EE-108-82.

Drafting attorney: Philip R. Bosco (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AE84

2204. NONDISCRIMINATORY COORDINATION OF DEFINED CONTRIBUTION PLANS WITH OLD AGE, SURVIVORS, AND DISABILITY INSURANCE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 401(l) Internal Revenue Code of 1954; PL 97-248, Sec 249

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will define and interpret rules governing the integration of qualified defined contribution pension, profit sharing, and stock bonus plans with benefits paid under Social Security.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: EE-112-82.

Drafting attorney: Suzanne K. Tank (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Treasury attorney: Conaway.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AE93

2205. INCOME TAX--TAX-FREE ROLLOVERS OF LUMP SUM DISTRIBUTIONS AND PLAN TERMINATION PAYMENTS. LUMP SUM DISTRIBUTIONS MADE WITH RESPECT TO A DECEDENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 402(a)(5) Internal Revenue Code of 1954; 26 USC 402(a)(6) Internal Revenue Code of 1954; 26 USC 402(a)(7) Internal Revenue Code of 1954; 26 USC 401(a)(20) Internal Revenue Code of 1954; 26 USC 403(a)(4) Internal Revenue Code of 1954; 26 USC 403(a)(5) Internal Revenue Code of 1954; 26 USC 403(b)(1) Internal Revenue Code of 1954; 26 USC 403(b)(8) Internal Revenue Code of 1954; 26 USC 404(a)(2) Internal Revenue Code of 1954; 26 USC 691(c)(5) Internal Revenue Code of 1954; PL 94-267; PL 95-438, Sec 4; PL 95-600, Sec 156 Revenue Act of 1978; PL 96-222, Sec 101(a)(8)(A); ...

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides rules governing the tax-free rollover of lump sum distributions and plan termination payments under a qualified employee plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-15-78.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD74

2206. RETIREMENT ARRANGEMENTS OF CHURCHES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 403; 26 USC 415

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance on the application of amendments to sections 403 and 415 of the Internal Revenue Code of 1954. The amendments revise the present law rules relating to tax-sheltered annuity programs maintained by churches for their employees. The new rules generally increase the ability of churches to provide retirement income for their employees and clarify the status of such programs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-114-82.

Drafting attorney: Monice L. Rosenbaum (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Agency Contact: Monice L. Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AE25

2207. PROCEDURE AND ADMINISTRATION REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO DIVIDENDS FROM ESOP'S

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(k); 26 USC 116(e); 26 USC 3405(d); 26 USC 3405(f)

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None

Abstract: The regulations would provide guidance relating to the deduction rules when a corporation pays a dividend with respect to stock held by a tax credit employee stock ownership plan or by an employee stock ownership plan.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: EE-72-84.

Drafting attorney: Calder L. Robertson, Jr. (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AG65

2208. INCOME TAX--DEDUCTION LIMITATIONS AND FUNDING RULES FOR VALUING CERTAIN AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(a)(1) Internal Revenue Code of 1954; 26 USC 404(a)(6) Internal Revenue Code of 1954; 26 USC 404(a)(7) Internal Revenue Code of 1954; 26 USC 404(a)(3)(A) Internal Revenue Code of 1954; 26 USC 404(g) Internal Revenue Code of 1954; 26 USC 412(c)(2)(A) Internal Revenue Code of 1954; 26 USC 413(b)(7) Internal Revenue Code of 1954; 26 USC 413(c)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules for taking into account the fair market value of certain insurance products in the valuation of assets for pension plans. In addition, the regulations

amend the regulations to reflect changes made by the Employee Retirement Income Security Act of 1974 to sections 404 and 413 of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-141-79.

Drafting attorney: Harry Beker (202) 566-6212.

Reviewing attorney: Jonathan P. Marget (202) 566-3651.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AD76

2209. INCOME TAX--EMPLOYEE STOCK OWNERSHIP PLAN LOAN PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(a)(9) Internal Revenue Code of 1954; 26 USC 415(c)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance relating to the deduction limitations when employer contributions to an employee stock ownership plan are used to repay the principal and interest of an exempt loan that was made to the employee stock ownership plan.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: EE-152-81.

Drafting attorney: Calder L. Robertson, Jr. (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD77

2210. INCOME TAX--DEDUCTIBILITY OF PAYMENTS OF DEFERRED COMPENSATION TO INDEPENDENT CONTRACTORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(d) Internal Revenue Code of 1954; 26 USC 404(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules for taking a deduction under section 404(d) of the Internal Revenue Code for deferred compensation paid to independent contractors. A deduction is permitted only when there is a corresponding income inclusion by the plan participant. In addition, the regulations provide guidance with regard to the amendment of section 404(b) of the Internal Revenue Code by section 133 of the Revenue Act of 1978, which clarified that a method of compensation or contributions having the effect of a plan deferring the receipt of compensation does not have to be similar to a stock bonus, pension, profit-sharing, or annuity plan to be subject to 404(a) of the Internal Revenue Code. The regulations describe methods of compensation or contributions subject to the section 404(a) rules. The regulations also reflect the amendment of section 404(b) of the Internal Revenue Code by the Tax Reform Act of 1984. That amendment provides that certain deferred benefits shall be treated as deferred compensation for purposes of section 404(a).

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: EE-44-79.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of revised preliminary draft of notice.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C 20224, **202 566-3544**

RIN: 1545-AD78

2211. INCOME TAX--REQUIREMENTS FOR TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLANS, EMPLOYEE PLAN CREDIT, AND DEFINED CONTRIBUTION PLAN VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 409 Internal Revenue Code of 1954; 26 USC 48 Internal Revenue Code of 1954; 26 USC 401 Internal Revenue Code of 1954; 26 USC 6699 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules for electing the employee plan credit under section 48 of the Internal Revenue Code, establishing a tax credit employee stock ownership plan under section 409 of the Internal Revenue Code and providing voting rights to participants of certain defined contribution plans under section 401(a)(22) of the Internal Revenue Code. Further, the regulations provide guidance for determining the applicability of and calculating the assessable penalties relating to tax credit employee stock ownership plans under section 6699 of the Internal Revenue Code. The regulations reorganize and modify the current regulations which are based on section 301(d), (e), and (f) of the Tax Reduction Act of 1975, and provide a single set of rules that would apply to tax credit employee stock ownership plans established under the provisions of the Tax Reduction Act of 1975 and the 1978 Revenue Act.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: EE-49-80.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545-AD82

2212. RETIREMENT EQUITY ACT CHANGES TO PARTICIPATION, VESTING, ETC. RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; PL 98-297, Sec 301 Retirement Equity Act of 1984

CFR Citation: 26 CFR 1.410(a)-3; 26 CFR 1.410(a)-7; 26 CFR 1.411(a)-5; 26 CFR 1.411(b)-1

Legal Deadline: None

Abstract: These regulations provide rules relating to amendments to section 401(a)(25), 402(f), 410, 411, 6057(e), and 6652(j) of the Code, enacted by the Retirement Equity Act of 1984. The regulations will apply changes in the participation and vesting rules to plans that use the elapsed time method of service counting, and to class-year plans. In addition, the rules provide a sample notice that may be used to satisfy section 402(f). Rules governing reductions in accrued benefits will also be provided.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-95-84.

Drafting attorney: Nancy J. Marks (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-4902.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AH03

2213. RULES CLARIFYING THE INCOME TAX REGULATIONS, PART 1, WITH RESPECT TO SERVICE COMPUTATION UNDER PENSION, ETC. PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 410 Internal Revenue Code of 1954; 26 USC 411 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project was undertaken in order to clarify permissible methods of crediting service by qualified plans for purposes of vesting and participation.

Timetable:

Action	Date	FR Cite
NPRM	06/30/86	

Small Entity: Not Applicable

Additional Information: EE-65-82.

Drafting attorney: Nancy J. Marks (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Conaway, McCarty.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AE39

2214. INCOME TAX--PENSION EXCISE TAXES--MISCELLANEOUS FUNDING PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 412(b) Internal Revenue Code of 1954; 26 USC 412(j) Internal Revenue Code of 1954; 26 USC 412(k) Internal Revenue Code of 1954; 26 USC 4971(d) Internal Revenue Code of 1954; 26 USC 414(l) Internal Revenue Code of 1954; 26 USC 412(a) Internal Revenue Code of 1954; 26 USC 413(b)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 54

Legal Deadline: None

Abstract: The regulations would provide guidance relating to the minimum funding requirements for multiemployer pension plans.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Not Applicable

Additional Information: EE-129-80.

Drafting attorney: George B. Baker (202) 566-3422.

Reviewing attorney: Jonathan P. Marget (202) 566-3651.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: George B. Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AD85

2215. INCOME TAX--DEFINITIONS AND SPECIAL RULES; SERVICE FOR PREDECESSOR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 414(a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulation will provide guidance to employers maintaining plans on when service with a predecessor employer must or may be treated as service under their plan.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: EE-22-78.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AD87

2216. INCOME TAX--CHURCH PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 414(e) Inter-

nal Revenue Code of 1954; PL 96-364, Sec 407

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project relates to the determination of whether a retirement plan is a church plan. Changes to the applicable tax law were made by the Multiemployer Pension Plan Amendments Act of 1980. The regulations would provide persons responsible for the administration of retirement plans with the guidance needed to determine whether their plan is entitled to the special benefits afforded church plans.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: EE-123-80.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD88

2217. INCOME TAX REGULATIONS--AFFILIATED SERVICE GROUPS AND EMPLOYEE LEASING

Legal Authority: 26 USC 7805; 26 USC 414(n); 26 USC 414(m) (5); 26 USC 414(o)

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	06/00/86	

Small Entity: Not Applicable

Additional Information: EE-111-82.

Drafting attorney: Philip R. Bosco (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel reviewing attorney: Conaway.

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE91

2218. LIMITATIONS ON BENEFITS AND CONTRIBUTIONS UNDER QUALIFIED PLANS

Legal Authority: 26 USC 7805; 26 USC 415; 26 USC 404(a)(3)(B); 26 USC 404(j)

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations deal with the amendments to Internal Revenue Code section 415, which lower the limitations on benefits and contributions under qualified plans and the amendments to Internal Revenue Code section 404 which deal with the corresponding deduction for employer payments made to a qualified plan. The regulation also provides special rules for contributions made on behalf of disabled participants and special rules for church plans.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-107-82.

Drafting attorney: Monice Rosenbaum (202) 566-3422.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AE75

2219. JOINT AND SURVIVOR ANNUITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 417 Internal Revenue Code of 1954; 26 USC 401(a) (11) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules on how plans which intend to qualify under section 401 can comply with the qualified joint and survivor annuity rules added to the Code by the Retirement Equity Act of 1984. The regulations will deal with which plans must provide survivor annuities, in what forms the survivor annuities may be paid, the notice and election procedures for survivor annuities and restrictions on a plan's ability to cash out a participant and spouse.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: EE-94-84.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Treasury attorney: Harry J. Conaway (202) 566-4902.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AG72

2220. INCOME TAX--REORGANIZATION STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 418 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules for the determination of whether a multiemployer pension plan is in reorganization as described in section 418 of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Not Applicable

Additional Information: EE-124-80.

Drafting attorney: Paul G. Accettura (202) 566-3544.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Paul G. Accettura, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD91

2221. INCOME TAX--MINIMUM CONTRIBUTION REQUIREMENT, IN GENERAL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 418B Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation project will focus on a special rule to compute the minimum contribution that employers must make to a multiemployer plan when the plan is in reorganization in order for the special funding requirements for multiemployer plans in reorganization to be met.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: EE-125-80.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-4902.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD92

2222. INCOME TAX--OVERBURDEN CREDIT AGAINST MINIMUM CONTRIBUTION REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 418C Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide that a multiemployer plan that is in reorganization and is overburdened with retirees is eligible for a special overburden credit which will reduce the otherwise required minimum contribution requirement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-127-80.

Drafting attorney: Harry Beker (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AD94

2223. INCOME TAX--ADJUSTMENTS IN ACCRUED BENEFITS; INSOLVENT PLANS; RELATED VESTING PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 418D Internal Revenue Code of 1954; 26 USC 418E Internal Revenue Code of 1954; 26 USC 411(a)(3) Internal Revenue Code of 1954; 26 USC 411(a)(4) Internal Revenue Code of 1954; 26 USC 411(d)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide rules under 26 USC 418D and 418E concerning adjustment of accrued benefits by a multiemployer plan in reorganization and suspension of benefit payments by an insolvent multiemployer plan. Conforming changes will be made to regulations under section 411 concerning permitted forfeitures and concerning the computation of the period of service in determining an employee's nonforfeitable percentage.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-128-80.

Drafting attorney: George B. Baker (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Agency Contact: George B. Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AD95

2224. TREATMENT OF FUNDED WELFARE BENEFIT PLANS

Legal Authority: 26 USC 419 Internal Revenue Code of 1954; 26 USC 419A Internal Revenue Code of 1954; 26 USC 1239(d) Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

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	12/31/86	

Small Entity: Not Applicable

Additional Information: EE-66-84.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3544**

RIN: 1545-AG14

2225. INCOME TAX--CLARIFICATION OF RELATIONSHIP BETWEEN SECTIONS 446(E) AND 481

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 446(e) Internal Revenue Code of 1954; 26 USC 481 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would clarify that in order to secure the Commissioner's permission to adopt a new accounting method the taxpayer must take any adjustment required by section 481 into income over the period prescribed by the Commissioner.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-47-80.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Elfman.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB38

2226. INCOME TAX--METHOD OF ACCOUNTING FOR CORPORATIONS ENGAGED IN FARMING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 447 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules and definitions needed to determine which corporations and partnerships with a corporate partner are subject to the requirement that income from farming be reported on the accrual method of accounting with the capitalization of preproductive expenses.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-143-76.

Drafting attorney: Michael Grace (202) 566-3288.

Reviewing attorney: Ewan Purkiss (202) 566-3238.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thuronyi.

Agency Contact: Michael Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB39

2227. ● ACCOUNTING FOR LONG-TERM CONTRACTS; CORPORATIONS FILING CONSOLIDATED RETURNS* WITH A CONTRACTOR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation provides rules for the manufacturer of components and subassemblies reasonably expected to be incorporated in the subject matter of an extended period long-term contract in the case of members of a consolidated group.

Timetable:

Action	Date	FR Cite
NPRM	01/06/86	51 FR 3
NPRM Comment Period End	03/07/86	51 FR 3
Final Action	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-121-85.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John M. Fischer (202) 566-3394.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Evans.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AI19

2228. INCOME TAX REGULATIONS--PART I. INSTALLMENT SALES BY NONTAXABLE ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules relating to installment sales by nontaxable entities and the election provision by foreign personal holding companies.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: No

Additional Information: LR-143-83.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AF73

2229. 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 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

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
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: LR-54-84.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Suzanne McDowell (202) 566-8527.

TREAS—IRS

Proposed Rule Stage

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AG37

2230. INCOME TAX--INSTALLMENT SALES BETWEEN RELATED PARTIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

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
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-2-81.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB45

2231. INCOME TAX--INSTALLMENT METHOD REPORTING BY DEALERS IN PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for installment method reporting by dealers in personal property.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-146-81.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB47

2232. INCOME TAX -- GAIN OR LOSS ON THE DISPOSITION OF AN INSTALLMENT OBLIGATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453B Internal Revenue Code of 1954

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
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-103-81.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB41

2233. INCOME TAX--INSTALLMENT SALES REVISION ACT OF 1980, REGULATIONS RELATING TO WRAP-AROUND MORTGAGES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide regulations for reporting sales of property under a wrap-around mortgage arrangement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-147-82.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB46

2234. INCOME TAX--TREATMENT OF PREPAID INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 461 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to cash basis taxpayers regarding the deductibility of interest allocable to periods beyond the close of the taxable year.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-190-76.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB49

2235. INCOME TAX REGULATIONS--THE ECONOMIC PERFORMANCE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 461(h) Internal Revenue Code of 1954

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	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-258-84.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AH32

2236. INCOME TAX REGULATIONS--TAXABLE YEAR OF DEDUCTION FOR AMOUNTS PAID BY CASH METHOD TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 461 (i) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the taxable year of deduction for amounts paid by cash method tax shelters. The regulations will provide guidance with respect to the definition of a tax shelter, the time when economic performance occurs and the calculation of cash basis.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-259-84.

Drafting attorneys: C. Scott McLeod/Sharon L. Hall (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AH35

2237. INCOME TAX--ACCRUAL OF VACATION PAY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 463 Internal Revenue Code of 1954; 26 USC 81 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules which require a taxpayer to include in its gross income for the taxable year the amount of the increase, if any, in the suspense account created under section 463. The regulation will also provide rules under section 463 which allow a taxpayer who computes income on the accrual method of accounting to deduct its accrued liabilities for vacation pay in the year the vacation pay is earned by the employee so long as such pay is expected to be paid during the tax year or twelve month period following the close of the year.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-6-75.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB50

2238. EXTENSION OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 465 Internal Revenue Code of 1954

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
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-192-78.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AF86

2239. AGGREGATION OF CERTAIN ACTIVITIES FOR PURPOSES OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 465 Internal Revenue Code of 1954

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. The aggregation rules will apply to taxable years beginning after December 31, 1984.

Timetable:

Action	Date	FR Cite
NPRM	04/15/86	

Small Entity: Not Applicable

Additional Information: LR-108-85.

Drafting attorney: Alice M. Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Rick D'Avino (202) 566-4979.

Agency Contact: Alice M. Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AI02

2240. INCOME TAX REGULATIONS-DEFERRED PAYMENTS FOR USE OF PROPERTY OR SERVICES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 467 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the accrued of rent for the use of tangible property (and interest on rent that accrued but is not paid) under a section 467 rental agreement. A section 467 rental agreement will be deferred. Certain tax avoidance transactions will be deferred. Rules will be provided for the recapture of prior understated inclusions. Comparable rules for services will be provided.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-293-84.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Jeffrey Quinn (202) 566-2175.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG80

2241. INCOME TAX REGULATIONS – SPECIAL RULES RELATING TO NUCLEAR DECOMMISSIONING COSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 468A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the Federal income tax treatment of nuclear power plant decommissioning costs. The regulations will provide guidance with respect to the manner of making the election, the determination of the amount to be deducted, and the qualification requirements for the nuclear decommissioning fund.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR 18-85.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AI01

2242. INVENTORY COMPUTED BY USE OF CONSUMER OR PRODUCER PRICE INDEXES

Legal Authority: 26 USC 472 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations would provide examples and further clarification of the existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-57-83.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF65

2243. INCOME TAX--QUALIFIED LIQUIDATIONS OF LIFO INVENTORIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 473 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide interpretative and procedural rules relating to qualified liquidations of certain inventories accounted for under the LIFO method.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-82-80.

Drafting attorney: Sharon Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Sharon Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AB56

2244. USE OF ONE INVENTORY POOL BY SMALL BUSINESS ELECTING LIFO METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 474 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides regulations pertaining to an election by a small business, which employs the dollar value LIFO method of pricing inventories, to use a single inventory pool. The regulations define "small business," thereby giving the rules of eligibility under this provision. Further, the regulations set forth the procedures of making a proper election and give transitional rules to govern pricing in the year of election.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-185-83.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, ATTN: CC:LR:T, 202 566-3238

RIN: 1545-AF92

2245. INCOME TAX-CHILD CARE ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 501(k) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Nonprofit organizations which provide care for children are deemed to be tax-exempt if substantially all of the child care provided by the organization is for the purpose of enabling individuals (the parents) to be gainfully employed and the services are available to the general public.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: EE-75-84.

Drafting attorney: Ronald Weinstock (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Agency Contact: Ronald Weinstock, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AG64

2246. INCOME TAX--AMENDMENT OF REGULATIONS TO REFLECT THE GRANT OF TAX EXEMPT STATUS TO CERTAIN HOSPITAL SERVICE ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 501(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide the rules for tax exemption for cooperative hospital service organizations. These organizations provide specified services to exempt hospitals on a centralized basis.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	03/12/84	
Hearing	05/31/84	
Final Action	12/31/85	
NPRM	01/00/87	49 FR 1384

Small Entity: Not Applicable

Additional Information: EE-44-78.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Harry Beker (202) 566-6212.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: James Bridgeman (202) 566-4902.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AE01

2247. INCOME TAX--TAX TREATMENT OF CERTAIN SOCIAL CLUBS & PROHIBITION OF DISCRIMINATION BY CERTAIN SOCIAL CLUBS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 501(c)(7) Internal Revenue Code of 1954; 26 USC 501(i) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations describe the requirements that a club must meet to qualify for tax exemption, explain the social character required of an exempt club, and prescribe the circumstances in which nonmember support is taken into account in determining whether substantially all of the club's activities are for its exempt purposes. Exemption is denied to clubs which by written policy discriminate on the basis of race, color, or religion.

Timetable:

Action	Date	FR Cite
NPRM	01/00/87	

Small Entity: Not Applicable

Additional Information: EE-43-78.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: McDowell.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AD98

2248. NONDISCRIMINATION REQUIREMENTS UNDER SECTIONS 501 (C) (9) AND (20)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 505 (a) Internal Revenue Code of 1954; 26 USC 505 (b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to the nondiscrimination requirements for voluntary employees' beneficiary associations and group legal service plans.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: EE-68-84.

Drafting attorney: Calder L. Robertson, Jr. (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545-AG23

2249. NOTIFICATION REQUIREMENT FOR SECTION 501(C) (9) AND (20) ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 505 (c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Section 505(c) requires that new VEBAs group legal service plans

and plans providing for the payment of supplemental unemployment must timely file and advise the Service that it is applying for tax exempt status.

Timetable:

Action	Date	FR Cite
NPRM	01/00/87	

Small Entity: Not Applicable

Additional Information: EE-69-84.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Harry Beker (202) 566-6212.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AG44

2250. INCOME TAX--UNRELATED TRADE OR BUSINESS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 512(a) Internal Revenue Code of 1954; 26 USC 514(c) Internal Revenue Code of 1954

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
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: EE-27-81.

Drafting attorney: Calder L. Robertson, Jr. (202) 566-3544.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AE00

2251. ● TO AMEND SECTION 1.591-1(B), RELATING TO DEDUCTIBILITY OF INTEREST ON SHORT-TERM CERTIFICATES OF DEPOSIT ISSUED BY SAVING AND LOAN INSTITUTIONS

Legal Authority: 26 USC 7805

CFR Citation: 26 CFR 591-1(b)

Legal Deadline: None

Abstract: This regulation would delete section 1.591-1(b). The deletion is necessary because the subsection no longer applies in any situation. Section 1.591-1(b) states that it will not apply if section 1.163-4(a) applies. Section 1.163-4(a) applies to every situation covered in section 1.591-1(b) except "serial associations", a form of savings institution which has fallen into disuse. The subsection is no longer necessary.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-217-83.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney:

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AI38

2252. TREATMENT OF FORECLOSED PROPERTY BY CERTAIN CREDITORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 595 Internal Revenue Code of 1954

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
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-83-82.

Drafting attorney: Mitchell H. Rapaport (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3294.

Office of Tax Legislative Counsel reviewing attorney: Quinn

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AF00

2253. INCOME TAX--RESTORATION OF DEPLETION DEDUCTIONS ON BONUS AND ADVANCED ROYALTIES IN CERTAIN CASES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 612 Internal Revenue Code of 1954; 26 USC 613 Internal Revenue Code of 1954

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
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-1148.

Drafting attorney: Walter H. Woo (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Walter H. Woo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB69

2254. 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 1954; 26 USC 643 Internal Revenue Code of 1954

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	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-34-85.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AI06

2255. INCOME TAX--SPECIAL RULE FOR PROPERTY TRANSFERRED AT LESS THAN FAIR MARKET VALUE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 644 Internal Revenue Code of 1954; 26 USC 641(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will explain how to compute the tax imposed by section 644 on the includible gain recognized on the sale or exchange within two years after transfer to a trust of certain property.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-188-76.

Drafting attorney: Margaret M. O'Connor (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel reviewing attorney: Garlock.

Agency Contact: Margaret M. O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AB76

2256. INCOME TAX--PROCEDURE & ADMINISTRATION--ACCUMULATION TRUSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 667 Internal Revenue Code of 1954; 26 USC 666(e) Internal Revenue Code of 1954; 26 USC 668 Internal Revenue Code of 1954; 26 USC 665(b) Internal Revenue Code of 1954; 26 USC 665(e) to 665(g) Internal Revenue Code of 1954; 26 USC 669 Internal Revenue Code of 1954; 26 USC 1302(a)(2)(B) Internal Revenue Code of 1954; 26 USC 1302(b)(2)(B) Internal Revenue Code of 1954; 26 USC 6401(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None

Abstract: These regulations will clarify the amount of tax imposed on a beneficiary for distributions from a trust of income accumulated by the trust in prior tax years.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Not Applicable

Additional Information: LR-184-76.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AB78

2257. INCOME TAX--PROCEDURE & ADMINISTRATION--FOREIGN TRUSTS HAVING U.S. BENEFICIARIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 679 Internal Revenue Code of 1954; 26 USC 678(b) Internal Revenue Code of 1954; 26 USC 643(a) Internal Revenue Code of 1954; 26 USC 643(c)(6)(C) Internal Revenue Code of 1954; 26 USC 643(c)(6)(D) Internal Revenue Code of 1954; 26 USC 643(d) Internal Revenue Code of 1954; 26 USC 6048 Internal Revenue Code of 1954; 26 USC 6677 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None

Abstract: These regulations will provide to what extent a grantor of a foreign trust with United States beneficiaries will be treated as an owner of that trust, and thus taxed currently on the trust's income.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: Not Applicable

Additional Information: LR-187-76.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of International Tax Counsel (Treasury) reviewing attorney: Steven R. Lainoff.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AB79

TREAS—IRS

Proposed Rule Stage

2258. AMENDMENT OF SECTION 1.704-1 TO PROVIDE RULES ON PARTNER'S DISTRIBUTIVE SHARES OF ITEMS ATTRIB. TO NONRECOURSE DEBT AND THE INTERRELATIONSHIP OF SUBSECTIONS (B) AND (C) OF SECTION 704

Legal Authority: 26 USC 7805

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide proposed regulations under section 704 (b) relating to a partner's distributive share of losses and deductions attributable to nonrecourse debt. Rules concerning the interrelationship between section 704 (b) and (c) will also be provided.

Timetable:

Action	Date	FR Cite
NPRM	10/31/86	

Small Entity: Not Applicable

Additional Information: LR-191-83.

Drafting attorney: John G. Schmalz (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: James Lokey (202) 566-4518.

Agency Contact: John G. Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AG00

2259. ALLOCATIONS OF INCOME GAIN, LOSS, AND DEDUCTION WITH RESPECT TO PROPERTY CONTRIBUTED TO A PARTNERSHIP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 704(c)

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
NPRM	10/31/86	

Small Entity: No

Additional Information: LR-164-83.

Drafting attorney: John G. Schmalz (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Blake Rubin (202) 566-4902.

Agency Contact: John G. Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AG98

2260. INCOME TAX--ITEMS ALLOCATED TO PORTION OF YEAR PARTNER HELD INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 706(d) Internal Revenue Code of 1954; 26 USC 704 Internal Revenue Code of 1954

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.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-265-76.

Drafting attorney: Robert Ginsburgh (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lokey.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB81

2261. INCOME TAX--TREATMENT OF PAYMENTS TO PARTNERS NOT ACTING IN THEIR CAPACITY AS PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 707 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

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	02/28/87	

Small Entity: Not Applicable

Additional Information: LR-234-84.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Neil Kimmelfield (202) 566-8527.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AG83

2262. AMENDMENT OF INCOME TAX REGULATIONS WITH RESPECT TO TREATMENT OF DISGUISED SALES BY PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 707 Internal Revenue Code of 1954

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	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-163-84.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Kimmelfield.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH22

2263. CONTRIBUTIONS TO A PARTNERSHIP OF UNREALIZED RECEIVABLES, INVENTORY ITEMS OR CAPITAL LOSS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 724 Internal Revenue Code of 1954

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
NPRM	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-232-84.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AG85

2264. INCOME TAX--TREATMENT OF UNREALIZED RECEIVABLES AND INVENTORY ITEMS HELD BY TIERED PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 751 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to taxpayers relating to the treatment of unrealized receivables and inventory items held by tiered partnerships.

Timetable:

Action	Date	FR Cite
NPRM	10/31/86	

Small Entity: Not Applicable

Additional Information: LR-235-84.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Neil Kimmelfield (202) 566-8527.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH67

2265. PARTNER'S SHARE OF PARTNERSHIP LIABILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; PL 98-369, Sec 79 Tax Reform Act of 1984

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations revise the Income Tax Regulations under section 752 of the Internal Revenue Code of 1954 to conform such regulations to changes in the law with respect to a partner's share of partnership liabilities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-229-84.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Treasury attorney: James Lokey/Richard D'Avino (202) 566-8278.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH26

2266. IMPUTED EARNINGS RATE FOR MUTUAL LIFE INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 809(d) Internal Revenue Code of 1954

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
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-159-84.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: Alice Bennett (202) 566-3238.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AG63

2267. TEMPORARY INCOME TAX REGULATIONS- DIVERSIFICATION REQUIREMENTS FOR VARIABLE ANNUITY, ENDOWMENT, AND LIFE INSURANCE CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 817 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Legal Deadline: None

Abstract: The regulations will provide diversification requirements for variable annuity, endowment and life insurance contracts. The regulations will also provide rules relating to the testing of diversification for variable periods, and applicable effective dates.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-294-84.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Donald Rocap (202) 566-8527.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG78

2268. INCOME TAX REGULATIONS-DIVERSIFICATION REQUIREMENTS FOR VARIABLE ANNUITY, ENDOWMENT, AND LIFE INSURANCE CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 817 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide diversification requirements for variable annuity, endowment, and life insurance contracts. The testing of diversification for various periods and applicable effective dates.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-295-84.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Donald Rocap (202) 566-8527.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG79

2269. EXTENSION OF HOLDING PERIOD FOR LOSSES ATTRIBUTABLE TO CAPITAL GAIN DIVIDENDS OF RIC'S AND REIT'S

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 852 Internal Revenue Code of 1954; 26 USC 857 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulations would interpret the rules of sections 852 and 857 dealing with the extension of holding period for losses attributable to capital gain dividends of REIT's and RIC's and also dealing with personal holding companies eligible for RIC status.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-263-84.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AH64

2270. INCOME TAX--SOURCE OF INCOME OF UNDERWRITING INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 861(a)(7) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for determining whether the source of underwriting income is income from sources within the United States to be included in gross income and for clarifying the meaning of United States risks upon which such income determination is made.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-71-77.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AB89

2271. REGULATIONS RELATING TO THE APPLICATION OF SECTIONS 864 AND 956 TO RELATED PARTY INTERNATIONAL FACTORING TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 864(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the treatment of income derived by foreign corporations from factoring the receivables of related persons.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Not Applicable

Additional Information: LR-10-85.

Drafting attorney: Marnie Carro (202) 566-3289.

Reviewing attorney: Carol Doran Klein (202) 566-3289.

Agency Contact: Marnie Carro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH85

2272. REPEAL OF 30 PERCENT WITHHOLDING BY THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 871 Internal Revenue Code of 1954; 26 USC 881 Internal Revenue Code of 1954; 26 USC 1441 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the definition of portfolio interest, the certifications required in the case of obligations that are issued in registered form, and related matters.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-168-84

Drafting attorney: P. Ann Fisher (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: P. Ann Fisher, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AG66

2273. INCOME TAX--PARTNERSHIP, TRUST, AND ESTATE RULES REGARDING TAXATION OF FOREIGN INVESTMENT IN U.S. REAL PROPERTY INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 897(e)(2) Internal Revenue Code of 1954; 26 USC 897(g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide rules for foreign partners to compute gain or loss on the sale or disposition of United States real property interests upon the sale of a partnership interest, or a distribution in liquidation of a partnership interest.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Not Applicable

Additional Information: LR-37-82.

Drafting attorney: Jacob Feldman (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorney: Lainoff.

Agency Contact: Jacob Feldman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AB98

2274. NOTICE OF PROPOSED RULEMAKING--NONRECOGNITION OF CORPORATE DISTRIBUTIONS AND REORGANIZATIONS UNDER THE FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT

Legal Authority: 26 USC 897 Internal Revenue Code of 1954

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	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-297-82.

Drafting attorney: Jeffrey Dorfman.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel reviewing attorneys: Wold, Granwell.

Agency Contact: Jeffrey Dorfman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AF17

2275. INCOME TAX--TO CLARIFY RULES FOR DETERMINING EARNINGS & PROFITS OF A FOREIGN CORPORATION & AMOUNT OF CREDITABLE FOREIGN TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 902 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide one consistent method for determining the earnings and profits of a foreign corporation for all purposes. The regulation will also provide new rules concerning the determination of an entity's functional currency and the recognition of currency gain or loss on transactions that are denominated in a foreign currency.

Timetable:

Action	Date	FR Cite
NPRM	01/31/87	

Small Entity: Not Applicable

Additional Information: LR-196-75.

Drafting attorney: P. Ann Fisher (202) 566-3289.

Reviewing attorneys: Carol Doran Klein (202) 566-3289, Charles C. Saverude (202) 566-3323

Office of International Tax Counsel (Treasury) reviewing attorney: Shay.

Draft of notice to Office of International Tax Counsel (Treasury), 07/09/82.

Agency Contact: P. Ann Fisher, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, 202 566-3289

RIN: 1545-AC02

2276. ● INCOME TAX REGULATIONS UNDER SECTION 121 OF THE TAX REFORM ACT OF 1984 RELATING TO RESOURCING CERTAIN AMOUNTS RECEIVED FROM A U.S. OWNED FOREIGN CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 904(g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance on the resourcing of section 951 and 551 inclusions, and interest and dividends from certain U.S. owned foreign corporations. The regulations will provide rules for determining what interest amounts will be subject to resourcing.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-154-85.

Drafting Attorney: Joseph M. Rosenthal (202) 566-3289.

Reviewing Attorney: Carol Doran Klein (202) 566-3289.

Treasury Attorney: Stephen Shay (202) 566-5992.

TREAS—IRS

Proposed Rule Stage

Agency Contact: Joseph M. Rosenthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AI33

2277. PROPOSED REGULATIONS RELATING TO CERTAIN AMOUNTS TREATED AS INTEREST FOR PURPOSES OF THE LIMITATION ON THE FOREIGN TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 904 (d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the treatment of interest income of a U.S. person that is attributable to separate limitation interest income of a RIC or certain foreign corporations for purposes of the separate foreign tax credit limitations for interest.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-61-85.

Drafting attorney: Marnie J. Carro (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Agency Contact: Marnie Carro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AH84

2278. INCOME TAX--PROCEDURE & ADMINISTRATION--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 1954; 26 USC 905(c) Internal Revenue Code of 1954; 26 USC 6689 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 301

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	12/00/86	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-34-81.

Drafting attorney: Carol Doran Klein (202) 566-3289.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Office of International Tax Counsel (Treasury) reviewing attorney: Shay.

Draft of the notice to International Tax Counsel of October 19, 1982.

Agency Contact: Carol Doran Klein, Assistant Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, 202 566-3289

RIN: 1545-AC06

2279. AMENDMENT OF REGULATIONS UNDER SECTION 907 OF THE INTERNAL REVENUE CODE OF 1954 TO CONFORM THEM TO SECTION 211 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 907 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would amend the regulations under section 907 of the Internal Revenue Code of 1954, relating to the foreign tax credit for taxes on oil and gas income, to conform them to section 211 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-193-82.

Drafting attorney: Richard Chewning (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorney: Lainoff.

Agency Contact: Richard Chewning, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AE34

2280. CURRENT TAXATION OF FOREIGN OIL RELATED INCOME OF CONTROLLED FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 954 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would define and interpret when foreign oil related income will be subject to current taxation under section 954 of the Internal Revenue Code of 1954. Changes to the applicable law were made by section 212 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	11/00/86	

Small Entity: Not Applicable

Additional Information: LR-197-82.

Drafting attorney: Richard Chewning (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel reviewing attorney: Steve Lainoff.

In Legislation and Regulations Division for preparation of a Notice of Proposed Rulemaking.

Agency Contact: Richard Chewning, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AE38

2281. 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 1954; 26 USC 995 Internal Revenue Code of 1954

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	07/01/86	

Small Entity: Not Applicable

Additional Information: LR-172-84.

Drafting attorney: Joseph M. Rosenthal (202) 566-3289.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Treasury attorney: Jane Sarosdy (202) 566-8275.

Agency Contact: Joseph M. Rosenthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AG71

2282. INCOME TAX--BASIS OF CERTAIN APPRECIATED PROPERTY TRANSFERRED TO DECEDENT, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1014(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will explain the denial of a stepped-up basis for appreciated property acquired by decedent through gift within one year of death if such property passes, directly or indirectly, from donee-decedent to original donor or the donor's spouse.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-235-81.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AC18

2283. RULES RELATING TO THE INAPPLICABILITY OF SECTION 1031 TO PARTNERSHIP INTERESTS AND THE LIMITATION ON THE PERIOD DURING WHICH LIKE KIND EXCHANGES MAY BE MADE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide guidance with respect to changes made to section 1031 by the Tax Reform Act of 1984 including the inapplicability of section 1031 to partnership interests and the limitation on the period during which like kind exchanges may be made.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-237-84.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Treasury attorney: Victor Thuronyi (202) 566-2566.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH43

2284. STOCK SALES, ETC, TO AND BY ESOP'S, ETC

Legal Authority: 26 USC 1042 Internal Revenue Code of 1954; 26 USC 4978 Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance concerning the tax treatment of gain on certain sales of stock to and by ESOP's, etc.

Timetable:

Action	Date	FR Cite
NPRM	01/00/87	

Small Entity: Not Applicable

Additional Information: EE-71-84.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AG21

2285. INCOME TAX--BASIS LIMITATION & RECAPTURE OF DEPRECIATION ON PLAYER CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1056 Internal Revenue Code of 1954; 26 USC 1245 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules for determining the basis of player contracts acquired by a purchaser upon the sale or exchange of a sports franchise. Generally, the purchaser's basis with respect to player contracts is to be determined by reference to the seller's adjusted basis and the gain the seller recognizes from the transfer of the player contracts. Exceptions are provided in the cases of certain corporate one-year liquidations, certain like-kind exchanges and for certain transfers relating to decedents. Furthermore, a presumption is provided that in the sale or exchange of a sports franchise, not more than 50-percent of

the consideration will be allocable to player contracts unless the taxpayer can satisfy the Secretary it is proper to allocate an amount in excess of 50-percent.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-222-76.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Sheehy.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AC19

2286. 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 1954; 26 USC 1059 Internal Revenue Code of 1954

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 1954 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 246 (c), etc.

Timetable:

Action	Date	FR Cite
NPRM	10/31/86	

Small Entity: Not Applicable

Additional Information: LR-260-84.

Drafting attorney: Patricia Wendlandt (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Patricia Wendlandt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AH41

2287. INCOME TAX--TAX STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1092 Internal Revenue Code of 1954; 26 USC 6653 Internal Revenue Code of 1954; 26 USC 263(g) Internal Revenue Code of 1954; 26 USC 1256 Internal Revenue Code of 1954; 26 USC 1212 Internal Revenue Code of 1954; 26 USC 1236 Internal Revenue Code of 1954; 26 USC 1234A Internal Revenue Code of 1954; 26 USC 1232 Internal Revenue Code of 1954; 26 USC 1221 Internal Revenue Code of 1954

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
NPRM	06/00/87	

Small Entity: Not Applicable

Additional Information: LR-187-81.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AC21

2288. INCOME TAX--GAIN FROM SALE OR EXCHANGE OF STOCK IN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1248 Internal Revenue Code of 1954; 26 USC 751 Internal Revenue Code of 1954

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
NPRM	07/00/86	

Small Entity: Not Applicable

Additional Information: LR-232-76.

Drafting attorney: Carol Doran Klein (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorney: Lainoff.

Draft of notice in International Tax Counsel for review.

Agency Contact: Carol Doran Klein, Assistant Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AC31

2289. INCOME TAX--TO CLARIFY TAX TREATMENT OF TRANSFERS OF FRANCHISES, TRADEMARKS, & TRADE NAMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1253 Internal Revenue Code of 1954

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
NPRM	00/00/00	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-183-81.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AC34

2290. INCOME TAX--TEMPORARY REGULATIONS UNDER SECTION 1274 AND 483 RELATING TO DEFERRED PAYMENTS UNDER THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 1274 Internal Revenue Code; 26 USC 483 Internal Revenue Code; 26 USC 7805 Internal Revenue Code

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance under section 1274 with respect to the determination of the issue price (for the purposes of the original issue discount rules) of a debt instrument issued for property when neither the debt instrument nor the property is publicly traded. The regulations would also provide guidance under code section 483 relating to the manner in which unstated interest accrues in the case of a contract for the sale or exchange of property where there is inadequate stated interest.

Timetable:

Action	Date	FR Cite
NPRM	06/30/86	

Small Entity: Not Applicable

Additional Information: LR-158-84.

Drafting Attorney: Ewan Purkiss (202) 566-3238.

Reviewing Attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel reviewing attorneys: David Garlock/Jeff Quinn.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AG59

2291. REGULATIONS UNDER SECTION 1271 THROUGH 1275 RELATING TO TAX TREATMENT OF DEBT INSTRUMENTS HAVING ORIGINAL ISSUE DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1275 Internal Revenue Code of 1954

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 computer based, on constant interest accrual. Guidance is also provided as to the computation of original issue discount in special circumstances where the bond contains a variable interest rate, where put and call options are present, and in other circumstances.

Timetable:

Action	Date	FR Cite
NPRM	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-189-84.

Drafting attorney: Theresa E. Bearman (202) 566-3459.

Reviewing attorney: Susan T. Baker (202) 566-3294.

Treasury attorney: Jeff Quinn (202) 566-2175.

Agency Contact: Theresa E. Bearman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AH46

2292. 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 1954; 26 USC 1276 Internal Revenue Code of 1954; 26 USC 1278 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

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
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-21-85.

Drafting attorney: Michel A. Daze (202) 566-6456.

Reviewing attorney: Susan T. Baker (202) 566-3294.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C.20224, 202 566-6456

RIN: 1545-AH82

2293. INCOME TAX-TREATMENT OF STRIPPED BONDS AND STRIPPED COUPON

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1286 Internal Revenue Code of 1954

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 allocation of basis and purchase price.

Timetable:

Action	Date	FR Cite
NPRM	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-19-85.

Drafting attorney: Theresa E. Bearman (202) 566-3459.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Linda Carlisle (202) 566-4979.

TREAS—IRS

Proposed Rule Stage

Agency Contact: Theresa E. Bearman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AH75

2294. INCOME TAX--TREATMENT OF OBLIGATIONS WHICH PURPORT TO REPRESENT DEBT AS A SECOND CLASS OF STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1361 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to shareholders and debt instrument holders who must comply with the law relating to subchapter S corporations. 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	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-4-73.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC37

2295. INCOME TAX--DEFINITION OF S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1361 Internal Revenue Code of 1954

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	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-262-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE86

2296. 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 1954; 26 USC 1362 Internal Revenue Code of 1954; 26 USC 1363 Internal Revenue Code of 1954

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	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-260-82.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury attorney: James Bridgeman (202) 566-4902.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE26

2297. INCOME TAX--PASS-THRU OF S CORPORATION ITEMS TO SHAREHOLDERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1366 Internal Revenue Code of 1954

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
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-261-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE85

2298. 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 1954; 26 USC 1367 Internal Revenue Code of 1954; 26 USC 1368 Internal Revenue Code of 1954

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.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-264-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE88

2299. INCOME TAX--APPLICATION OF SUBCHAPTER C RULES TO S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1371 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposal would amend the regulations under section 1371 to changes made by the subchapter S Revision Act of 1982 relating to the application of subchapter C rules to S corporations and other technical amendments under sections 2, 5, and 6 of the Act. The regulation would provide the public with guidance to comply with the Act.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-265-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE90

2300. INCOME TAX--TREATMENT OF S CORPORATION AS A PARTNERSHIP FOR CERTAIN PURPOSES OF THE INTERNAL REVENUE CODE OF 1954

Legal Authority: 26 USC 7805; 26 USC 1372; 26 USC 1373; 26 USC 613A; 26 USC 4996; 26 USC 48

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance to taxpayers relating to the treatment of S corporation as partnership for purposes of certain provisions of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	02/28/87	

Small Entity: Not Applicable

Additional Information: LR-266-83.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney: James Bridgeman.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE28

2301. INCOME TAX--DEFINITIONS AND SPECIAL RULES PERTAINING TO S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1377 Internal Revenue Code of 1954; 26 USC 1378 Internal Revenue Code of 1954; 26 USC 1379 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would define and interpret the definitions and special rules contained in section 1377 through 1379 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.

Timetable:

Action	Date	FR Cite
NPRM	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-268-82.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney: James Bridgeman.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE94

2302. INCOME TAX--TO CLARIFY SECTION 1.1382-6 WITH REGARD TO INVENTORY POOLS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1382 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations would provide guidance to cooperatives with regard to inventory pools that remain open at the end of the taxable year.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-63-82.

Drafting attorney: Annette S. Guarisco (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB32

2303. INCOME TAX--DISTRIBUTIONS QUALIFYING AS PATRONAGE DIVIDENDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1382 Internal

Revenue Code of 1954; 26 USC 1388 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules for netting the income and losses of allocation units within the cooperative. In addition the regulations clarify the meaning of preexisting legal obligation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-268-79.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AC39

2304. 26 CFR PART I--AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 1502 OF THE CODE TO REFLECT SECTION 224 OF TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would make amendments to the Consolidated Return Regulations to conform them to section 338 of the Code, as added by section 224 of the Tax Equity and Fiscal Responsibility Act of 1982, as amended by section 306 of the Technical Corrections Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	06/30/86	

Small Entity: No

Additional Information: LR-80-83.

Drafting attorney: John Broadbent (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Patricia McClanahan (202) 566-4902.

Agency Contact: John Broadbent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AF41

2305. AMENDMENT OF CONSOLIDATED RETURNS REGULATIONS RELATING TO LIFE-LIFE CONSOLIDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954; 26 USC 1504 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would deal with issues relating to life-life consolidations which were reserved by Treasury Decision 7877 for further study.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-66-83.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Mark Blumkin (202) 566-3463.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AF67

2306. AMENDMENT OF SECTION 1.1502-14 TO MODIFY TREATMENT OF STOCK REDEMPTIONS AND NONDIVIDEND DISTRIBUTIONS IN EXCESS OF BASIS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The amendment will coordinate the consolidated return treatment of stock redemptions and nondividend distributions in excess of basis with changes made by the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Additional Information: LR-40-84.

Drafting attorney: Charles W. Culmer (202) 566-4336.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Charles W. Culmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AG35

2307. INCOME TAX--CONSOLIDATED RETURN/ACCUMULATED EARNINGS TAX-EARNINGS AND PROFITS WHEN A MEMBER IS A PERSONAL HOLDING COMPANY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposal would provide rules relating to the application of the accumulated earnings tax to a group of corporations filing a consolidated income tax return when one or more members of the group is a personal holding company.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: No

Additional Information: LR-256-79.

Drafting attorney: Charles M. Whedbee (202) 566-3458.

Reviewing attorney: John Broadbent (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: McClanahan.

Agency Contact: Charles M. Whedbee, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AC51

2308. INCOME TAX--TO REFLECT AMENDMENTS OF CONSOLIDATED RETURN REGULATIONS TO REFLECT MERCHANT MARINE ACT OF 1970 CONCERNING MERCHANT MARINE & FISHERIES CAPITAL ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954; 11 USC 1177 Merchant Marine Act of 1936

CFR Citation: 26 CFR 3

Legal Deadline: None

Abstract: The proposal would provide rules for the income tax treatment, by corporations filing consolidated returns, with respect to capital construction funds for certain vessels.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-29-76.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AC52

2309. INCOME TAX--ACCELERATED DEPRECIATION IN INVESTMENT ADJUSTMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would amend the consolidated returns investment adjustment rules to reflect the proper treatment of accelerated depreciation thereby giving the public needed guidance on what that proper treatment is.

Timetable:

Action	Date	FR Cite
NPRM	05/01/86	

Small Entity: No

Additional Information: LR-222-81.

Drafting attorney: Patricia Wendlandt (202) 566-3458.

Reviewing attorney: John Broadbent (202) 566-3458.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: McClanahan.

Agency Contact: Patricia Wendlandt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AC47

2310. 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 1954; 26 USC 1502 Internal Revenue Code of 1954; 26 USC 465 Internal Revenue Code of 1954

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
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-75-79.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Patricia McClanahan (202) 566-4902.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AC55

2311. INCOME TAX--INCLUDIBILITY IN AN AFFILIATED GROUP OF SUBSIDIARIES FORMED TO COMPLY WITH FOREIGN LAWS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1504 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

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
NPRM	04/01/86	

Small Entity: Not Applicable

Additional Information: LR-189-77.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Shay, Lainoff.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AC58

2312. 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 1954; 26 USC 6695 Internal Revenue Code of 1954

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 Comment Period End	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-152-84.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

TREAS—IRS

Proposed Rule Stage

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AH09

2313. ESTATE AND GIFT TAXES, INCOME TAXES-UNIFIED CREDIT IN LIEU OF EXEMPTIONS, UNIFIED RATE SCHEDULE FOR ESTATE AND GIFT TAXES SITUS OF FOREIGN PARTNERSHIPS FOR ESTATE TAXATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2001 Internal Revenue Code of 1954; 26 USC 2010 Internal Revenue Code of 1954; 26 USC 2011 Internal Revenue Code of 1954; 26 USC 2012(a) Internal Revenue Code of 1954; 26 USC 2012(c) Internal Revenue Code of 1954; 26 USC 2013(b) Internal Revenue Code of 1954; 26 USC 2013(e)(1) Internal Revenue Code of 1954; 26 USC 2014(b)(2) Internal Revenue Code of 1954; 26 USC 2035 Internal Revenue Code of 1954; 26 USC 2038(a) Internal Revenue Code of 1954; 26 USC 2044 Internal Revenue Code of 1954; 26 USC 2052 Internal Revenue Code of 1954; 26 USC 2104 Internal Revenue Code of 1954; 26 USC 2106 Internal Revenue Code of 1954; ...

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 implemented by the regulation. The regulations also relate to the estate tax consequences of transfers made within three years of death. In addition, the regulations clarify the situs test of foreign partnerships for purposes of the estate taxation of nonresident alien decedents. The regulations also provide rules relating to charitable remainder trusts.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-212-76.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3287

RIN: 1545-AC60

2314. ESTATE TAX--VALUATION OF CERTAIN FARM, ETC. REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2032A Internal Revenue Code of 1954; 26 USC 2013(f) Internal Revenue Code of 1954; 26 USC 1016(c) Internal Revenue Code of 1954; 26 USC 1040 Internal Revenue Code of 1954

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
NPRM	11/00/86	

Small Entity: Not Applicable

Additional Information: LR-209-81.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of the Tax Legislative Counsel (Treasury) reviewing attorneys: James D. Bridgeman, David C. Garlock.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AC62

2315. ESTATE TAX - PERMANENT RULES FOR REFORMING GOVERNING INSTRUMENTS CREATING CHARITABLE REMAINDER TRUSTS AND OTHER CHARITABLE INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2055 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20; 26 CFR 25

Legal Deadline: None

Abstract: These regulations will provide permanent rules for reforming governing instruments creating charitable remainder trusts and other charitable interests. The regulations will explain what interests are reformable interests and provide requirements for qualified reformations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Not Applicable

Additional Information: LR-22-85.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Fred E. Grundeman (202) 566-3287. Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AI14

2316. ● ESTATE TAX-REGULATIONS RELATING TO REPORTS OF REFORMATIONS OF CHARITABLE REMAINDER TRUSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2055 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20

Legal Deadline: None

Abstract: These temporary regulations will provide rules for notification of a reformation of an instrument creating a charitable remainder trust. The regulations will explain procedures for claiming a refund resulting from a qualified reformation.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Not Applicable

Additional Information: LR-119-85.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AI28

2317. ASSUMPTION OF ESTATE TAX LIABILITY BY ESOP'S

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2210 Internal Revenue Code of 1954; 26 USC 2002 Internal Revenue Code of 1954; 26 USC 6018 (c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Allows estate tax liability for employer securities to be assumed by ESOP's rather than by the executor. To qualify, a qualified amount of employer securities must be acquired by the ESOP from "or on behalf of" the decedent. In addition, the executor must elect, in writing, to assume the attributable estate tax liability on behalf of the ESOP. The ESOP then becomes liable for the estate tax.

Timetable:

Action	Date	FR Cite
NPRM	01/00/87	

Small Entity: Not Applicable

Additional Information: EE-74-84.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Harry Beker (202) 566-6212.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AG38

2318. GIFT TAX--CERTAIN TRANSFERS TREATED AS QUALIFIED DISCLAIMERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2518(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 25

Legal Deadline: None

Abstract: The regulations will provide that certain transfers will be qualified disclaimers for purposes of section 2518 (a).

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Not Applicable

Additional Information: LR-212-81.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AC70

2319. EMPL. TAX--SOCIAL SECURITY TAX ON EMPLOYERS OF INDIVIDUALS WHO RECEIVE INCOME FROM TIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3121(t) Internal Revenue Code of 1954

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: The regulations would provide guidance for determining the amount of wages on which an employer of a tipped employee must pay social security tax if the employer pays the employee less than the minimum wage.

Timetable:

Action	Date	FR Cite
NPRM	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-35-78.

Drafting attorney: Beverly Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC76

2320. AMENDMENT OF THE EMPLOYMENT TAX REGULATIONS UNDER CODE SECTION 3121 TO CONFORM TO SECTION 321 OF THE SOCIAL SECURITY AMENDMENTS OF 1983

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3121 Internal Revenue Code of 1954

CFR Citation: 26 CFR 36

Legal Deadline: None

Abstract: The regulation would provide guidance to taxpayers with respect to agreements entered into under section 3121 of the Internal Revenue Code of 1954 as that Section was amended by section 321 of the Social Security Amendments of 1983.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-192-83.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3297.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AF91

2321. ELECTIONS BY CHURCHES AND QUALIFIED CHURCH-CONTROLLED ORGANIZATIONS TO EXCLUDE SERVICE PERFORMED IN THEIR EMPLOY FROM EMPLOYMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3121 (w) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 5h; 26 CFR 31

Legal Deadline: None

Abstract: These regulations provide the manner in which churches and qualified church-controlled organizations may elect to exclude service performed in their employ from employment and the subsequent treatment of remuneration from such excluded service with respect to self employment taxes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-239-84.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Treasury attorney: Kent Mason (202) 566-6964.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH63

2322. AMEND THE REGULATIONS TO CLARIFY THE TRUCKING EXCEPTION TO THE DEFINITION OF "EMPLOYEE" FOR PURPOSE OF THE RRTA

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These regulations will clarify the scope of the "trucking service" and "casual service" exceptions to the definition of "employer" in section 3231 (a).

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-212-84.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Tom Wessel (202) 535-6963.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AG74

2323. TREATMENT OF CERTAIN DEFERRED COMPENSATION AND SALARY REDUCTION ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6302(c)

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.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-195-83.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3289.

Reviewing attorney: John B. Bromell (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney:

In Legislation and Regulations Division for preparation of Notice of Proposed Rulemaking.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AF97

2324. EMPLOYMENT TAX--WITHHOLDING FROM PENSIONS, ANNUITIES, AND OTHER DEFERRED INCOME

Legal Authority: 26 USC 7805; 26 USC 3405; 26 USC 6047(e)

CFR Citation: 26 CFR 35

Legal Deadline: None

Abstract: Proposed regulations would clarify and amend the temporary regulations relating to withholding from pensions, annuities, and other deferred income.

Timetable:

Action	Date	FR Cite
NPRM	06/30/86	

Small Entity: Not Applicable

Additional Information: EE-115-82.

Drafting attorney: Roberto E. Rivera (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Agency Contact: Roberto E. Rivera, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AE98

2325. TO PROVIDE REGULATIONS RELATING TO BACKUP WITHHOLDING UNDER SECTION 3406

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3406 Internal Revenue Code of 1954

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	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-224-82.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Richard D'Avino.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AE20

2326. TO PROVIDE TEMPORARY REGULATIONS RELATING TO BACKUP WITHHOLDING WHERE THE SERVICE NOTIFIES PAYOR TO WITHHOLD DUE TO AN INCORRECT TAXPAYER IDENTIFICATION NUMBER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3406 Internal Revenue Code of 1954

CFR Citation: 26 CFR 35a

Legal Deadline: None

Abstract: These regulations will prescribe when withholding is required when the Internal Revenue Service notifies the payor of an incorrect taxpayer identification number. The regulations will also describe that no withholding is required if the payee, within 30 days of the Service's notification, certifies under penalties of perjury that the name and taxpayer identification number are correct. If no certification is received within 30 days, backup withholding applies until such certification is received.

Timetable:

Action	Date	FR Cite
NPRM	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-7-84.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

TLC attorney: Rick D'Avino.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AF90

2327. REGULATIONS ON BACKUP WITHHOLDING IN CASE OF A NOTIFIED PAYEE UNDERREPORTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3406(i) Internal Revenue Code of 1954

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: These regulations will provide rules relating to when a payer of reportable interest and dividends must withhold on such payments, how to inform payees when they are subject to withholding, and how payees can correct the situation that subjected them to backup withholding.

Timetable:

Action	Date	FR Cite
NPRM	01/15/86	
NPRM Comment Period End	04/15/86	
Final Action	06/30/86	

Small Entity: Not Applicable

Additional Information: LR-86-85.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: John M. Coulter (202) 566-4473.

Reviewing attorney: Renay France (202) 566-3459.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AH83

2328. 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 1954; 26 USC 3508 Internal Revenue Code of 1954; 26 USC 3509 Internal Revenue Code of 1954; 26 USC 6041A Internal Revenue Code of 1954

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
Final Action	06/10/86	

Small Entity: Not Applicable

Additional Information: LR-214-82.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John Bromell (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney: James Bridgeman.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE62

2329. EXCISE TAX--RETAILERS EXCISE TAXES ON MOTOR VEHICLES

Legal Authority: 26 USC 4052 Internal Revenue Code of 1954; 26 USC 4051 Internal Revenue Code of 1954; 26 USC 4053 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulations will provide guidance as to what kinds of vehicles are taxable and how the tax is computed.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Additional Information: LR-30-83.

Drafting attorney: Maurice B. Foley (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Perlis.

Agency Contact: Maurice B. Foley, Law Clerk, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AF61

2330. MANUF. & RET. EXCISE TAX--REFUND FOR CERTAIN USES OF TREAD RUBBER & ADJUSTMENTS PURSUANT TO WARRANTY; MISC. EXCISE TAXES --TAX ON POLICIES OF INSURANCE ISSUED BY FOREIGN INSURERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4071(a)(1) Internal Revenue Code of 1954; 26 USC 4071(a)(2) Internal Revenue Code of 1954; 26 USC 4071(d)(1) Internal Revenue Code of 1954; 26 USC 4071(f) Internal Revenue Code of 1954; 26 USC 6416(b)(1) Internal Revenue Code of 1954; 26 USC 6416(b)(2)(G) Internal Revenue Code of 1954; 26 USC 6416(b)(3) Internal Revenue Code of 1954; 26 USC 6511(i) Internal Revenue Code of 1954; 26 USC 4374 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48; 26 CFR 46

Legal Deadline: None

Abstract: The regulations will provide new regulations concerning excise tax refunds and credits in the case of certain uses of tread rubber and adjustments pursuant to warranty. The regulation will also deal with the excise tax on policies of insurance issued by foreign insurers.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Not Applicable

Additional Information: LR-28-81.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: Fredric E. Grundeman (202) 566-3287.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AC88

2331. REGULATIONS RELATING TO THE TAX ON SALE OF SPORT FISHING EQUIPMENT, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4162 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48; 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide rules relating to the excise tax imposed on the sale of sport fishing equipment, and bows and arrows, etc. The regulations will also provide treatment for certain resales of sport fishing equipment.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Not Applicable

Additional Information: LR-4-85.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AH95

2332. EXCISE TAX--ENVIRONMENTAL TAXES--IMPOSITION OF TAX ON HAZARDOUS WASTES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4681 Internal Revenue Code of 1954; 26 USC 4682 Internal Revenue Code of 1954

CFR Citation: 26 CFR 52

Legal Deadline: None

Abstract: The regulations will explain the imposition of the hazardous waste tax on the receipt of hazardous waste at a qualified hazardous waste disposal facility.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-341-81.

Drafting attorney: Ada S. Rousso (202) 566-3287.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AC92

2333. INCOME TAX--LOBBYING BY PUBLIC CHARITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 501(h) Internal Revenue Code of 1954; 26 USC 504 Internal Revenue Code of 1954; 26 USC 4911 Internal Revenue Code of 1954; 26 USC 170(f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 53; 26 CFR 56

Legal Deadline: None

Abstract: The regulations will provide rules primarily applicable to tax exempt organizations described in section 501(c)(3) that elect to have the provisions of section 501(h) and 4911 apply to their lobbying expenditures.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: EE-154-78.

Drafting attorney: George B. Baker (202) 566-3422.

Reviewing attorney: Paul G. Accettura (202) 566-3544.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: McDowell, Bridgeman.

Agency Contact: George B. Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AE02

2334. FOUNDATION EXCISE TAX-EXCESS BUSINESS HOLDINGS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4943 Internal Revenue Code of 1954; PL 91-172, Sec 101 Tax Reform Act of 1969; PL 98-369, Sec 307 Tax Reform Act of 1984; PL 98-369, Sec 308; PL 98-369, Sec 309; PL 98-369, Sec 310; PL 98-369, Sec 314

CFR Citation: 26 CFR 53.4943-1

Legal Deadline: None

Abstract: Amendments to conform regulations to provisions enacted by the Tax Reform Act of 1984.

TREAS—IRS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	06/30/86	

Small Entity: Not Applicable

Additional Information: EE-65-84.

Drafting attorney: Roberto E. Rivera (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney

Agency Contact: Roberto E. Rivera, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AG49

2335. INCOME TAX--EXCISE TAX--PROCEDURE AND ADMINISTRATION--VARIOUS PRIVATE FOUNDATION PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4962 Internal Revenue Code of 1954; 26 USC 507(d)(2)(c) Internal Revenue Code of 1954; 26 USC 4940(d) Internal Revenue Code of 1954; 26 USC 4940(e) Internal Revenue Code of 1954; 26 USC 4942 (a)(2) Internal Revenue Code of 1954; 26 USC 4942(f)(1) Internal Revenue Code of 1954; 26 USC 4942(g)(4) Internal Revenue Code of 1954; 26 USC 4945(d)(1) Internal Revenue Code of 1954; 26 USC 4945(d)(4) Internal Revenue Code of 1954; 26 USC 4946(d) Internal Revenue Code of 1954; 26 USC 6104(d) Internal Revenue Code of 1954; 26 USC 6603(n)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 53; 26 CFR 301

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
NPRM	12/00/86	

Small Entity: Not Applicable

Additional Information: EE-76-84.

Drafting attorney: George B. Baker (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: George B. Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AG18

2336. TAX WITH RESPECT TO CERTAIN FUNDED WELFARE BENEFIT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4976 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the tax imposed upon certain funded welfare benefit plans which provide "disqualified benefits".

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: EE-67-84. Drafting attorneys: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545-AG12

2337. EXCISE TAX--WITH RESPECT TO THE DEFINITION OF TAXABLE CRUDE OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4991 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: These regulations would provide rules relating to the definitions of crude oil, condensate, and tar sand for purposes of the windfall profit tax. These definitions are important because only crude oil is subject to the windfall profit tax.

Timetable:

Action	Date	FR Cite
NPRM	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-226-81.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AD00

2338. 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 1954; 26 USC 4986 to 4998 Internal Revenue Code of 1954

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.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-225-81.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC94

2339. FORM OF INDIVIDUAL TAX RETURN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6012 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide rules for an individual taxpayer for determining the appropriate return to file, for utilizing a substitute form and for attaining assistance from the Internal Revenue Service for computing the tax liability from the partially completed return.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-300-82.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: Ewan D. Purkiss (202) 566-3238.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AF24

2340. TO PROVIDE REGULATIONS RELATING TO NEW EXCEPTION TO ESTIMATED TAX PENALTY WHERE INDIVIDUAL HAS NO TAX LIABILITY FOR PRECEDING TAXABLE YEAR

Legal Authority: 26 USC 7805; 26 USC 6015; 26 USC 6654

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will clarify the new exception to the individual estimated tax in the case of an individual who had no tax liability for the preceding taxable year. Rules also eliminate the requirement that individuals file a declaration of estimated tax.

Timetable:

Action	Date	FR Cite
NPRM	10/01/86	

Small Entity: Not Applicable

Additional Information: LR-226-82.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Joy Roberts (202) 566-2565.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AE71

2341. INCOME TAX-AMENDMENTS TO REQUIREMENTS FOR RETURN OF PARTNERSHIP INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6031 Internal Revenue Code of 1954

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	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-198-82.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Treasury attorney: Mary Bennett (202) 566-5815.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE40

2342. PROPOSED REGULATIONS UNDER SECTION 6037 RELATING TO INFORMATION REQUIRED TO BE FURNISHED TO SHAREHOLDERS OF S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6037 Internal Revenue Code of 1954

CFR Citation: 26 CFR 6037

Legal Deadline: None

Abstract: These regulations will provide rules relating to information required to be furnished to shareholders of S corporations.

Timetable:

Action	Date	FR Cite
NPRM	04/02/86	

Small Entity: Undetermined

Additional Information: LR-233-84.

Drafting attorney: Annie R. Alexander (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury attorney:

Agency Contact: Annie R. Alexander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH48

2343. ● RETURNS, ETC. ON CERTAIN FRINGE BENEFIT PLANS

Legal Authority: 26 USC 6039D Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance concerning a return required by specified fringe benefit plans.

Timetable:

Action	Date	FR Cite
NPRM	01/00/87	

Small Entity: Not Applicable

Additional Information: EE-117-84.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Harry Beker (202) 566-6212.

Treasury attorney: Kent Mason (202) 566-8528.

TREAS—IRS **Proposed Rule Stage**

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AI22

2344. ● INFORMATION REPORTING OF ALLOWANCES, OR REIMBURSEMENTS, OR CHARGES FOR TRAVEL AND OTHER EXPENSES OF PUBLIC SECTOR EMPLOYEES AND CERTAIN OTHER PERSONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6041 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations would make clear that all employers, including the United States, a State, Territory or a political subdivision thereof, and the District of Columbia, are required to report amounts provided to persons in the military or civil service as allowances reimbursements, or charges for traveling and other business expenses, including an allowance for meals and lodging or a per diem allowance in lieu of subsistence, except to the extent that such persons are required to and do account to the employer for such expenses within the meaning of Sec. 1.162-17(b)(4). This same rule would also apply to such payments made to a person in the service of an international organization as defined Section in 7701(a)(18).

Timetable:

Action	Date	FR Cite
NPRM	01/09/86	51 FR 985
NPRM Comment Period End	03/10/86	51 FR 985
Final Action	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-59-85.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

TLC attorney: Pat McClanahan (202) 566-4902.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AI42

2345. INCOME TAX--REGULATIONS RELATING TO RETURNS AS TO INTERESTS IN FOREIGN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6046A Internal Revenue Code of 1954

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
NPRM	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-203-82.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Treasury attorney: Steven Lainoff (202) 566-5046.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE47

2346. PROPOSED REGULATIONS RELATING TO TAX SHELTER REGISTRATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6111 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules relating to the filing of amended tax shelter registration applications and the time for furnishing tax shelter registration numbers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-66-85.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: Cynthia Clark (202) 566-3828.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AI04

2347. ESTATE TAX--PROCEDURE AND ADMINISTRATION--DEFERRAL AND INSTALLMENT PAYMENT OF ESTATE TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6166 Internal Revenue Code of 1954; 26 USC 6161 Internal Revenue Code of 1954; 26 USC 6151 Internal Revenue Code of 1954

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
NPRM	07/00/86	

Small Entity: Not Applicable

Additional Information: LR-210-76.

Drafting attorney: Maurice B. Foley (202) 566-3287.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Treasury attorney: Victor Thuronyi (202) 566-2566.

Agency Contact: Maurice B. Foley, Law Clerk, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AD23

2348. 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 1954; 26 USC 6222 Internal Revenue Code of 1954; 26 USC 6223 Internal Revenue Code of 1954; 26 USC 6224 Internal Revenue Code of 1954; 26 USC 6227 Internal Revenue Code of 1954; 26 USC 6230 Internal Revenue Code of 1954; 26 USC 6231 Internal Revenue Code of 1954

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.

Timetable:

Action	Date	FR Cite
NPRM	05/01/86	

Small Entity: Not Applicable

Additional Information: LR-205-82.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3218.

Office of Tax Legislative Counsel reviewing attorney: Blake Rubin.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE51

2349. STATEMENT OF PROCEDURAL RULES TO PROVIDE PROCEDURES FOR PARTNERSHIP-LEVEL PROCEEDINGS WITH RESPECT TO PARTNERSHIP ITEMS

Legal Authority: 5 USC 301; 5 USC 6111

CFR Citation: 26 CFR 601

Legal Deadline: None

Abstract: The amendment of the Statement of Procedural Rules will provide procedures for partnership-level proceedings with respect to partnership items.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-237-82.

Drafting attorney: Paul A. Francis (202) 566-3218.

Reviewing attorney: Paul A. Francis (202) 566-3218.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AI08

2350. DESIGNATION OF TAX MATTERS PARTNER FOR PURPOSES OF DETERMINING THE TAX TREATMENT OF PARTNERSHIP ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6231(a)(7) Internal Revenue Code of 1954; 26 USC 6230(k) Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Proposed regulations would set forth procedural rules for designating and revoking the designation of the "tax matters partner" for purposes of the new partnership-level audit procedures.

Timetable:

Action	Date	FR Cite
NPRM	05/01/86	

Small Entity: Not Applicable

Additional Information: LR-206-82.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3218.

Office of Tax Legislative Counsel reviewing attorney: Blake Rubin.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE53

2351. EXTENSION OF PARTNERSHIP AUDIT PROVISIONS

Legal Authority: 26 USC 6233 Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation will clarify the extent to which the partnership audit provisions apply to an entity which filed a partnership return but which has subsequently been determined not to be a partnership.

Timetable:

Action	Date	FR Cite
NPRM	05/01/86	

Small Entity: Not Applicable

Additional Information: LR-230-84

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: Paul Francis (202) 566-3218.

Treasury attorney: Blake Rubin (202) 566-4922.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AI05

2352. DETERMINATION OF THE TAX TREATMENT OF SUBCHAPTER S ITEMS AT THE CORPORATE LEVEL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6241 Internal Revenue Code of 1954; 26 USC 6242 Internal Revenue Code of 1954; 26 USC 6243 Internal Revenue Code of 1954; 26 USC 6244 Internal Revenue Code of 1954; 26 USC 6245 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

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. The regulations would define the term "subchapter S item."

Timetable:

Action	Date	FR Cite
NPRM	08/01/86	

Small Entity: Not Applicable

Additional Information: LR-269-82.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE96

2353. ● 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 1954; 26 USC 6311 Internal Revenue Code of 1954

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
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-161-85.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Michael J. Grace, Attorney/Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AI24

2354. 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 1954; 26 USC 6325 Internal Revenue Code of 1954; 26 USC 6331 Internal Revenue Code of 1954; 26 USC 6334 Internal Revenue Code of 1954; 26 USC 6337 Internal Revenue Code of 1954; 26 USC 7426 Internal Revenue Code of 1954

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	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-253-82.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AE82

2355. INCOME TAX--TENTATIVE REFUND OF TAX UNDER CLAIM OF RIGHT ADJUSTMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6411 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposal provides rules with respect to a tentative refund of income tax when a taxpayer has a claim of right adjustment.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-45-79.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

In Legislation and Regulations Division for preparation of notice.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AD30

2356. ● PROCEDURE AND ADMINISTRATION REGULATIONS--EXTENSION OF THE PERIOD FOR ASSESSMENT OF TAX ON CERTAIN CIRCUMSTANCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6501 Internal Revenue Code of 1954

CFR Citation: 26 CFR 6501

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
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-162-85.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Michael J. Grace, Attorney/Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AI23

2357. PROCEDURE & ADMINISTRATION--ADDITION TO TAX IN THE CASE OF VALUATION OVERSTATEMENTS AND UNDERSTATEMENTS, AND INCREASE IN THE NEGLIGENCE PENALTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6659 Internal Revenue Code of 1954; 26 USC 6653 Internal Revenue Code of 1954; 26 USC 6660 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301; 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules and definitions with respect to the addition to tax in the case of valuation overstatements and understatements, including rules for computing the portion of an underpayment that is attributable to a valuation overstatement or understatement. The regulations would also provide rules with respect to the increase in the negligence and fraud penalties.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-272-81.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AD39

2358. PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6700 Internal Revenue Code of 1954

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
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-273-82.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Perlis.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AE99

2359. PENALTY FOR AIDING AND ABETTING IN THE UNDERSTATEMENT OF TAX LIABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6701 Internal Revenue Code of 1954

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
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-274-82.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel reviewing attorney: Mark Perlis.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AF01

2360. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 6815(D) DEALING WITH CERTIFICATES OF COMPLIANCE WITH THE INCOME TAX LAWS ISSUED TO ALIENS DEPARTING THE UNITED STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6815 (d)

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will clarify which classes of aliens departing the United States are required to obtain certificates of compliance with the income tax laws, providing the public with the guidance needed to comply with the law.

Timetable:

Action	Date	FR Cite
NPRM	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-2-84.

Drafting attorney: Carol Doran Klein (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

In Legislation and Regulations Division for preparation of notice.

Agency Contact: Carol Doran Klein, Assistant Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AF80

2361. INCOME TAX--PRESUMPTION OF JEOPARDY IN THE CASE OF ILLEGAL ACTIVITY CASH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6867 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

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 a rate of fifty percent, and (3) that collection of the tax is in jeopardy for the purposes of sections 6851 and 6861.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-309-82.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AE30

2362. INCOME TAX--INVESTMENT CREDIT IN CASE OF PROPERTY USED BY TAX EXEMPT ORGANIZATIONS & GOVERNMENTAL UNITS; PRACTICE & PROCEDURE--DEF. OF SERVICE CONTRACTS & OTHER ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 38(b) Internal Revenue Code of 1954; 26 USC 48(a)(4) Internal Revenue Code of 1954; 26 USC 48(a)(5) Internal Revenue Code of 1954; 26 USC 7701(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Proposal would change the definition of use of property by a tax exempt organization or a governmental unit, for purpose of applying rules relating to the investment tax credit. The regulations would also define service contracts and other arrangements, for purposes of analysis vis a vis leasing arrangements.

Timetable:

Action	Date	FR Cite
NPRM	12/01/86	

Small Entity: Not Applicable

Additional Information: LR-223-78.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: Ada Rousso (202) 566-3287.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3459**

RIN: 1545-AA23

2363. 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 (P.L. 98-369)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7701(b) Internal Revenue Code of 1954

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	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-234-84.

Drafting attorney: Marnie J. Carro (202) 566-3289.

Reviewing attorney: Carol Doran Klein (202) 566-3289.

Treasury attorney: Mary Bennett (202) 566-5815.

Agency Contact: Marnie J. Carro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH13

2364. PROPOSED REGULATIONS UNDER THE TAX REFORM ACT OF 1984, RELATING TO THE DEFINITION OF FAIR MARKET VALUE OF PROPERTY FOR PURPOSES OF DETERMINING GAIN OR LOSS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.7701-1

Legal Deadline: None

Abstract: These proposed regulations provide clarification for the definition of fair market value in section 7701 (g) of the Internal Revenue Code. They state that, for purposes of determining gain or loss, the fair market value of property shall not be considered to be less than the amount of nonrecourse indebtedness to which property is subject.

Timetable:

Action	Date	FR Cite
NPRM	11/00/86	

Small Entity: Not Applicable

Additional Information: LR-264-84.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG94

2365. TEMPORARY REGULATIONS ON EFFECTIVE DATES AND OTHER QUESTIONS ARISING UNDER THE EMPLOYEE BENEFIT PROVISIONS OF THE TAX REFORM ACT OF 1984

Legal Authority: PL 98-369, Sec 511 to 561

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to effective dates and other questions arising under the employee benefits provisions of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/31/85	
NPRM	03/31/86	

Small Entity: Not Applicable

Additional Information: EE-63-84.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

TREAS—IRS

Proposed Rule Stage

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AG41

2366. ● EFFECTIVE DATES AND OTHER QUESTIONS ARISING UNDER EMPLOYEE BENEFIT PROVISIONS OF THE TAX REFORM ACT OF 1984

Legal Authority: PL 98-369, Sec 511 to 561

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide proposed rules relating to effective dates and other questions arising under the employee benefit provisions of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	03/31/86	

Small Entity: Not Applicable

Additional Information: EE-96-85.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AI21

2367. STATEMENT OF PROCEDURAL RULES--SPECIAL AMENDMENT

Legal Authority: 5 USC 552; 5 USC 301

CFR Citation: 26 CFR 601

Legal Deadline: None

Abstract: These regulations will conform the Statement of Procedural Rules with Department of Treasury regulations increasing the fees to be charged for search and duplication services in implementing the Freedom of Information Act.

Timetable:

Action	Date	FR Cite
NPRM	04/01/86	

Small Entity: No

Additional Information: LR-108-83.

Drafting attorney: Mark S. Jennings (202) 566-3458

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AF68

2368. 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 1954; 42 USC 664 Internal Revenue Code of 1954

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
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: LR 85-85.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: David Dickinson (202) 566-6655.

TITLE CONT: of Past-Due Support Owed.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH99

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Final Rule Stage

2369. INCOME TAX--JOINT OWNERSHIP OF ENERGY ITEMS & RENEWABLE ENERGY SOURCE EXPENDITURES FOR PURPOSES OF THE RESIDENTIAL ENERGY CREDIT TO CONFORM TO SECS 201(A) & 202 OF THE ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 23 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide the public with guidance to comply with changes made to section 44C by the Energy Tax Act of 1978 and the Windfall Profit Tax Act of 1980 relating to defining passive and active solar system, subsidized energy financing and other terms pertaining to the residential energy credit.

Timetable:

Action	Date	FR Cite
NPRM	10/31/85	50 FR 45423
NPRM Comment Period End	12/30/85	50 FR 45423
Final Action	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-73-80.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

TREAS—IRS **Final Rule Stage**

Treasury attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AA03

2370. TO PROVIDE REGULATIONS RELATING TO MORTGAGE CREDIT CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 25 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.25-1 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	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-245-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Suzanne R. McDowell (202) 566-8277.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AH06

2371. ● INCOME TAX--INFORMATION REPORTING FOR MORTGAGE CREDIT CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 25 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

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	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-114-85.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Tom Evans (202) 535-6968.

Agency Contact: Mitchell H. Rapaport, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AI39

2372. CREDIT FOR CLINICAL TESTING EXPENSES FOR CERTAIN DRUGS FOR RARE DISEASES OR CONDITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 28 Internal Revenue Code of 1954; 26 USC 280C Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will amend the Income Tax Regulations in order to conform the regulations to sections 28 and 280C of the Internal Revenue Code of 1954, relating to the credit for clinical testing expenses for rare diseases or conditions. The regulations will provide the public with the guidance needed to comply with the law and will affect taxpayers seeking to obtain the credit.

Timetable:

Action	Date	FR Cite
NPRM	04/23/85	50 FR 15930
NPRM Comment Period End	06/24/85	50 FR 15930
Final Action	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-55-83.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AF64

2373. INCOME TAX--CREDIT FOR INCREASING RESEARCH ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 30 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide the extent to which taxpayers will be entitled to an income tax credit for increases in certain research activity.

Timetable:

Action	Date	FR Cite
NPRM	01/21/83	
NPRM Comment Period End	03/19/83	
Hearing	04/19/83	
Final Action	05/20/87	

Small Entity: Not Applicable

Additional Information: LR-236-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John Fischer (202) 566-3394.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Quinn.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AA07

2374. SYNCHRONIZATION OF INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules relating to the synchronization of interest.

Timetable:

Action	Date	FR Cite
NPRM	06/26/85	50 FR 123
NPRM Comment Period End	07/26/85	50 FR 123
Hearing	08/28/85	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: LR-227-84.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John Parcell (202) 566-3336.

Treasury attorney: Eric Elfman (202) 566-8527.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH69

2375. INCOME TAX--INVESTMENT CREDIT FOR COOPERATIVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46 Internal Revenue Code of 1954; 26 USC 47 Internal Revenue Code of 1954; PL 95-600, Sec 316

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide guidance with respect to the investment tax credit for cooperatives and their patrons.

Timetable:

Action	Date	FR Cite
NPRM	12/27/83	48 FR 56965
NPRM Comment Period End	02/27/84	48 FR 56965
Final Action	07/00/86	

Small Entity: Not Applicable

Additional Information: LR-4-78.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Sharon Galm (202) 566-9050.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AA09

2376. INCOME TAX--THE INVESTMENT CREDIT FOR QUALIFIED PROGRESS EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46 Internal Revenue Code of 1954; 26 USC 47 Internal Revenue Code of 1954; 26 USC 48 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations add a new section to provide rules for claiming the investment credit for qualified progress expenditures.

Timetable:

Action	Date	FR Cite
NPRM	01/30/79	44 FR 05910
NPRM Comment Period End	04/01/79	44 FR 05910
Hearing	06/27/79	
Final Action	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-73-75.

Drafting attorney: Michel A. Daze (202) 566-6456.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Thuronyi.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6456**

RIN: 1545-AA13

2377. INCOME TAX--TAX TREATMENT OF MASS ASSETS FOR INVESTMENT CREDIT PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 38 Internal Revenue Code of 1954; 26 USC 46 Internal Revenue Code of 1954; 26 USC 47 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would clarify the investment tax credit recapture treatment of mass assets thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret this area.

Timetable:

Action	Date	FR Cite
NPRM	12/20/85	50 FR 57874
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-92-73.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AA10

2378. INCOME TAX--INCREASE IN INVESTMENT TAX CREDIT FOR QUALIFIED REHABILITATION EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code; 26 USC 48 Internal Revenue Code

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules and definitions relating to terms such as qualified rehabilitated expenditures, qualified rehabilitated building, substantial rehabilitation and certified historic structure.

Timetable:

Action	Date	FR Cite
NPRM	06/28/85	50 FR 26794
NPRM Comment Period End	08/27/85	
Hearing	11/15/85	
Final Action	08/31/86	

Small Entity: Not Applicable

Additional Information: LR-238-81.

Drafting attorney: John Schmalz (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

TREAS—IRS **Final Rule Stage**

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AA12

2379. 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 1954; 26 USC 48(l) Internal Revenue Code of 1954; 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	
Final Action	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-176-80.

Drafting attorney: Charles W. Culmer (202) 566-4336.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: Charles W. Culmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AA26

2380. INCOME TAX--DEFINITION OF FILMS THAT ARE "TOPICAL OR OTHERWISE ESSENTIALLY TRANSITORY IN NATURE"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 48(k) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations more specifically define what movie and television films and videotapes qualify for the investment credit.

Timetable:

Action	Date	FR Cite
NPRM	06/03/82	47 FR 24142
NPRM Comment Period End	08/02/82	47 FR 24142
Final Action	10/31/86	
Final Action Effective	10/31/87	

Small Entity: Not Applicable

Additional Information: LR-143-80.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thuronyi.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AA22

2381. INCOME TAX--NONQUALIFIED SALARY REDUCTION AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 61 Internal Revenue Code of 1954

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	43 FR 4638
Final Action Effective	03/06/78	
NPRM Comment Period End	04/04/78	43 FR 4638
Hearing	05/14/78	
News release issued for comment	06/11/79	
Hearing	11/27/79	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-194-77.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AA35

2382. INCOME TAX--GROUP TERM LIFE INSURANCE--EVIDENCE OF INSURABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 79 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide guidance in determining whether term life-insurance is group-term life insurance within the meaning of section 79 of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	10/07/82	47 FR 44343
NPRM Comment Period End	12/06/82	47 FR 44343
Hearing	01/19/83	47 FR 53745
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-42-78.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AA39

2383. INCOME TAX--INDUSTRIAL DEVELOPMENT BONDS FOR VEHICLES USED FOR MASS COMMUTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) Inter-

TREAS—IRS

Final Rule Stage

nal Revenue Code of 1954; Economic Recovery Tax Act of 1981, section 811

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would define a qualified mass commuting vehicle for purposes of issuance of tax-exempt bonds. A qualified mass commuting vehicle is a bus, subway car or similar equipment that is leased to a mass transit system wholly owned by one or more governmental units and that is used by the mass transit system in providing mass commuting services.

Timetable:

Action	Date	FR Cite
NPRM	12/31/81	46 FR 63326
NPRM Comment Period End	03/03/82	46 FR 63326
Final Action	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-192-81.

Drafting attorney: Susan Thompson Baker (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Agency Contact: Susan Thompson Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AA43

2384. INCOME TAX--TO AMEND THE REGULATIONS UNDER SECTIONS 1.103-13 AND 1.103-14 WITH RESPECT TO THE CALCULATIONS OF "OVERISSUANCE" AND "CUMULATIVE CASH FLOW DEFICIT"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would clarify rules relating to the proper method for determining whether the amount of tax-exempt obligations exceeds the amount necessary for the governmental purpose for which the proceeds of the obligations are to be used.

Timetable:

Action	Date	FR Cite
NPRM	03/29/83	48 FR 13051
NPRM Comment Period End	05/31/83	48 FR 13051
Hearing	06/08/83	
Final Action	12/00/86	

Small Entity: No

Additional Information: LR-82-82.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lokey.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AA44

2385. INCOME TAX--EXEMPTION FOR INDUSTRIAL DEVELOPMENT BONDS FOR WATER FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b)(4) Internal Revenue Code of 1954

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 103 (b) (4) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
Final Action Effective	11/07/78	
NPRM	08/22/84	49 FR 33283
NPRM Comment Period End	10/22/84	49 FR 33283
Public Hearing	01/30/85	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-190-78.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AA49

2386. INCOME TAX--TO CLARIFY THE DEFINITION OF THE TERM "ISSUE"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to issuers, purchasers, and users of industrial development bonds relating to whether multiple lots of obligations will be treated as part of the same issue under section 103 (b).

Timetable:

Action	Date	FR Cite
NPRM	10/08/81	46 FR 50014
Hearing	11/12/81	
NPRM Comment Period End	01/06/82	46 FR 50014
Final Action	12/01/86	

Small Entity: Not Applicable

Additional Information: LR-264-81.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter,Jr. (202) 566-4473.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AA54

2387. INCOME TAX--TO CLARIFY THE DEFINITION OF PROPERTY WHICH IS A POLLUTION CONTROL FACILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will define the term "air or water pollution control facilities". The regulations will further determine the portion of the cost of such facilities that may be financed with tax-exempt industrial development bonds, whenever the facilities also serve certain other purposes.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	08/20/75	40 FR 36371
Hearing	11/21/75	
NPRM Comment Period End	11/28/75	40 FR 36371
Final Action	12/01/86	
Final Action Effective	12/01/86	

Small Entity: Not Applicable

Additional Information: LR-9-75.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AA58

2388. INCOME TAX--MANNER OF ELECTING $10 MILLION LIMITATION ON EXEMPT SMALL ISSUES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would establish revised procedures whereby the issuer of a small issue of tax-exempt industrial development bonds can elect to have a $10 million limitation rather than a $1 million limitation apply in determining the maximum allowable size of such issue. This regulation would centralize the filing of documents relating to this election to make its requirements more administrable.

Timetable:

Action	Date	FR Cite
NPRM	06/22/82	47 FR 26854
NPRM Comment Period End	08/23/82	47 FR 26854
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-50-80.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Schuldinger.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AA59

2389. INCOME TAX--MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103A 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
Previous NPRM	07/01/81	46 FR 34348
Hearing	11/05/81	
NPRM	11/10/81	46 FR 55513
NPRM Comment Period End	01/09/82	46 FR 55513
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-20-81.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: McDowell.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA63

2390. TO PROVIDE REGULATIONS REQUIRING CERTAIN DEBT OBLIGATIONS TO BE ISSUED IN REGISTERED FORM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(j) Internal Revenue Code of 1954; 26 USC 163(f) Internal Revenue Code of 1954; 26 USC 312(m) Internal Revenue Code of 1954; 26 USC 1287(a) Internal Revenue Code of 1954

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 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
Final Action Effective	12/31/82	
NPRM Comment Period End	01/14/83	47 FR 51414
Hearing	01/25/83	47 FR 51413
Final Action	12/01/86	

Small Entity: Not Applicable

Additional Information: LR-255-82.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Tom Wessel (202) 535-6963.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AE18

2391. 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 1954; 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	12/15/86	

Small Entity: Not Applicable

Additional Information: LR-221-82.

Drafting attorney: John M. Coulter, Jr. (202) 566-4473.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: James Lokey (202) 566-5453.

Agency Contact: John M. Coulter, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4473

RIN: 1545-AE24

2392. TO MODIFY REQUIREMENTS RELATING TO $10 MILLION ELECTION AND CAPITAL EXPENDITURE STATEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) (6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations would modify the requirements for making the election of the $10 million limitation upon the size of a small issue of tax-exempt industrial development bonds. These regulations would also revise the requirements for filing capital expenditure statements.

Timetable:

Action	Date	FR Cite
Final Action	06/30/86	

Small Entity: Not Applicable

Additional Information: LR-185-84.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AH18

2393. TEMPORARY REGULATIONS RELATING TO FEDERALLY GUARANTEED BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR IT

Legal Deadline: None

Abstract: These regulations will 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
Interim Final Rule	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-155-84.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Treasury attorney: Joseph Krolikowski (202) 566-2927.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AH20

2394. 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 1954; 26 USC 103 (b) Internal Revenue Code of 1954

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	
Final Action	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-269-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Jim Lokey (202) 566-5453.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AH68

2395. AMENDMENT OF REGULATIONS RELATING TO ARBITRAGE ON NONPURPOSE OBLIGATIONS TO REFLECT SECTION 624 OF TRA OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(c)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103-15AT

Legal Deadline: None

Abstract: The regulations will provide rules relating to arbitrage on nonpurpose investments with respect to industrial development bonds. Rules will be the limitation on nonpurpose investments and the rebate requirement.

Timetable:

Action	Date	FR Cite
NPRM	01/07/85	50 FR 00837
NPRM Comment Period End	03/08/85	50 FR 00837
Final Action	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-192-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John Fischer (202) 566-3394.

Treasury attorney: Jim Lokey (202) 566-5453.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AH07

2396. TO PROVIDE REGULATIONS UNDER SECTION 103 (N) RELATING TO CARRYFORWARD ELECTIONS AND ELECTION TO ALLOCATE STATE CEILING TO FACILITIES FOR LOCAL FURNISHING OF ELECTRICITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 (n) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103 (n)-6; 26 CFR 1.103 (n)-7

Legal Deadline: None

Abstract: The regulations will clarify the rules relating to carryforward of unused private activity bond limit and extend the deadline for making such elections. The regulations will also provide rules relating to the election to allocate state ceiling to certain facilities for local furnishing of electricity.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	12/27/84	49 FR 50405
NPRM	12/28/84	49 FR 50405
Final Action	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-304-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Jim Lokey (202) 566-5453.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AG91

2397. TO PROVIDE REGULATIONS RELATING TO THE STATE VOLUME CAP ON PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 (n) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103-1T; 26 CFR 1.103-2T; 26 CFR 1.103-3T; 26 CFR 1.103-4T; 26 CFR 1.103-5T; 26 CFR 1.103-6T

Legal Deadline: None

Abstract: These regulations will provide rules relating to the limitation on the aggregate amount of private activity bonds. The regulations will define the terms private activity bond and state ceiling. The regulations will also provide rules for carrying forward any unused private activity bond limit.

Timetable:

Action	Date	FR Cite
NPRM	10/05/84	49 FR 39344
NPRM Comment Period End	12/04/84	49 FR 39344
Public hearing held	04/22/85	
Final Action	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-144-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Jim Lokey (202) 566-5453.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AH62

2398. INCOME TAX--CHANGES IN EXCLUSION FOR SICK PAY & CERTAIN MILITARY, ETCETERA, DISABILITY PENSIONS; CERTAIN DISABILITY INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 104(a) Internal Revenue Code of 1954; 26 USC 104(b) Internal Revenue Code of 1954; 26 USC 105(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would relate to annuities, unemployment compensation, compensation for injuries or sickness, amount received under accident or health plans, and contributions by employees to accident and health plans. Exclusions from income would be clarified.

Timetable:

Action	Date	FR Cite
NPRM	07/09/80	45 FR 46082
NPRM Comment Period End	09/08/80	45 FR 46082
Final Action	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-159-76.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington DC 20224, **202 566-3297**

RIN: 1545-AA66

2399. INCOME TAX--PREPAID LEGAL EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 120 Internal Revenue Code of 1954; 26 USC 501(c)(20) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to the establishment and operation of a qualified group legal services plan. Employer contributions to, and benefits provided under, a qualified plan are excluded from an employee's gross income.

Timetable:

Action	Date	FR Cite
NPRM	04/29/80	45 FR 28360
NPRM Comment Period End	06/30/80	45 FR 28360
Hearing 09/04/80	07/25/80	45 FR 49596
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-5-78.

Drafting attorney: Monice Rosenbaum (202) 566-3422.

Reviewing attorney: Jonathan P. Marget (202) 566-3651.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AD62

2400. INCOME TAX--TAX TREATMENT OF CAFETERIA PLANS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 125 Internal Revenue Code of 1954

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	04/11/85	
Final Action	12/00/86	

Small Entity: Not Applicable

Additional Information: EE-16-79.

Drafting attorney: Harry Beker (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AD63

2401. INCOME TAX-EXCLUSION FROM INCOME OF CERTAIN COST-SHARING PAYMENTS UNDER GOVERNMENT PROGRAMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 126 Internal Revenue Code of 1954; 26 USC 1255 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules on the exclusion from income of certain cost sharing payments and on the amount recaptured when the property improved with government payments 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 Entity: Not Applicable

Additional Information: LR-222-78.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Ewan D. Purkiss (202) 566-3238.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AA73

2402. INCOME TAX--PART I EXCLUSION FROM GROSS INCOME FOR CERTAIN FOSTER CARE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 131

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project will explain what foster child care payments may be excluded from the gross income of a foster parent.

Timetable:

Action	Date	FR Cite
NPRM	02/01/85	50 FR 4702
NPRM Comment Period End	04/02/85	50 FR 4702
Hearing held	06/25/85	
Final Action	12/00/86	

Small Entity: No

Additional Information: LR-83-83.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Tax Legislative Counsel attorney: Jeff Quinn (202) 566-2175.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AF52

2403. INCOME TAX--TO ADD PROVISIONS RELATING TO STATE LEGISLATORS' TRAVEL EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 162 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to state legislators who elect to deduct a set per diem in lieu of having to substantiate their actual travel expenses arising from their trade or business as a state legislator.

Timetable:

Action	Date	FR Cite
NPRM	08/09/83	48 FR 36137
Final Action	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-5-82.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lokey.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA78

2404. SANCTIONS ON ISSUERS AND HOLDERS OF REGISTRATION-REQUIRED OBLIGATIONS NOT IN REGISTERED FORM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 165 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The temporary regulations provide rules for determining whether an issuer may claim an interest deduction for interest paid on an obligation in bearer form, which is otherwise a registration required

obligation because the issuer satisfies the conditions set forth in section 163 (f) (2) (B). In addition, the temporary regulations provide rules which define the circumstances under which a United States person may hold a registration-required obligation in bearer form.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/22/84	
Hearing held	01/28/85	49 FR 47870
NPRM	08/20/85	50 FR 33552
NPRM Comment Period End	10/21/85	50 FR 33552
Final Action	08/31/86	

Small Entity: No

Additional Information: LR-151-83.

Drafting attorney: P. Ann Fisher (202) 566-3289.

Reviewing attorney: Carol Doran Klein (202) 566-3289.

Agency Contact: P. Ann Fisher or Carol Doran Klein, Attorney, Office of Chief Counsel, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AF63

2405. 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 1954; 26 USC 165 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules under section 108 of the Tax Reform Act of 1984, 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
Public hearing held	11/29/84	
Final Action	01/00/87	

Small Entity: Not Applicable

Additional Information: LR-147-84.

Drafting attorney: Timothy J. McKenna (202) 566-3287

Reviewing attorney: John Fischer (202) 566-3394.

Treasury attorney: Linda Carlisle (202) 566-4979.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AG57

2406. 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 new accelerated cost recovery scheme. This new 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
NPRM	02/16/84	49 FR 5940
NPRM Comment Period End	05/16/84	49 FR 5940
Hearing held	05/21/84	
Final Action	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-185-81.

Drafting attorney: Ada S. Rousso (202) 566-3287.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Neil Kimmelfield (202) 566-8527.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AA87

2407. INCOME TAX--RELATING TO TERMINAL RENTAL ADJUSTMENT CLAUSES IN CERTAIN MOTOR VEHICLE LEASES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168(f)(8) Internal Revenue Code of 1954; Tax Equity and Fiscal Responsibility Act of 1982, Section 210

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for determining whether certain motor vehicle agreements which contain terminal rental adjustment clauses are conditional sales agreements or lease agreements.

Timetable:

Action	Date	FR Cite
NPRM	11/23/82	47 FR 52729
NPRM Comment Period End	01/24/83	
Hearing	02/10/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-187-82.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AF32

2408. TAX-EXEMPT ENTITY LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These proposed regulations will provide rules relating to tax-exempt entity leasing and tax-exempt use property under section 168 (j) of the Internal Revenue Code of 1954.

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	
Final Action	12/01/86	

Small Entity: Not Applicable

Additional Information: LR-31-85.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John Tolleris (202) 566-3459.

Treasury attorney: Blake Rubin (202) 566-4902.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AH76

2409. DEDUCTIONS IN EXCESS OF $5,000 CLAIMED FOR CERTAIN CHARITABLE CONTRIBUTIONS OF PROPERTY AND INFORMATION REPORTING BY DONEES WHO MAKE CERTAIN DISPOSITIONS OF DONATED PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 170(a) (1) Internal Revenue Code of 1954; 26 USC 6050L Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to deductions for charitable contributions. The regulations provide that deductions for certain charitable contributions made by an individual, closely held corporations, personal service corporation, partnership, or S corporation shall not be allowed unless the donor obtains a qualified appraisal and attaches an appraisal summary to the donor's return on which the deduction is first claimed. Additionally, the regulations require the donee of certain charitable deduction property to make an information return.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50740
NPRM Comment Period End	03/01/85	49 FR 50740
Public hearing held	06/28/85	
Final Action	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-200-84.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AG86

2410. INCOME TAX--NET OPERATING LOSSES ATTRIBUTABLE TO PRODUCT LIABILITY LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 172 Internal Revenue Code of 1954; 26 USC 537(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide the necessary guidance with respect to product liability losses and accumulations for the payment of reasonably anticipated product liability losses. Product liability losses may be carried back ten years instead of three years.

Timetable:

Action	Date	FR Cite
Final Action Effective	09/30/79	
NPRM	03/25/83	48 FR 12557
NPRM Comment Period End	05/24/83	48 FR 12557
Final Action	12/15/86	

Small Entity: Not Applicable

Additional Information: LR-218-78.

Drafting attorney: John M. Coulter, Jr. (202) 566-4473.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: David Garlock (202) 566-8377.

Agency Contact: John M. Coulter, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4473

RIN: 1545-AA93

2411. INCOME TAX--NET OPERATING LOSSES FOR CERTAIN REAL ESTATE INVESTMENT TRUSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 172(b)(1)(E) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To provide guidance to Real Estate Investment Trusts with net operating loss carryovers. A net operating loss for a year in which the taxpayer was a REIT shall not be a net operating loss carryback to any taxable year preceding the taxable year of such loss, and shall be a net operating loss carryover to each of the 15 taxable years following the taxable year of such loss. In the case of any net operating loss for a taxable year which is not a REIT year, such loss shall not be carried back to any taxable year which is a REIT year.

Timetable:

Action	Date	FR Cite
NPRM	06/26/84	84 FR 16876
NPRM Comment Period End	08/26/84	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-26-81.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Quinn

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AA94

2412. INCOME TAX--ELECTION TO EXPENSE CERTAIN DEPRECIABLE ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 179 Internal Revenue Code of 1954; 26 USC 263 Internal

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Revenue Code of 1954; 26 USC 1033 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules relating to the election to expense certain depreciable business assets. The regulations determine the type of property to which section 179 applies. In addition, the regulations set forth the maximum amount of section 179 expense allowed and the procedures that must be followed in claiming the expense.

Timetable:

Action	Date	FR Cite
NPRM	09/25/85	50 FR 39018
NPRM Comment Period End	11/25/85	50 FR 39018
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-233-81.

Drafting attorney: Maurice B. Foley (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Thuronyi, Rollyson.

Agency Contact: Maurice B. Foley, Law Clerk, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545-AA95

2413. INDIVIDUAL RETIREMENT PLANS, SIMPLIFIED EMPLOYEE PENSIONS, AND QUALIFIED VOLUNTARY EMPLOYEE CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 219 Internal Revenue Code of 1954; 26 USC 408 Internal Revenue Code of 1954; 26 USC 409 Internal Revenue Code of 1954; 26 USC 415 Internal Revenue Code of 1954; 26 USC 2039 Internal Revenue Code of 1954; 26 USC 2517 Internal Revenue Code of 1954; 26 USC 6652 Internal Revenue Code of 1954

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
Final Action	12/00/86	

Small Entity: No

Additional Information: EE-148-81.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-4902.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD66

2414. INDIVIDUAL RETIREMENT PLANS AND SIMPLIFIED EMPLOYEE PENSIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 62 Internal Revenue Code of 1954; 26 USC 219 Internal Revenue Code of 1954; 26 USC 220 Internal Revenue Code of 1954; 26 USC 404(h) Internal Revenue Code of 1954; 26 USC 408 Internal Revenue Code of 1954; 26 USC 409 Internal Revenue Code of 1954; 26 USC 2503 Internal Revenue Code of 1954; 26 USC 3121 Internal Revenue Code of 1954; 26 USC 3306 Internal Revenue Code of 1954; 26 USC 4973 Internal Revenue Code of 1954; 26 USC 4974 Internal Revenue Code of 1954; 26 USC 6693 Internal Revenue Code of 1954

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
Final Action	12/00/86	

Small Entity: Not Applicable

Additional Information: EE-7-78.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-4902.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD59

2415. REGULATIONS UNDER SECTION 267 IRC TO REFLECT SECTION 174 OF THE TAX REFORM ACT OF 1984 RELATING TO LOSSES, EXPENSES, AND INTEREST IN TRANSACTIONS BETWEEN RELATED TAXPAYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 267 Internal Revenue Code of 1954; 26 USC 706 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation deals with changes in section 267 arising from section 174 of the Tax Reform Act of 1984. It deals with the matching of payor deductions and payee income items in the case of expenses and interest where the accrual method payor and the cash method payee are related persons. The regulation also deals with the deferral and restoration of loss on the sale or exchange 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 Period End	01/29/85	49 FR 47048
Final Action	12/31/86	

Small Entity: No

Additional Information: LR-183-84.

Drafting attorneys: Keith E. Stanley (202) 566-3458, John G. Schmalz and Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Mark B. Blumkin (202) 566-3463.

Treasury attorneys: Jim Lokey (202) 566-5453, Jane Sarosdy (202) 566-8275.

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Agency Contact: Keith E. Stanley, John G. Schmalz, Attorneys, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AG11

2416. INCOME TAX--PERSONAL SERVICE CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 269A Internal Revenue Code of 1954

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 Period End	05/31/83	48 FR 13438
Hearing	07/19/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-188-82.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AF11

2417. INCOME TAX--DEDUCTIBILITY OF GIFTS BY EMPLOYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 274(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would reflect the modification by the Economic Recovery Tax Act of 1981 of the third exception to the term "gift" (i.e., the exception within certain dollar limitations for awards of tangible personal property). The regulations would define the term "qualified plan award." The regulations would clarify the existing regulations under section 274 (b) of the Internal Revenue Code of 1954 by excluding from the term "tangible personal property" any award of cash, or of a gift certificate, or of a right to choose among 5 or more different items.

Timetable:

Action	Date	FR Cite
NPRM	12/16/82	47 FR 56367
NPRM Comment Period End	02/14/83	47 FR 56367
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-252-81.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB06

2418. INCOME TAX--DEDUCTIONS FOR EXPENSES ATTRIBUTABLE TO BUSINESS USE OF HOMES, RENTAL OF VACATION HOMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 280A Internal Revenue Code of 1954

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
NPRM	07/21/83	48 FR 33326
NPRM Comment Period End	09/21/83	
Hearing	10/04/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-261-76.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: Sharon Galm (202) 566-9050.

Office of Tax Legislative Counsel reviewing attorney: Yecies.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB09

2419. LIMITATIONS ON AMOUNT OF DEPRECIATION AND INVESTMENT TAX CREDIT FOR LUXURY AUTOMOBILES AND CERTAIN OTHER PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 280F Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will clarify the rules limiting the investment tax credit and cost recovery deductions allowable with respect to passenger automobiles and certain other "listed property." The regulations will also provide rules relating to the substantiation requirements for "listed property" under section 274 (d) (4).

Timetable:

Action	Date	FR Cite
NPRM	10/24/84	49 FR 42743
NPRM Comment Period End	12/24/84	49 FR 42743
Hearing held	04/16/85	50 FR 7973
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-145-84.

Drafting attorney: Michel A. Daze (202) 566-6456.

Reviewing attorney: Sharon Galm (202) 566-3930.

Treasury attorney: Jeff Quinn (202) 566-2175.

Agency Contact: Michel Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6456

RIN: 1545-AG99

2420. INCOME TAX--DISTRIBUTION IN REDEMPTION OF STOCK TO PAY DEATH TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 303 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules for treating distributions in redemption of stock to pay death taxes to be treated as a distribution in full payment in exchange for the stock. The regulations provide rules with respect to stock that is redeemed from a shareholder whose interest in the estate is reduced by any payment of the death taxes or funeral and administrative expenses of the estate.

Timetable:

Action	Date	FR Cite
NPRM	08/22/84	49 FR 33277
NPRM Comment Period End	10/22/84	49 FR 33277
Final Action	09/00/86	

Small Entity: Not Applicable

Additional Information: LR-124-76.

Drafting attorney: Maurice B. Foley (202) 566-3287.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Treasury attorney: Victor Thuronyi (202) 566-2566.

Agency Contact: Maurice B. Foley, Law Clerk, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545-AB13

2421. INCOME TAX--DIVIDEND REINVESTMENT IN STOCK OF PUBLIC UTILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 305 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Notice would define and interpret when a qualified public utility may set up a qualified dividend reinvestment plan so that its shareholders may elect to receive qualified common stock and exclude a certain portion from income. Changes to the applicable law were made by the Economic Tax Recovery Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	48 FR 30146
NPRM Comment Period End	08/29/83	48 FR 30146
Hearing	10/05/83	
Final Action	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-241-81.

Drafting attorney: Michel A. Daze (202) 566-6456.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Carlisle.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-6456**

RIN: 1545-AB14

2422. INCOME TAX--SIMULTANEOUS LIQUIDATION OF A PARENT AND SUBSIDIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 337 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to the nonrecognition treatment following the sale of assets of a subsidiary corporation provided that the subsidiary and certain other corporations in its affiliated group liquidate within a 12-month period.

Timetable:

Action	Date	FR Cite
NPRM	01/10/84	49 FR 1225
NPRM Comment Period End	03/10/84	
Final Action	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-130-76.

Drafting attorney: Michel A. Daze (202) 566-6456.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Elfman.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6456**

RIN: 1545-AB18

2423. 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 1954; 26 USC 338 Internal Revenue Code of 1954; 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 Period End	11/05/84	
Final Action	12/01/86	

Small Entity: Not Applicable

Additional Information: LR-26-83.

Drafting attorney: Duane H. Pellervo (202) 566-3458.

Reviewing attorney: Mark Blumkin (202) 566-3463.

Treasury attorney: Thomas F. Wessel (202) 535-6963.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AF38

2424. TEMPORARY REGULATIONS--APPLICATION OF SECTION 338 TO STOCK AND ASSET ACQUISITIONS IN THE INTERNATIONAL CONTEXT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to section 338 as it applies to stock and asset acquisitions in the international context.

Timetable:

Action	Date	FR Cite
Final Action	04/15/86	

Small Entity: Not Applicable

Additional Information: LR-32-85.

Drafting attorney: Duane H. Pellervo (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Steve Shay (202) 566-5992.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AH87

2425. QUESTIONS AND ANSWERS RELATING TO DOMESTIC MATTERS UNDER SECTION 338 OF THE INTERNAL REVENUE CODE OF 1954 - CROSS REFERENCE TO THE TEMPORARY REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954

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	04/25/85	50 FR 16430
Final Action	12/01/86	

Small Entity: Not Applicable

Additional Information: LR 33-85.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Thomas F. Wessel (202) 535-6963.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AH88

2426. ● DEEMED SALE PRICE WHEN CERTAIN STOCK PURCHASES ARE TREATED AS ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Temporary regulations to 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
Final Action	03/01/86	

Small Entity: Not Applicable

Additional Information: LR-122-85.

Drafting attorney: Patricia Wendlandt (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Office of Tax Legislative Counsel reviewing attorney: Thomas Wessel.

Agency Contact: Patricia Wendlandt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AI25

2427. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 341, RELATING TO COLLAPSIBLE CORPORATIONS, TO REFLECT THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 341 (d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These changes to the regulations will amend the definition of a collapsible corporation and will provide rules for the aggregation of certain types of property for purposes of limiting the application of section 341 to certain corporations.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34523
NPRM Comment Period End	10/30/84	49 FR 34523
Final Action	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-107-84.

Drafting attorney: Michel A. Daze (202) 566-6456.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Neil Kimmelfield (202) 535-6968.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-6456

RIN: 1545-AG33

2428. INCOME TAX--DISTRIBUTION OF STOCK AND SECURITIES OF A CONTROLLED CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 355 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposal relates to the income tax treatment of the distribution of stock and securities of a controlled corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/21/77	42 FR 3866
NPRM Comment Period End	03/22/77	42 FR 3866
Final Action	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-936.

Drafting attorney: Charles W. Culmer (202) 566-4336.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Charles W. Culmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AB20

2429. INCOME TAX--TRIANGULAR REORGANIZATIONS, BASIS AND OTHER CONSEQUENCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 368 Internal Revenue Code of 1954

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
NPRM Comment Period End	03/03/81	46 FR 112
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-1993-71.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Evans.

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AB21

2430. INCOME TAX--TREATMENT OF EXCHANGES DESCRIBED IN SECTION 367 (B)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 367(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide the conditions necessary to prevent the avoidance of Federal income taxes on transfers described in section 367 (b).

Timetable:

Action	Date	FR Cite
NPRM	12/30/77	42 FR 65152
NPRM Comment Period End	03/01/78	42 FR 65152
Notice amended	10/02/79	44 FR 57390
Notice amended	12/27/82	47 FR 57502
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-2-78.

Drafting attorney: Unassigned.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorneys: Wold, Granwell.

In Office of Chief Counsel (Legislation and Regulations Division) for preparation of Treasury decision.

Agency Contact: Unassigned, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AB26

2431. ● INCOME TAX--PART 1--TEMPORARY-WHETHER EARNINGS AND PROFITS SHOULD BE ALLOCATED TO AN ACQUIRING CFC FROM AN ACQUIRED CFC FOLLOWING A NON-RECOGNITION TRANSACTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 367(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Should earnings and profits be allocated to an acquiring CFC from an acquired CFC following a transaction which qualified for non-recognition treatment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/86	

Small Entity: Not Applicable

Additional Information: LR-128-85.

Drafting attorney: Carol Doran Klein (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorney: unassigned.

In Legislation and Regulations Division for preparation of preliminary draft.

Agency Contact: Carol Doran Klein, Assistant Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, 202 **566-3289**

RIN: 1545-AI32

2432. INCOME TAX--EXCHANGE FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 368(a)(2)(F) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to reorganizations of undiversified investment companies.

Timetable:

Action	Date	FR Cite
NPRM	01/07/81	46 FR 1744
NPRM Comment Period End	03/08/81	46 FR 1744
Final Action	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-135-76.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AB31

2433. INCOME TAX--TEMPORARY REGULATIONS--REORGANIZATIONS INVOLVING FINANCIALLY TROUBLED THRIFT INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 368 Internal Revenue Code of 1954; 26 USC 382 Internal Revenue Code of 1954; 26 USC 381 Internal Revenue Code of 1954; 26 USC 597 Internal Revenue Code of 1954

CFR Citation: 26 CFR 5c

Legal Deadline: None

Abstract: Provision would provide temporary regulations dealing with

reorganizations of financially troubled thrift institutions and with the tax consequences of financial assistance payments made to such an institution by a supervisory governmental agency, thereby giving the public needed guidance on how the Internal Revenue Service intends to interpret these issues.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/01/86	

Small Entity: Not Applicable

Additional Information: LR-230-81.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Quinn.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545-AB28

2434. ● NOTICE, ELECTION, AND CONSENT RULES UNDER THE RETIREMENT EQUITY ACT OF 1984

Significance: Regulatory Program

Legal Authority: 26 USC 7805

CFR Citation: 26 CFR 401; 26 CFR 402; 26 CFR 417

Legal Deadline: None

Abstract: These regulations provide rules relating to the notice, election and consent rules enacted by the Retirement Equity Act of 1984. The regulations will generally affect sponsors of, and participants in pension, profit-sharing, and stock bonus plans, and provide plan sponsors with guidance necessary to comply with the law.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29436
Temporary T.D.	07/19/85	50 FR 29376
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-35-85

Drafting Attorney: Nancy J. Marks (202) 566-3903.

Reviewing Attorney: William D. Gibbs (202) 566-3903.

Treasury Attorney: Harry Conaway (202) 566-4902.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, **202 566-3903**

RIN: 1545-AH71

2435. NOTICE, ELECTION, AND CONSENT RULES UNDER THE RETIREMENT EQUITY ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: The regulations would provide rules relating to notices, elections and consents required under the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29436
NPRM Comment Period End	09/17/85	50 FR 29436
Learning	12/09/85	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-35-85.

Drafting attorney: Nancy J. Marks (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

This is included in the Regulatory Program of the United States under overall RIN 1545-AH71.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AH80

2436. INCOME TAX--REFUND OF MISTAKEN CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 401(a)(2) Internal Revenue Code of 1954

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	12/31/86	

Small Entity: Not Applicable

Additional Information: EE-133-80.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD68

2437. CERTAIN CASH OR DEFERRED ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Act of 1954; 26 USC 401(k) Internal Revenue Act of 1954; 26 USC 402(a)(8) Internal Revenue Act of 1954; PL 95-600, Sec 135 Revenue Act of 1978

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulation will provide definitions and interpretations governing qualified cash or deferred arrangements described in section 401(k) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	11/10/81	46 FR 55544
NPRM Comment Period End	02/15/82	47 FR 00988
Notice of Hearing	02/24/82	47 FR 08028
Hearing	04/20/82	
Final Action	12/00/86	

Small Entity: Not Applicable

Additional Information: EE-169-78.

Drafting attorney: William D. Gibbs (202) 566-3430.

TREAS—IRS **Final Rule Stage**

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-4902

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AD72

2438. INCOME TAX--TREATMENT OF CERTAIN LUMP SUM DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 402(a)(2) Internal Revenue Code of 1954; 26 USC 402(e) Internal Revenue Code of 1954; 26 USC 403(a)(2)(A)(iii) Internal Revenue Code of 1954; 26 USC 411(d)(1) Internal Revenue Code of 1954; PL 93-406, Sec 2005 Employee Retirement Income Security Act; PL 94-455, Sec 1512 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide definitions and other guidance relating to income tax treatment of certain distributions from qualified employee plans.

Timetable:

Action	Date	FR Cite
NPRM	04/30/75	40 FR 18798
Corrected Notice of Proposed Rule	05/23/75	40 FR 22548
NPRM Comment Period End	06/16/75	40 FR 18798
Notice of Hearing	07/03/75	40 FR 28102
Hearing	08/12/75	
Additional Notice of Proposed Rule	05/31/79	44 FR 31228
Comment Period until	07/30/79	44 FR 31228
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-14-78.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AD73

2439. INCOME TAX--TAXABILITY OF BENEFICIARY UNDER ANNUITY PURCHASE BY SEC. 501(C) ORGANIZATION OR PUBLIC SCHOOL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 403(b)(7) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide guidance on employer contributions of funds, on behalf of employees, to regulated investment company stock (mutual funds). Employer contributions and the earnings on those contributions are exempt from income tax.

Timetable:

Action	Date	FR Cite
NPRM	02/10/78	43 FR 5852
NPRM Comment Period End	04/04/78	43 FR 5852
Partial Revised Notice	12/30/80	45 FR 85786
Hearing	06/04/81	46 FR 17229
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-17-78.

Drafting attorney: Harry Beker (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AD75

2440. INCOME TAX--DEDUCTION OF EMPLOYER LIABILITY PAYMENTS, NOTICE OF REORGANIZATION AND FUNDING REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(g) Internal Revenue Code of 1954; 26 USC 418A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide guidance to employers on when they may deduct employer liability payments paid under section 4062, 4063, or 4064, or part 1 of subtitle E of title IV of the Employee Retirement Income Security Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	05/20/85	50 FR 20800
NPRM Comment Period End	07/19/85	50 FR 20800
Final Action	07/00/86	

Small Entity: Not Applicable

Additional Information: EE-130-80.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AD80

2441. INCOME TAX--DEDUCTION FOR CERTAIN FOREIGN DEFERRED COMPENSATION PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404A Internal Revenue Code of 1954

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 accumulated profits) with respect to certain foreign deferred compensation plans.

Timetable:

Action	Date	FR Cite
NPRM	04/08/85	50 FR 13821
NPRM Comment Period End	06/07/85	50 FR 13821
Hearing	09/20/85	
Final Action	12/31/86	

Small Entity: Not Applicable

Additional Information: EE-14-81.

Drafting attorney: Calder L. Robertson, Jr. (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of International Tax Counsel (Treasury) reviewing attorney: Jane Sarosdy (202) 566-8275.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD81

2442. ANNUAL INFORMATION REPORTS BY TRUSTEES AND ISSUERS OF INDIVIDUAL RETIREMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 408 Internal Revenue Code of 1954; 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 period.

Timetable:

Action	Date	FR Cite
NPRM	11/16/84	49 FR 45450
NPRM Comment Period End	01/15/85	49 FR 45450
Final Action	12/00/86	

Small Entity: Not Applicable

Additional Information: EE-65-83.

Drafting attorney: Philip R. Bosco (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-4902.

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AF83

2443. RESTRICTIONS ON CASH-OUTS UNDER THE RETIREMENT EQUITY ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.411(a) (11)-1T; 26 CFR 1.417(e)-1T

Legal Deadline: None

Abstract: The regulations will provide rules governing cash-outs of accrued benefits in excess of $3,500.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29436
NPRM Comment Period End	09/17/85	50 FR 29436
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-3-85

Drafting attorney: Nan Marks (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel reviewing attorney: Harry J. Conaway.

This is included in the Regulatory Program of the United States under overall RIN 1545-AH71.

Agency Contact: Nan Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AH01

2444. INCOME TAX--COORDINATION OF VESTING AND NONDISCRIMINATION REQUIREMENTS FOR QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 411(d)(1) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project was developed to prescribe rules for determining if the vesting schedule of a qualified plan discriminates in favor of employees who are officers, shareholders, or highly compensated.

Timetable:

Action	Date	FR Cite
NPRM	04/09/80	45 FR 24201
Partial Revised Notice	06/12/80	45 FR 39869
Hearing	07/10/80	45 FR 29308
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-164-78.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD83

2445. INCOME TAX--EXCISE TAX REGULATIONS--FUNDING FOR QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 412 Internal Revenue Code of 1954; 26 USC 413(b) Internal Revenue Code of 1954; PL 93-406, Sec 1013

CFR Citation: 26 CFR 1; 26 CFR 54

Legal Deadline: None

Abstract: The regulations would provide guidance relating to the minimum funding requirements for employee pension benefit plans, and to excise taxes for failure to meet the minimum funding standards.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54093
NPRM Comment Period End	01/31/83	47 FR 54093
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-99-78.

Reviewing attorney: George B. Baker (202) 566-3422.

Reviewing attorney: Jonathan P. Marget (202) 566-3651.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: George B. Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AD84

2446. INCOME TAX--DEFINITIONS & SPECIAL RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 414(b) Internal Revenue Code of 1954; 26 USC 414(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations relate to the definition of controlled groups of corporations and businesses under common control for purposes of certain provisions of the Employee Retirement Income Security Act of 1974 and pension related provisions of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	11/05/75	40 FR 51467
NPRM Comment Period End	01/04/76	40 FR 51467
Final Action	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-209-74.

Drafting attorney: Michel A. Daze (202) 566-6456.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Conaway.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6456

RIN: 1545-AB35

2447. INCOME TAX--EMPLOYEES OF AN AFFILIATED SERVICE GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 414(m) Internal Revenue Code of 1954

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 Period End	04/29/83	
Final Action	12/00/86	

Small Entity: Not Applicable

Additional Information: EE-3-81.

Drafting attorney: Philip R. Bosco (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-4902.

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AD90

2448. INCOME TAX--CREATION & TREATMENT OF INCENTIVE STOCK OPTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 422A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance for taxpayers who either grant or receive incentive stock options. The grant of an incentive stock option to an employee by an employer will not be a taxable event. At the time such option is exercised by the employee no amount of the spread between the fair market value of the stock at exercise and the option price will be included in the employee's gross income. When the stock acquired through the exercise of the option is sold, the entire gain will be treated as capital gain and not ordinary income if certain holding period and employment relationship requirements are met.

Timetable:

Action	Date	FR Cite
NPRM	02/07/84	49 FR 4504
NPRM Comment Period End	04/09/84	49 FR 4504
Public Hearing Held	06/21/84	49 FR 17040
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-279-81.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Treasury attorney: Fairlea Sheehy (202) 566-2565.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB36

2449. INCOME TAX--GENERAL RULES RELATING TO INSTALLMENT SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 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 Period End	04/06/81	46 FR 10749
Hearing	10/01/81	46 FR 40774
Final Action	12/31/86	

Small Entity: Yes

Additional Information: LR-173-80.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: John Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB42

TREAS—IRS

Final Rule Stage

2450. INCOME TAX--INSTALLMENT OBLIGATIONS RECEIVED FROM A LIQUIDATING CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

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.

Timetable:

Action	Date	FR Cite
NPRM	01/13/84	49 FR 1742
NPRM Comment Period End	03/16/84	49 FR 1742
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-184-80.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB43

2451. 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 1954; 26 USC 453 Internal Revenue Code of 1954

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 is not generally recognized.

Timetable:

Action	Date	FR Cite
NPRM	05/03/84	49 FR 18866
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-186-80.

Drafting attorney: Paulette Chernyshev 202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB44

2452. INCOME TAX REGULATIONS--PART 1. INSTALLMENT SALE BY DEALERS IN PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules relating to sales by dealers of personal property on the installment plan.

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	

Small Entity: No

Additional Information: LR-141-83.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AF71

2453. 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 1954; 26 USC 458 Internal Revenue Code of 1954

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
Final Action	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-195-78.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB48

2454. TEMPORARY INCOME TAX REGULATIONS--THE ECONOMIC PERFORMANCE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 461 (h) Internal Revenue Code of 1954

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
Interim Final Rule	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-257-84.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AH33

2455. TEMPORARY INCOME TAX REGULATIONS--TAXABLE YEAR OF DEDUCTION FOR AMOUNTS PAID BY CASH METHOD TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 461(i) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the taxable year of deduction for amounts paid by cash method tax shelters. The regulations will provide guidance with respect to the definition of a tax shelter, the time when economic performance occurs and the calculation of cash basis.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-161-84.

Drafting attorneys: C. Scott McLeod/Sharon L. Hall (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH31

2456. INCOME TAXES--ELECTION FOR ACCRUED VACATION PAY UNDER TRANSITIONAL RULE PROVIDED IN SECTION 91(I) OF THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 463

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules relating to the election for accrued vacation pay under the transitional rule provided in section 91 (i) of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/30/86	

Small Entity: Not Applicable

Additional Information: LR-255-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3828.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AH16

2457. INCOME TAX--LIMITATION ON DEDUCTIONS IN CASE OF FARMING SYNDICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 464 Internal Revenue Code of 1954; 26 USC 278(b) Internal Revenue Code of 1954

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, etcetera, 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	
Final Action	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-144-76.

Drafting attorney: Ewan D. Purkiss (202) 566-3238.

Reviewing attorney: Cynthia C. Clark (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thuronyi.

Agency Contact: Ewan D. Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB51

2458. INCOME TAX--DETERMINATION OF AMOUNTS AT RISK WITH RESPECT TO CERTAIN ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 465 Internal Revenue Code of 1954; Section 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	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-168-76.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AB52

2459. ● AGGREGATION OF CERTAIN ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 465 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

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
Interim Final Rule	04/15/86	

Small Entity: Not Applicable

Additional Information: LR-155-85.

Drafting Attorney: Alice M. Bennett (202) 566-3238.

Reviewing Attorney: John H. Parcell (202) 566-3336.

Treasury Attorney: Rick D'Avino (202) 566-4979.

Agency Contact: Alice M. Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AI41

2460. TEMPORARY INCOME TAX REGULATIONS-DEFERRED PAYMENTS FOR USE OF PROPERTY OR SERVICES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 467 Internal Revenue Code of 1954

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 deferred. Certain tax avoidance transactions will be deferred. Rules will be provided for the recapture of prior understated inclusions. Comparable rules for services will be provided.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-292-84.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Jeffrey Quinn (202) 566-2175.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG81

2461. TEMPORARY INCOME TAX REGULATION--SPECIAL RULES RELATING TO NUCLEAR DECOMMISSIONING COSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 468A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the treatment of nuclear power plant decommissioning costs. The regulations will provide guidance with respect to the manner of making the election, the determination of the amount to be deducted and the qualification requirements for the nuclear decommissioning fund.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-228-84.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH08

2462. INCOME TAX--THREE-YEAR AVERAGING FOR INCREASES IN INVENTORY VALUE WHEN ELECTING LIFO METHOD OF ACCOUNTING; VALUE WHEN ELECTING LIFO METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 472(d) Internal Revenue Code of 1954

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	02/10/83	48 FR 6134
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-254-81.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Eric Elfman (202) 566-8527.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB55

2463. 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 1954; 26 USC 501(c)(12) Internal Revenue Code of 1954

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. In addition, the regulations would solicit comments from the public regarding how to compute costs of goods sold.

Timetable:

Action	Date	FR Cite
NPRM	01/10/84	49 FR 1244
NPRM Comment Period End	03/12/84	49 FR 1244
Final Action	04/01/86	

Small Entity: Not Applicable

Additional Information: EE-17-81.

Drafting attorney: Roberto E. Rivera (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Jewett, McCarty.

TREAS—IRS **Final Rule Stage**

Agency Contact: Roberto E. Rivera, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD99

2464. INCOME TAX--SOCIAL CLUBS UNRELATED BUSINESS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 512(a)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules for determining the unrelated business taxable income of certain organizations exempt from taxation under sections 501 (c) (7) and (c) (9) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	05/13/71	36 FR 8808
NPRM Comment Period End	06/14/71	36 FR 8808
Hearing	08/31/71	36 FR 13034
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-105-83.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Michael A. Thrasher.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AB59

2465. INCOME TAX--HOSPITAL SERVICES NOT TO CONSTITUTE AN UNRELATED TRADE OR BUSINESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 513(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules relating to the circumstances under which services provided by a tax-exempt hospital to other such hospitals will not be treated as an unrelated trade or business.

Timetable:

Action	Date	FR Cite
NPRM	12/13/82	47 FR 55696
NPRM Comment Period End	02/08/83	47 FR 55696
Final Action	12/31/86	

Small Entity: Not Applicable

Additional Information: EE-46-78.

Drafting attorney: Calder L. Robertson, Jr. (202) 566-3544.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Tom Evans (203) 535-6968.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AE05

2466. INCOME TAX--LIMITATION ON ADDITIONS TO BANK LOSS RESERVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 585 Internal Revenue Code of 1954; 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	06/00/86	

Small Entity: No

Additional Information: LR-152-79.

Drafting attorney: Ada S. Rousso (202) 566-3287.

Reviewing attorney: Susan Thompson Baker (202) 566-3294.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AB66

2467. INCOME TAX--SUPPLEMENTARY RULES ON LIMITATIONS ON PERCENTAGE DEPLETION FOR OIL & GAS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 613(A) Internal Revenue Code of 1954; 26 USC 703(a) Internal Revenue Code of 1954; 26 USC 705(a) Internal Revenue Code of 1954

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	05/13/77	42 FR 24279
Hearing	08/31/78	
Final Action	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-105-75.

Drafting attorney: Walter H. Woo (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Walter H. Woo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB73

2468. INCOME TAX--TO CONFORM TO SEC 3 OF THE ACT OF 12/28/80

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 613A(c)(10) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide guidance to taxpayers using the section 613A(c)(10) exception to the transfer rules under section 613A(c)(9). In general section 613A(c)(9) disallows percentage depletion to the transferee of proven oil or gas property. Section 613A(c)(10) relates to the transfer of qualified property by an individual to a qualified transferee corporation solely in exchange for stock.

TREAS—IRS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/03/84	49 FR 39076
NPRM Comment Period End	12/03/84	49 FR 39076
Hearing	03/15/85	
Final Action	07/31/86	

Small Entity: Not Applicable

Additional Information: LR-35-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB74

2469. INCOME TAX--DISALLOWANCE OF CERTAIN ITEMS AS DEDUCTIONS FOR ESTATE AND INCOME TAX PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 642(g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide that section 2053 and 2054 deductions are not allowed in computing the taxable income of the estate or any other person or as an offset against sales of property unless a waiver is filed stating that on the estate tax return these deductions were not claimed.

Timetable:

Action	Date	FR Cite
NPRM	02/08/83	48 FR 5762
NPRM Comment Period End	04/11/83	48 FR 5762
Final Action	06/00/87	

Small Entity: Not Applicable

Additional Information: LR-183-76.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury, reviewing attorney: Garlock.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AB75

2470. TEMPORARY REGULATIONS RELATING TO THE MORTALITY AND MORBIDITY TABLES TO BE USED FOR INSURANCE PRODUCTS FOR WHICH THERE ARE NO APPLICABLE COMMISSIONER'S TABLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 807(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Legal Deadline: None

Abstract: This project will provide rules relating to the mortality and morbidity tables to be used in computing reserves for life insurance contracts for which there are no applicable Commissioner's standard tables.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-50-85.

Drafting attorney: Sharon Hall (202) 566-3828.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Sharon Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH98

2471. TREATMENT OF GRADED PREMIUM POLICIES UNDER THE APPROXIMATE REVALUATION METHOD OF RECOMPUTING RESERVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 818(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to the treatment by life insurance companies of graded premium policies for purposes of recomputing life insurance reserves under the approximate revaluation method.

Timetable:

Action	Date	FR Cite
NPRM	11/08/83	48 FR 51331
NPRM Comment Period End	01/09/84	48 FR 51331
Final Action	04/15/86	

Small Entity: Not Applicable

Additional Information: LR-276-82.

Drafting attorney: Alice Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Donald Rocap (202) 566-2926.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF03

2472. INCOME TAX--TO CLARIFY THE TREATMENT OF CERTAIN AMOUNTS REFUNDED IN REINSURANCE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 809 Internal Revenue Code of 1954; 26 USC 820 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The rules will clarify the treatment of certain amounts refunded in reinsurance transaction, and provide rules with respect to the allocation of certain items in modified coinsurance contracts for purposes of an election under section 820. These regulations would affect life insurance companies that enter into coinsurance and modified coinsurance transactions.

Timetable:

Action	Date	FR Cite
NPRM	03/19/82	47 FR 11882
NPRM Comment Period End	05/18/82	47 FR 11882
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-276-81.

Drafting attorney: Alice Bennett (202)566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Garlock.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB86

2473. SOURCE OF INTEREST AND DIVIDENDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 861 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would treat interest and dividends paid by a domestic corporation having substantial gross income from certain possessions of the United States as income from sources within the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/29/82	47 FR 57972
NPRM Comment Period End	02/28/83	47 FR 57972
Hearing	05/24/83	48 FR 11465
Final Action	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-296-82.

Drafting attorney: Richard Chewning (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel reviewing attorney: Steve Shay.

Notice of Proposed rulemaking published. Hearing held.

In Legislation and Regulations Division for preparation of Treasury decision.

Agency Contact: Richard Chewning, Attorney - Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AF15

2474. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SEC. 1.861-8 TO PROVIDE FOR THE ALLOCATION AND APPORTIONMENT OF PARTNERSHIP EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue of Code 1954; 26 USC 861 Internal Revenue of Code 1954; 26 USC 882 Internal Revenue of Code 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will indicate whether partnership expenses are to be allocated and apportioned under Sec. 1.861-8 of the partnership level or at the partner level.

Timetable:

Action	Date	FR Cite
NPRM	05/29/84	49 FR 22344
NPRM Comment Period End	07/30/84	
Final Action	12/00/86	

Small Entity: No

Additional Information: LR-101-83.

Drafting attorney: Marnie J. Carro (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Agency Contact: Marnie J. Carro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AF57

2475. INCOME TAX--ORIGINAL ISSUE DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 871 Internal Revenue Code of 1954; 26 USC 881 Internal Revenue Code of 1954; 26 USC 1441 Internal Revenue Code of 1954; 26 USC 1442 Internal Revenue Code of 1954; 26 USC 3401 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31

Legal Deadline: None

Abstract: The regulations would provide rules with respect to the taxation of original issue discount on bonds and obligations held by nonresident alien individuals and foreign corporations. The regulations would also provide guidance to withholding agents for withholding tax on original issue discount on such bonds and obligations.

Timetable:

Action	Date	FR Cite
NPRM	07/12/76	41 FR 28517
NPRM Comment Period End	09/09/76	41 FR 28517
Hearing	11/18/76	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-2043.

Drafting attorney: Unassigned.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorneys: Shay, Lainoff.

Agency Contact: Unassigned, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3289

RIN: 1545-AB93

2476. EMPLOYMENT TAXES: APPLICATION OF THE REPEAL OF 30% WITHHOLDING BY THE TAX REFORM ACT OF 1984 AND OF INFORMATION REPORTING AND BACKUP WITHHOLDING IN LIGHT OF SUCH REPEAL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 871 Internal Revenue Code of 1954; 26 USC 881 Internal Revenue Code of 1954; 26 USC 1441 Internal Revenue Code of 1954; 26 USC 1442 Internal Revenue Code of 1954; 26 USC 3406 Internal Revenue Code of 1954; 26 USC 6041 Internal Revenue Code of 1954; 26 USC 6045 Internal Revenue Code of 1954; 26 USC 6049 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules relating to the repeal of 30 percent withholding by the Tax Reform Act of 1984 and to the application of information reporting and backup withholding in light of such repeal.

Timetable:

Action	Date	FR Cite
Hearing held	01/28/85	49 FR 47870
NPRM	08/20/85	50 FR 33552
NPRM Comment Period End	10/22/85	50 FR 33552
Final Action	12/31/86	

Small Entity: No

Additional Information: LR-179-84.

Drafting attorney: P. Ann Fisher (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: P. Ann Fisher, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, 202 566-3289

RIN: 1545-AH15

2477. TEMPORARY INCOME TAX REGULATIONS UNDER SECTIONS 163 RELATING TO REGISTRATION-REQUIRED OBLIGATIONS AND UNDER SECTIONS 871 AND 881 RELATING TO THE PARTIAL REPEAL OF 30 PERCENT WITHHOLDING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 871 Internal Revenue Code of 1954; 26 USC 881 Internal Revenue Code of 1954; 26 USC 1441 Internal Revenue Code of 1954; 26 USC 1442 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 35a

Legal Deadline: None

Abstract: These regulations provide rules as to the application of the TEFRA registration requirements and the issuer sanctions under sections 163 (f)(1) and 4701 to certificates of interest in certain pooled funds and pooled trusts. These regulations also provide revised rules on the requirement of a certification of beneficial non-United States ownership of a foreign-targeted registered obligation. Further, these regulations change the effective date provisions and the place of payment provision in the temporary regulations under section 163 (f)(2)(B).

Timetable:

Action	Date	FR Cite
NPRM	08/15/85	
Interim Final Rule	08/20/85	50 FR 33522
NPRM Comment Period End	10/15/85	
Final Action	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-49-85.

Drafting attorney: P. Ann Fisher (202) 566-3289.

Reviewing attorneys: Charles C. Saverude (202) 566-3323 and Carol Doran Klein (202) 566-3289.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: P. Ann Fisher, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AH90

2478. INCOME TAX--RECAPTURE OF OVERALL FOREIGN LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 904(f) Internal Revenue Code of 1954; PL 97-248, Sec 211

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules for determining the amount of and recapturing overall foreign losses. An overall foreign loss under any one of the separate limitations on the foreign tax credit may offset the taxpayer's United States tax on United States source income in the year of the loss. The recapture rules provide that a portion of the taxpayer's foreign taxable income under the same limitation in subsequent years is to be recharacterized as United States source income, thereby reducing the taxpayer's foreign tax credit and preventing a double tax benefit from the loss.

Timetable:

Action	Date	FR Cite
NPRM	01/24/86	51 FR 3193
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-3-77.

Drafting attorney: Nerman D. Hubbard (202) 566-3289.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Office of International Tax Counsel (Treasury) reviewing attorneys: Silver, Lainoff.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AC05

2479. INCOME TAX--TEMPORARY REGULATIONS--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 1954; 26 USC 905(c) Internal Revenue Code of 1954; 26 USC 6689 Internal Revenue Code of 1954

CFR Citation: 26 CFR 4

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
Interim Final Rule	12/00/86	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-118-82.

Drafting attorney: Carol Doran Klein (202) 566-3289.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Office of International Tax Counsel (Treasury) reviewing attorney: Shay

Draft of the Treasury decision to International Tax Counsel, on October 19, 1982.

Agency Contact: Carol Doran Klein, Assistant Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, 202 566-3289

RIN: 1545-AC09

2480. FSC GENERAL RULES, REQUIREMENTS, DEFINITIONS, AND SPECIAL RULES

Significance: Regulatory Program

TREAS—IRS

Final Rule Stage

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 921 Internal Revenue Code of 1954; 26 USC 922 Internal Revenue Code of 1954; 29 USC 927 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide general rules regarding the requirements that a corporation must meet to be a foreign sales corporation (FSC) (or small FSC) and tax treatment of a FSC (or a small FSC) and specific rules regarding the requirements for FSC or small FSC status, the methods of elections and terminating FSC status, and the definition of and computation of carrying charges on sales of property by an FSC.

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48322
NPRM Comment Period End	02/11/85	49 FR 48322
Hearing held	05/13/85	
Final Action	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-167-84.

Drafting attorney: Richard Chewning (202) 566-3289.

Reviewing attorney: Jack Feldman (202) 566-3289.

Treasury attorney: J. Sarosdy (202) 566-5911.

Agency Contact: Richard Chewning, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AG67

2481. INCOME TAX REGULATIONS RELATING TO FOREIGN MANAGEMENT AND FOREIGN ECONOMIC PROCESSES REQUIREMENTS OF A FOREIGN SALES CORPORATION

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 924(d) (4) Internal Revenue Code of 1954; 26 USC 925(b) Internal Revenue Code of 1954; 26 USC 927(d) (2) (B) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules for determining whether a FSC shall be treated as having foreign trading gross receipts by complying with the requirement that certain management activities of the FSC take place outside the United States, and rules for determining whether a transaction is treated as producing foreign trading gross receipts because certain sales activities and activities relating to the disposition of export property are performed by the FSC outside the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48321
NPRM Comment Period End	02/11/85	49 FR 48321
Final Action	05/00/86	

Small Entity: Not Applicable

Additional Information: LR-134-84.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3289.

Reviewing attorney: Jack Feldman (202) 566-3289.

Treasury attorneys: Jane Sarosdy and Stephen Shay.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AH10

2482. ● TEMPORARY REGULATIONS RELATING TO FSC TRANSFER PRICING RULES, DISTRIBUTIONS, DIVIDENDS RECEIVED DEDUCTION AND OTHER SPECIAL RULES FOR FSCS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 925(b)(1) Internal Revenue Code of 1954; 26 USC 925(b)(2) Internal Revenue Code of 1954; 26 USC 927(d)(2) (B) Internal Revenue Code of 1954; 26 USC 927(e)(1) and (2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide temporary rules for application of the FSC Transfer Pricing Rules, Distributions, Dividends Received Deductions and other special FSC Provisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/01/86	

Small Entity: Not Applicable

Additional Information: LR-171-84.

Drafting attorney: Richard Chewning (202) 566-3289.

Reviewing attorney: Carol Doran Klein (202) 566-3289.

Office of International Tax Counsel Reviewing Attorney: Jane Sarosdy (202) 566-5911.

Agency Contact: Richard Chewning, Attorney - Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AI17

2483. AMENDMENT OF REGULATIONS UNDER SECTIONS 934 AND 936 TO CONFORM TO CHANGES MADE BY SECTION 213 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 936 Internal Revenue Code of 1954; 26 USC 934 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would amend sections 936 and 934 of the Internal Revenue Code of 1954 to conform to changes made by section 213 of the Tax Equity and Responsibility Act of 1982. These changes relate to the Puerto Rico and possession tax credit and the income tax liability incurred to the Virgin Island general rules.

Timetable:

Action	Date	FR Cite
ANPRM	11/29/82	47 FR 53746
ANPRM Comment Period End	12/29/82	47 FR 53746
NPRM	01/10/84	49 FR 1227
NPRM Comment Period End	03/12/84	49 FR 1227
Hearing	04/03/84	49 FR 1243
Final Action	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-194-82.

Drafting attorneys: Carol Doran Klein and Jacob Feldman (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel reviewing attorney: Steven Lainoff.

Agency Contact: Carol Doran Klein and Jacob Feldman, Attorneys, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AF21

2484. 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 1954; 26 USC 936(d)(2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would 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 Entity: Not Applicable

Additional Information: LR-106-77.

Drafting attorney: Jacob Feldman (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorney: Lainoff.

Agency Contact: Jacob Feldman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AC10

2485. ● TO PROVIDE REGULATIONS RELATING TO EXTENSION OF MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 103A Internal Revenue Code of 1954

CFR Citation: 26 CFR 6a.103A-3

Legal Deadline: None

Abstract: These regulations will provide rules relating to the additional requirements enacted to restrict the issuance of qualified veterans' mortgage bonds.

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48323
NPRM Comment Period End	02/12/85	
Final Action	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-240-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Suzanne McDowell (202) 566-8277.

Agency Contact: Mitchell H. Rapaport, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AI36

2486. INCOME TAX--TRANSFERS OF SECURITIES UNDER CERTAIN AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1058 Internal Revenue Code of 1954

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 Period End	09/26/83	48 FR 33912
Final Action	09/30/86	

Small Entity: Not Applicable

Additional Information: LR-182-78.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AC20

2487. INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO MIXED STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1092(b) (1) Internal Revenue Code of 1954; 26 USC 1092(b) (2) Internal Revenue Code of 1954

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 Period End	03/25/85	50 FR 3351
Public hearing held	05/02/85	
Final Action	10/00/86	

Small Entity: Not Applicable

Additional Information: LR-299-84.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Suzanne McDowell (202) 566-8278.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AH59

2488. 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 1954; 26 USC 1092 (b) Internal Revenue Code of 1954

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, 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 Period End	03/25/85	50 FR 3352
Public hearing held	05/02/85	
Final Action	10/00/86	

Small Entity: Not Applicable

Additional Information: LR-297-84.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3294.

Treasury attorney: Linda Carlisle (202) 566-4979.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AH60

2489. INCOME TAX--TIME FOR DETERMINING RELATEDNESS UNDER SECTION 1239--RELATING TO TRANSFER OF DEPRECIABLE PROPERTY BETWEEN RELATED PERSONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1239 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The rule will provide that 80 percent relatedness determination under section 1239 is determined immediately before or after the sale or exchange of depreciable assets. A determination of relatedness under section 1239 converts what would otherwise be capital gain into ordinary gain.

Timetable:

Action	Date	FR Cite
NPRM	01/05/83	48 FR 00667
NPRM Comment Period End	03/07/83	48 FR 00667
Final Action	12/15/86	

Small Entity: Not Applicable

Additional Information: LR-104-81.

Drafting attorney: John M. Coulter, Jr. (202) 566-4473.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473. Office of Tax Legislative Counsel (Treasury).

Reviewing attorney: James Lokey (202) 566-5453.

Agency Contact: John M. Coulter, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4473**

RIN: 1545-AC29

2490. INCOME TAX--GAIN FROM DISPOSITION OF INTEREST IN OIL OR GAS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1254 Internal Revenue Code of 1954; 26 USC 751 Internal Revenue Code of 1954; Tax Reform Act of 1976, Section 705; Tax Reform Act of 1976, Section 1901; Energy Tax Act of 1978, Section 402

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 Period End	08/11/80	45 FR 39512
Hearing	09/09/80	
Final Action	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-276-76.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Mo Schuldinger (202) 566-2928.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AC35

2491. INCOME TAX--CERTAIN RULES RELATING TO SHAREHOLDERS OF SUBCHAPTER S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1371 Internal Revenue Code of 1954; 26 USC 1372 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would address the following issues: (1) The number of permitted shareholders of a small business corporation, (2) The rules regarding stock held by a husband and wife, (3) The types of trusts that are permitted to be shareholders of a small business corporation, (4) Whether shares are permitted to be owned as a split interest, (5) The rules relating to the time period for making an election of status as a small business corporation and the manner for making such election, and (6) Rules relating to how a new shareholder may terminate a subchapter S election.

Timetable:

Action	Date	FR Cite
NPRM	04/17/80	45 FR 26092
NPRM Comment Period End	06/13/80	45 FR 26092
Hearing	10/08/80	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-277-76.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC38

2492. INCOME TAX--CERTAIN ELECTIONS UNDER THE SUBCHAPTER S REVISION ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1361 Internal Revenue Code of 1954; 26 USC 1362 Internal Revenue Code of 1954; 26 USC 1377 Internal Revenue Code of 1954; 26 USC 1378 Internal Revenue Code of 1954; 26 USC 1379 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations relate to the time and manner of making certain elections, consents, and refusals under the Subchapter S Revision Act of 1982 and to the taxable year which a corporation may select in order to make the election to be an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/26/83	48 FR 03637
NPRM Comment Period End	03/28/83	48 FR 03637
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-1-83.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AF30

2493. WITHHOLDING ON ITEMS OF INCOME COVERED BY AN INCOME TAX CONVENTION

Legal Authority: PL 97-248, Sec 342; 26 USC 7805

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	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-271-83.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3289.

Reviewing attorney: Charles Saverude (202) 566-3323.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AH86

2494. INCOME TAX: WITHHOLDING UPON DISPOSITIONS OF U.S. REAL PROPERTY INTEREST BY FOREIGN PERSONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1445 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules relating to the withholding tax imposed under section 1445 upon any person that acquired a U.S. real property interest from a foreign person. The regulations explain where withholding is required and how that requirement can be modified pursuant to an agreement with the IRS, and also provide rules relating to the manner in which amounts withheld are to be reported and paid over to the IRS.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50739
NPRM Comment Period End	03/01/85	49 FR 50739
Final Action	09/01/86	

Small Entity: Not Applicable

Additional Information: LR-151-84.

Drafting attorney: Jeffrey Dorfman (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Treasury attorney: Joseph L. Andrus (202) 566-2964.

Agency Contact: Jeffrey Dorfman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AG70

2495. INCOME TAX--CREDIT & DEDUCTIONS ETC., FOR CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would amend the consolidated returns regulations to clarify, among other things, the rules relating to net operating loss carrybacks of a member of an affiliated group filing consolidated returns to a year in which the member was not in existence, thereby giving the public needed guidance on what the rule is in that situation.

Timetable:

Action	Date	FR Cite
NPRM	07/31/84	49 FR 30528
NPRM Comment Period End	10/01/84	49 FR 30528
Hearing held	12/10/84	
Final Action	12/31/86	

Small Entity: No

Additional Information: LR-97-79.

Drafting attorney: John Broadbent (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Patricia McClanahan (202) 566-4902.

Agency Contact: John Broadbent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AC48

TREAS—IRS

Final Rule Stage

2496. INCOME TAX--TO REFLECT THE U.S. SUPREME COURT IN U.S. V. VOGEL FERTILIZER CO., HOLDING THAT EACH MEMBER OF STOCKGROUP MUST OWN STOCK IN EACH BROTHER-SISTER CORP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1563(a)(2) Internal Revenue Code of 1954; 26 USC 52 Internal Revenue Code of 1954; 26 USC 414(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations relating to the definition of a brother-sister controlled group of corporations are to be amended to conform to the Supreme Court decision in U.S. v. Vogel Fertilizer Company, which held that a person's stock ownership is not taken into account for purposes of the 80% ownership test unless that person owns stock in each brother-sister corporation.

Timetable:

Action	Date	FR Cite
NPRM	11/16/83	48 FR 52081
NPRM Comment Period End	01/16/84	48 FR 52081
Final Action	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-35-82.

Drafting attorney: Michel A. Daze (202) 566-6456.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Rocap.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6456

RIN: 1545-AC59

2497. ESTATE & GIFT TAXES--INCLUSION OF STOCK IN ESTATE WHERE DECEDENT RETAINED VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2036(a) Internal Revenue Code of 1954

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 Period End	11/03/83	48 FR 35143
Final Action	02/00/87	

Small Entity: Not Applicable

Additional Information: LR-181-76.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: James D. Bridgeman, David C. Garlock.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AC63

2498. ESTATE AND GIFT TAXES--INCREASE IN LIMITATIONS ON MARITAL DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2012 Internal Revenue Code of 1954; 26 USC 2014 Internal Revenue Code of 1954; 26 USC 2055 Internal Revenue Code of 1954; 26 USC 2056 Internal Revenue Code of 1954; 26 USC 2207A Internal Revenue Code of 1954; 26 USC 2519 Internal Revenue Code of 1954; 26 USC 2523 Internal Revenue Code of 1954; 26 USC 6019 Internal Revenue Code of 1954

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 Period End	07/20/84	49 FR 21350
Final Action	10/00/86	

Small Entity: Not Applicable

Additional Information: LR-211-76.

Drafting attorney: Robert B. Coplan (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thuronyi.

Agency Contact: Robert B. Coplan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AC67

2499. ESTATE & GIFT TAXES--DISCLAIMERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2518 Internal Revenue Code of 1954; 26 USC 2045 Internal Revenue Code of 1954; 26 USC 2041(a)(2) Internal Revenue Code of 1954; 26 USC 2055(a) Internal Revenue Code of 1954; 26 USC 2056 Internal Revenue Code of 1954; 26 USC 2504 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20; 26 CFR 25

Legal Deadline: None

Abstract: This project will give guidance on the requirement under section 2518 on how to make a qualified disclaimer of a gift or inheritance. If it is qualified, it will not be treated as a gift.

Timetable:

Action	Date	FR Cite
Hearing	11/18/80	
NPRM	07/22/82	45 FR 48922
Final Action	07/00/86	

Small Entity: Not Applicable

Additional Information: LR-213-76.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Garlock.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AC71

TREAS—IRS

Final Rule Stage

2500. ESTATE & GIFT TAX--GENERATION-SKIPPING TRANSFERS TAX RETURN REQUIREMENT, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2621 Internal Revenue Code of 1954; 26 USC 2601 to 2614 Internal Revenue Code of 1954

CFR Citation: 26 CFR 26

Legal Deadline: None

Abstract: This project will establish the forms to be used in reporting a generation-skipping transfer and also will establish the date on which the return must be filed and the tax paid. It will also interpret the definitions and special rules and illustrate how to compute the tax.

Timetable:

Action	Date	FR Cite
NPRM	08/05/80	45 FR 51771
Hearing	11/05/80	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-234-79.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AC74

2501. 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 1954; 26 USC 3121 Internal Revenue Code of 1954; 26 USC 3231 Internal Revenue Code of 1954; 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 Effective	01/01/82	
NPRM	07/06/82	47 FR 29266
NPRM Comment Period End	09/06/82	
Final Action	05/01/86	

Small Entity: Not Applicable

Additional Information: LR-23-82.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Kent Mason (202) 535-6964.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AC77

2502. TEMPORARY REGULATION EXCISE TAXES ON HEAVY TRUCKS, TRUCK TRAILERS AND SEMITRAILERS, AND TRACTORS SOLD AT RETAIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4051 Internal Revenue Code of 1954; 26 USC 4052 Internal Revenue Code of 1954; 26 USC 4053 Internal Revenue Code of 1954

CFR Citation: 26 CFR 145

Legal Deadline: None

Abstract: The regulations will provide guidance to dealers in paying tax on the sale of heavy trucks, trailers, and tractors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/86	

Small Entity: Not Applicable

Additional Information: LR-142-83.

Drafting attorney: Maurice B. Foley (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Mark Perlis.

Agency Contact: Maurice B. Foley, Law Clark, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AF79

2503. EXCISE TAX--MANUFACTURERS EXCISE TAXES ON MOTOR VEHICLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4061 Internal Revenue Code of 1954; 26 USC 4063 Internal Revenue Code of 1954; 26 USC 4062 Internal Revenue Code of 1954

CFR Citation: 20 CFR 48; 20 CFR 142; 20 CFR 146

Legal Deadline: None

Abstract: The regulations will update and revise the existing regulations concerning Manufacturers and Retailers excise taxes on motor vehicles. The regulations substantially complete the task of updating the regulations under sections 4061 through 4063 of the Internal Revenue Code of 1954 to reflect statutory changes made to these sections since 1964.

Timetable:

Action	Date	FR Cite
NPRM	12/30/82	47 FR 58297
NPRM Comment Period End	02/28/83	47 FR 58297
Final Action	10/00/86	

Small Entity: Not Applicable

Additional Information: LR-2119.

Drafting attorney: Maurice B. Foley (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

In Legislation and Regulations Division for preparation of Treasury decision.

Agency Contact: Maurice B. Foley, Law Clerk, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AC86

2504. MANUFACTURERS AND RETAILERS EXCISE TAXES--TAXES ON FUELS, TIRES AND GASOLINE

Legal Authority: 26 USC 4071 Internal Revenue Code of 1954; 26 USC 4041 Internal Revenue Code of 1954; 26 USC 4081 Internal Revenue Code of 1954; 26 USC 6420 Internal Revenue Code of 1954; 26 USC 6427 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulations will provide guidance concerning the rates of tax on certain fuels and gasohol. In addition, the regulations will provide guidance concerning the tax on tires.

Timetable:

Action	Date	FR Cite
NPRM	08/22/85	50 FR 33977
NPRM Comment Period End	10/21/85	
Hearing	01/14/86	
Final Action	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-119-83.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Mo Schuldinger (202) 566-2928.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AF58

2505. EXCISE TAX--ENVIRONMENTAL TAXES--IMPOSITION OF TAXES ON PETROLEUM AND CERTAIN CHEMICALS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4611 Internal Revenue Code of 1954; 26 USC 4612 Internal Revenue Code of 1954; 26 USC 4661 Internal Revenue Code of 1954; 26 USC 4662 Internal Revenue Code of 1954

CFR Citation: 26 CFR 52

Legal Deadline: None

Abstract: The regulations will provide rules for the computation of the environmental excise taxes on petroleum and certain chemicals. The regulations will also define such terms as entry and taxable chemicals and will explain how to get an exemption from tax for certain chemicals used to make fertilizer.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48839
NPRM Comment Period End	01/20/84	48 FR 50775
Hearing	02/16/84	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-16-81.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Carlisle.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AC91

2506. EXCISE TAX--TAX ON ISSUER OF REGISTRATION-REQUIRED OBLIGATION NOT IN REGISTERED FORM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4701 Internal Revenue Code of 1954

CFR Citation: 26 CFR 46

Legal Deadline: None

Abstract: This regulation will provide that registration-required obligations issued in non-registered form will have an excise tax imposed on the issuer.

Timetable:

Action	Date	FR Cite
NPRM	08/22/84	49 FR 33285
NPRM Comment Period End	10/22/84	49 FR 33285
Final Action	08/00/86	

Small Entity: Not Applicable

Additional Information: LR-9-83.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AF31

2507. FOUNDATION EXCISE TAX--PROCEDURE AND ADMINISTRATION--REVISION OF SECOND TIER EXCISE TAX PROVISIONS, ETC. UNDER CHAPTERS 42 AND 43

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4941 Internal Revenue Code of 1954; 26 USC 4942 Internal Revenue Code of 1954; 26 USC 4943 Internal Revenue Code of 1954; 26 USC 4944 Internal Revenue Code of 1954; 26 USC 4945 Internal Revenue Code of 1954; 26 USC 4951 Internal Revenue Code of 1954; 26 USC 4952 Internal Revenue Code of 1954; 26 USC 4971 Internal Revenue Code of 1954; 26 USC 4975 Internal Revenue Code of 1954; 26 USC 4961 Internal Revenue Code of 1954; 26 USC 4962 Internal Revenue Code of 1954

CFR Citation: 26 CFR 53; 26 CFR 301; 26 CFR 1; 26 CFR 54; 26 CFR 141

Legal Deadline: None

Abstract: This regulation provides rules related to second tier excise taxes as defined in section 4963. The regulations provide guidance to private foundations, black lung benefit trusts, pension trusts, and disqualified persons with respect to them, who may become liable for second tier excise taxes.

Timetable:

Action	Date	FR Cite
NPRM	02/13/84	49 FR 5350
Final Action	10/00/86	

Small Entity: Not Applicable

Additional Information: EE-16-81.

Drafting attorney: George B. Baker (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: George B. Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AE09

2508. EXCISE TAX--DEFINITION OF NEWLY DISCOVERED OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4997 Internal Revenue Code of 1954; 26 USC 4991 Internal Revenue Code of 1954; 26 USC 4996 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: The regulations would provide guidance on the requirements for the qualification of crude oil as newly discovered oil, as well as a definition of production in "commercial quantities" that affects the net income limitation on windfall profit and the exemption for Alaskan oil.

Timetable:

Action	Date	FR Cite
NPRM	11/05/82	47 FR 50306
NPRM Comment Period End	01/04/83	47 FR 50306
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-224-81.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AC96

2509. EXCISE TAX--INCREMENTAL TERTIARY OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4993 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: The regulations would clarify the rules relating to incremental tertiary oil. The regulations provide procedural rules for requesting approval from the Service of tertiary recovery methods which are not already approved under Department of Energy regulations. The regulations also define "project beginning date" and "tertiary injectant".

Timetable:

Action	Date	FR Cite
NPRM	09/10/84	49 FR 35517
NPRM Comment Period End	11/09/84	49 FR 35517
Hearing held	07/26/85	
Final Action	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-67-80.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AD04

2510. EXCISE TAX--OIL FROM A STRIPPER WELL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4991 Internal Revenue Code of 1954; 26 USC 4992 Internal Revenue Code of 1954; 26 USC 4994 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: The proposed regulations provide rules and definitions relating to oil from a stripper well property for purposes of tier 2 oil and exempt stripper well oil.

Timetable:

Action	Date	FR Cite
NPRM	01/20/83	48 FR 2552
NPRM Comment Period End	03/20/83	48 FR 2552
Final Action	10/31/86	

Small Entity: Not Applicable

Additional Information: LR-217-81.

Drafting attorney: John G. Schmalz (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: John G. Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AD01

2511. EXCISE TAX--DEFINITION OF OIL REMOVED FROM THE PREMISES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4996 Internal Revenue Code of 1954; 26 USC 4997 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: This regulation would provide for exceptions to the general rule that crude oil is removed from the premises when it is physically transported off the premises. The exceptions are for certain uses of the crude oil on the premises, transportation to contiguous tracts and to storage tanks.

Timetable:

Action	Date	FR Cite
NPRM	01/14/83	48 FR 1762
NPRM Comment Period End	03/15/83	48 FR 1762
Hearing	06/28/83	
Final Action	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-227-81.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AC95

2512. EXCISE TAX--DEFINITION OF PROPERTY UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4996 Internal Revenue Code of 1954

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	11/10/82	47 FR 50924
NPRM Comment Period End	01/09/83	47 FR 50924
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-34-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AD08

2513. EXCISE TAX--AMENDMENT OF SEC 51.4996-1(B) WITH RESPECT TO THE TREATMENT OF NET PROFITS INTERESTS FOR WINDFALL PROFITS TAX PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4996 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: These proposed regulations would provide rules for determining the portion of crude oil removed from the premises attributable to the holder of a net profits interest.

Timetable:

Action	Date	FR Cite
NPRM	08/29/84	49 FR 34242
NPRM Comment Period End	10/29/84	49 FR 34243
Final Action	10/31/86	

Small Entity: Not Applicable

Additional Information: LR-38-82.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AD09

2514. RETURNS REQUIRED ON MAGNETIC MEDIA

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6011 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would require certain returns to be filed on magnetic media. Prior to enactment of section 319 of the Tax Equity and Fiscal Responsibility Act of 1982, there was no statutory or regulatory requirement that any particular return be filed on magnetic media or in other machine-readable form. The regulations would provide standards for determining which returns would be required to be filed on magnetic media.

Timetable:

Action	Date	FR Cite
NPRM	09/18/85	50 FR 37871
NPRM Comment Period End	11/18/85	50 FR 37871
Public Hearing	12/18/85	50 FR 42188
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-289-82.

Drafting attorney: C. Scott McLeod

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel reviewing attorney: Mark Perlis.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AF12

2515. INFORMATION RETURNS OF BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6045 Internal Revenue Code of 1954

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
Public hearing held	03/28/84	49 FR 645
Final Action	06/30/86	

Small Entity: No

Additional Information: LR-201-83.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3238.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AG02

2516. INFORMATION RETURNS OF BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code; 26 USC 6045 Internal Revenue Code

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	06/30/86	

Small Entity: Not Applicable

Additional Information: LR-62-84.

Drafting attorneys: Bruce H. Jurist, (202) 566-3238; C. Scott McLeod, (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Bruce H. Jurist/C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG52

2517. ● ORIGINAL ISSUE DISCOUNT REPORTING REQUIREMENTS UNDER SECTION 6049

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 6049

Legal Deadline: None

Abstract: Regulations would amend existing broker reporting requirements under section 6049 of the Internal Revenue Code for certain original issue discount obligations.

Timetable:

Action	Date	FR Cite
NPRM	02/01/86	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information:

Drafting attorney: Theresa E. Bearman (202) 566-3459.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Linda Carlisle (202) 566-4979.

Agency Contact: Theresa E. Bearman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AI20

2518. NOTICE OF PROPOSED RULEMAKING RELATING TO REPORTING OF TRANSFERS OF SECURITY TO A PERSON OTHER THAN THE LENDER UNDER THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050J Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations propose rules relating to information reporting of transfers of security to persons other than the lender.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34518
Final Action	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-182-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Ewan D. Purkiss (202) 566-3238.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG51

2519. INCOME TAX--MORTGAGE INTEREST REPORTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050H Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations propose rules relating to information reporting of mortgage interest received in a trade or business from individuals, including the persons and interest subject to the reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/20/85	50 FR 33551
NPRM Comment Period End	10/21/85	50 FR 33551
Final Action	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-214-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Ewan D. Purkiss (202) 566-3238.

Treasury attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG93

2520. INCOME TAX--RETURNS RELATING TO CASH PAYMENTS IN EXCESS OF $10,000 RECEIVED IN A TRADE OR BUSINESS

Legal Authority: 20 USC 7805 Internal Revenue Code of 1954; 20 USC 6060I Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Legal Deadline: None

Abstract: These regulations will provide rules relating to the requirement of reporting cash in excess of $10,000 received in a trade or business. The regulations will explain what transactions must be reported, who must report with respect to cash transactions and how and when the reporting must be accomplished. The regulations also provide rules relating to furnishing statements to any person identified or a return of information.

Timetable:

Action	Date	FR Cite
NPRM	05/23/85	50 FR 21308
NPRM Comment Period End	07/22/85	50 FR 21308
Hearing	09/19/85	
Final Action	06/30/86	

Small Entity: Not Applicable

Additional Information: LR-262-84.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Treasury attorney: Jim Bridgeman (202) 566-4902.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG97

TREAS—IRS

Final Rule Stage

2521. NOTICE OF PROPOSED RULEMAKING RELATING TO REPORTING OF FORECLOSURES AND ABANDONMENTS OF SECURITY UNDER THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050J Internal Revenue Code of 1954

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
Final Action	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-181-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Ewan D. Purkiss (202) 566-3238.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG48

2522. RETURNS RELATING TO SALES OR EXCHANGES OF CERTAIN PARTNERSHIP INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050K Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules relating to the manner of filing and contents of returns, statements, and notifications with respect to certain sales or exchanges of interests in partnerships.

Timetable:

Action	Date	FR Cite
NPRM	12/23/85	50 FR 52332
NPRM Comment Period End	02/21/86	50 FR 52332
Final Action	05/01/86	

Small Entity: Not Applicable

Additional Information: LR-236-84.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Blake Rubin (202) 566-2927.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH42

2523. EMPLOYEE TIP REPORTING AND SUBSTANTIATION REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; PL 98-369, Sec 1072 (b) Tax Reform Act of 1984

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: The regulations contain rules relating to employee tip reporting and recordkeeping requirements to reflect changes in the tax law made by section 1072 of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	07/23/85	50 FR 29990
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-162-84.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH24

2524. PROPOSED REGULATIONS UNDER SECTIONS 6111 AND 6709, RELATING TO TAX SHELTER REGISTRATION

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6111 Internal Revenue Code of 1954

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 Period End	10/15/84	49 FR 32728
Hearing held	01/17/85	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-142-84.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG45

2525. PROCEDURE AND ADMINISTRATION REGULATIONS RELATING TO TAX SHELTER REGISTRATION AND THE REQUIREMENT TO MAINTAIN LISTS OF INVESTORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6111 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301T

Legal Deadline: None

Abstract: This project will provide rules to suspend the tax shelter registration requirements for tax shelters that are projected income investments.

TREAS—IRS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/31/84	49 FR 43714
NPRM Comment Period End	12/31/84	49 FR 43714
Hearing held	01/17/85	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-213-84.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: Cynthia Clark (202) 566-3828.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AH29

2526. TEMPORARY REGULATIONS RELATING TO TAX SHELTER REGISTRATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6111 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Legal Deadline: None

Abstract: This project will provide rules relating to the filing of amended tax shelter registration applications and the time for furnishing tax shelter registration numbers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/86	

Small Entity: Not Applicable

Additional Information: LR-65-85.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: Cynthia Clark (202) 566-3828.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AI10

2527. REQUIREMENT TO MAINTAIN LISTS OF INVESTORS IN POTENTIALLY ABUSIVE TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6112 Internal Revenue Code of 1954; 26 USC 6708 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance to organizers of and sellers of interests in potentially abusive tax shelters relating to the requirement to maintain lists identifying persons who acquire interests in those tax shelters.

Timetable:

Action	Date	FR Cite
NPRM	08/29/84	49 FR 34246
NPRM Comment Period End	10/29/84	49 FR 34246
Hearing	01/17/85	
Final Action	01/00/87	

Small Entity: Not Applicable

Additional Information: LR-149-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AG58

2528. DEFINITION OF "PARTNERSHIP ITEM"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6231(a)(3) Internal Revenue Code of 1954; 26 USC 6230(k) Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Proposed regulations would define the term "partnership item" for purposes of new rules for determining the tax treatment of partnership items at the partnership level.

Timetable:

Action	Date	FR Cite
NPRM	01/14/83	48 FR 01759
NPRM Comment Period End	03/15/83	48 FR 01759
Final Action	05/01/86	

Small Entity: Not Applicable

Additional Information: LR-186-82.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3218.

Office of Tax Legislative Counsel reviewing attorney: Blake Rubin.

Draft of Treasury decision at Treasury pending review.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AF09

2529. SPECIAL RULES FOR CERTAIN REFUND CLAIMS TREATED AS SPECIAL ENFORCEMENT AREAS UNDER RULES FOR CONSOLIDATED PARTNERSHIP PROCEEDINGS

Legal Authority: 26 USC 6231 (c)(1) Internal Revenue Code of 1954; 26 USC 6231 (c)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 301T

Legal Deadline: None

Abstract: These regulations will provide rules relating to special enforcement areas under the rules for consolidated partnership proceedings. Specifically they will identify certain applications for tentative adjustments ("Quick Refunds") and refund claims attributable to abusive tax shelters as areas that have been determined to present special enforcement considerations.

Timetable:

Action	Date	FR Cite
NPRM	12/13/84	49 FR 48573
NPRM Comment Period End	02/11/85	
Final Action	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-242-84.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3289.

Reviewing attorney: Paul A. Francis (202) 566-3218.

Treasury attorney: Mark Perlis (202) 566-2926.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH00

2530. 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 1954; 31 USC 3720A

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
NPRM Comment Period End	11/30/85	50 FR 39713
Final Action	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-291-84.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: David Dickinson (202) 566-6655.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG95

2531. PROCEDURE AND ADMINISTRATION REGULATIONS--MODIFICATIONS OF INTEREST PAYMENTS FOR CERTAIN PERIODS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6611 Internal Revenue Code of 1954

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	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-280-82.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AF10

2532. 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 1954; 26 USC 6621 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Legal Deadline: None

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
Final Action	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-180-84.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG75

2533. TO PROVIDE REGULATIONS RELATING TO ACCELERATED PAYMENT OF ESTIMATED TAXES BY CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6655 Internal Revenue Code of 1954

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 held	06/26/84	
Final Action	12/01/86	

Small Entity: Not Applicable

Additional Information: LR-228-82.

Drafting attorney: Renay France (202) 566-3829.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Joy Roberts (202) 566-2565.

TREAS—IRS

Final Rule Stage

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AE37

2534. AMENDMENT OF REGULATIONS TO PERMIT DISCLOSURE OF TAX RETURN INFORMATION BETWEEN FRANCHISEES WHO JOINTLY OPERATE A TAX SERVICE

Legal Authority: 26 USC 7216 Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would allow disclosure of tax return information by tax return preparers for the purpose of monitoring quality of return preparation.

Timetable:

Action	Date	FR Cite
NPRM	11/19/85	50 FR 47563
NPRM Comment Period End	12/19/85	
Final Action	03/01/86	

Small Entity: Not Applicable

Additional Information: LR-3-85.

Drafting attorney: Richard Chewning (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3289.

Office of International Tax Counsel reviewing attorney: Mark Perlis.

Agency Contact: Richard Chewning, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH91

2535. 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 1954; 26 USC 7502 Internal Revenue Code of 1954

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	06/30/86	

Small Entity: Not Applicable

Additional Information: LR-1406.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: unassigned.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AD42

2536. ADMINISTRATIVE SUMMONSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7609 Internal Revenue Code of 1954; 26 USC 7610 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: An administrative summons is used by the Internal Revenue Service to obtain taxpayer records in the hands of a third party recordkeeper, such as a bank. Sections 331, 332, and 333 of the Tax Equity and Fiscal Responsibility Act of 1982 amended sections 7602 and 7609 of the Internal Revenue Code of 1954 relating to administrative summonses. The amendments alter the circumstances under which an administrative summons may be issued and also alter the rights and obligations of the subject taxpayer and third-party recordkeeper. This regulation project will provide guidance relating to these new administrative summons procedures.

Timetable:

Action	Date	FR Cite
NPRM	06/12/85	50 FR 24655
NPRM Comment Period End	08/12/85	50 FR 24655
Final Action	06/30/86	

Small Entity: Not Applicable

Additional Information: LR-10-83.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF33

2537. PROCEDURE AND ADMINISTRATION--RESTRICTIONS ON CHURCH TAX INQUIRIES AND EXAMINATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7611 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301; 26 CFR 1

Legal Deadline: None

Abstract: This regulation will clarify IRS procedures concerning church tax inquiries and examinations which were published as a temporary regulation on March 11, 1985 at 50 FR 9614 as TD 8013.

Timetable:

Action	Date	FR Cite
NPRM	03/11/85	50 FR 9678
NPRM Comment Period End	05/10/85	50 FR 9678
Hearing	07/16/85	50 FR 23316
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-1-85.

Drafting attorney: Monice Rosenbaum (202) 566-3422.

Reviewing attorney: Paul Accettura (202) 566-3544.

Treasury attorney: Fairlea Sheehy (202) 566-2565.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AI12

2538. AMENDMENTS OF THE REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER SECTION 7701 RELATING TO CLASSIFICATION OF CERTAIN INVESTMENT ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These regulations relate to the classification for federal tax purposes of investment arrangements allowing multiple classes of ownership. They make clear that the existing rules on "fixed investment trust" do not apply to such investment arrangements. An arrangement is a "fixed investment trust" only if it has one class of ownership.

Timetable:

Action	Date	FR Cite
NPRM	05/02/84	49 FR 18741
NPRM Comment Period End	07/02/84	49 FR 18741
Hearing held	07/31/84	
Final Action	06/01/86	

Small Entity: Not Applicable

Additional Information: LR-68-84.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3218.

Treasury attorney: James Bridgeman (202) 566-4902.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AG20

2539. INDIAN TRIBAL GOVERNMENTS TREATED AS STATES FOR CERTAIN PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7701 Internal Revenue Code of 1954; 26 USC 7871 Internal Revenue Code of 1954

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	06/00/86	

Small Entity: Not Applicable

Additional Information: LR-221-83.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Office of Tax Legislative Counsel: Mark Perlis.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AF77

2540. REGULATIONS ON INCOME TAX UNDER THE TAX REFORM ACT OF 1984, RELATING TO BELOW-MARKET LOANS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7872 Internal Revenue Code of 1954

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	
Final Action	12/00/86	

Small Entity: Not Applicable

Additional Information: LR-165-84.

Drafting attorney: Sharon L. Hall (202) 566-3828.

Reviewing attorney: John Fischer.

Treasury attorney: Fairlea Sheehy.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3828**

RIN: 1545-AH72

2541. INCOME TAX--MARITIME CAPITAL CONSTRUCTION FUND

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 46 USC 1177 Merchant Marine Act of 1936

CFR Citation: 26 CFR 3

Legal Deadline: None

Abstract: The proposal would provide rules for the income tax treatment with respect to capital construction funds for certain vessels.

Timetable:

Action	Date	FR Cite
NPRM	01/29/76	41 FR 04280
NPRM Comment Period End	03/29/76	41 FR 04280
Hearing	07/07/76	
Final Action	01/00/87	

Small Entity: Not Applicable

Additional Information: LR-149-75.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545-AD46

2542. STATEMENT OF PROCEDURAL RULES--AMENDMENTS TO STATEMENT OF PROCEDURAL RULES--1981-1

Legal Authority: 5 USC 552; 5 USC 301

CFR Citation: 26 CFR 601

Legal Deadline: None

Abstract: Semi-annual update of the Statement of Procedural Rules.

TREAS—IRS

Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Action	07/00/86	

Small Entity: Not Applicable

Additional Information: LR-154-81.

Paralegal Specialist: Carroll Yue (202) 566-3935.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Carroll Yue, Paralegal Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3935

RIN: 1545-AD55

DEPARTMENT OF THE TREASURY (TREAS)
Internal Revenue Service (IRS)

Completed Actions

2543. ● INCOME TAX--INFORMATION REPORTING FOR MORTGAGE CREDIT CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 25 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide guidance to issuers of mortgage credit certificates relating to be collected with respect to each recipient of a mortgage credit certificate. The regulations also provide guidance regarding the time and manner of filing this information with the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
Final Action Temporary regulations issued	09/03/85	50 FR 35536
Final Action Effective	09/30/85	

Small Entity: Not Applicable

Additional Information: LR-113-85.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Tom Evans (202) 535-6968.

Agency Contact: Mitchell H. Rapaport, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AI37

2544. INCOME TAX--ADJUSTMENTS TO NEW JOBS CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 51 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules and definitions relating to the targeted job as amended by the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	11/23/83	48 FR 52943
NPRM Comment Period End	01/23/84	48 FR 52943
Final Action	11/06/85	50 FR 45996

Small Entity: Not Applicable

Additional Information: LR-218-81.

Drafting attorney: John Schmalz (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thuronyi.

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AA31

2545. INCOME TAX--TO MAKE CERTAIN AMENDATORY CHANGES TO RULES RELATING TO PROPERTY TRANSFERRED IN CONNECTION WITH PERFORMANCE OF SERVICES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 83 Internal Revenue Code of 1954; Section 252 Economic Recovery Tax Act of 1981

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to taxpayers who transfer and receive property in connection with the performance of services. The amendments relate to the definition of property, the effect of section 16(b) of the Securities Exchange Act of 1934 on transferred stock, and the effect of the "Pooling-of-Interest" Accounting rules on transferred stock.

Timetable:

Action	Date	FR Cite
NPRM	11/16/83	48 FR 52079
NPRM Comment Period End	01/16/84	48 FR 52079
Final Action T.D. 8042	08/06/85	50 FR 31712
Final Action Effective	08/06/85	50 FR 31712

Small Entity: Not Applicable

Additional Information: LR-16-80.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel reviewing attorney: Fairlea Sheehy (202) 566-2565.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AA41

2546. INCOME TAX--INCREASE IN LIMIT ON SMALL ISSUES OF INDUSTRIAL DEVELOPMENT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b)(6)(D) Internal Revenue Code of 1954; 26 USC 103(b)(6)(I) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide guidance regarding the effect of an urban development action grant with respect to a specific facility, upon the capital expenditures limitation with respect to a small issue of tax-exempt industrial bonds issued to finance such facility. The regulation may also provide guidance regarding the required size of such grant in relation to the cost of the facility to be financed by the

bond issue, and the nexus between the grant and the financed facility.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/79	
Closed without regulations	11/29/85	
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-117-79.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AA57

2547. TO PROVIDE REGULATIONS RELATING TO EXTENSION OF MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103A Internal Revenue Code of 1954

CFR Citation: 26 CFR 6a.103A-2

Legal Deadline: None

Abstract: These regulations will provide rules relating to the extension of authority to issue mortgage subsidy bonds. The regulations will explain the form and manner in which information is to be reported to the Internal Revenue Service. The regulations will also provide rules relating to the requirement that an annual policy statement be filed and the requirement that a state certification be executed for each issue.

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48323
Final Action Effective	12/31/84	
NPRM Comment Period End	02/12/85	49 FR 48323
Public hearing held	04/30/85	
Final Action	09/03/85	50 FR 35540

Small Entity: Not Applicable

Additional Information: LR-240-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Suzanne McDowell (202) 566-8277.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AH66

2548. INCOME TAX REGULATIONS UNDER THE REVENUE ACT OF 1978, RELATING TO SELF-INSURED MEDICAL EXPENSES REIMBURSEMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 105(h) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to self-insured medical reimbursement plans. The regulations will explain whether policies issued by captive insurance companies are considered self-insured.

Timetable:

Action	Date	FR Cite
Closed by Memo	11/22/85	

Small Entity: Not Applicable

Additional Information: EE-28-84.

Drafting attorney: Richard J. Wickersham (202) 566-3250.

Treasury attorney: Harry Conaway.

Agency Contact: Roberto E. Rivera, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AG34

2549. INCOME TAX--PARTIAL EXCLUSION OF DIVIDENDS AND INTEREST RECEIVED BY INDIVIDUALS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 116 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules relating to the partial exclusion of dividends and interest for 1981.

Timetable:

Action	Date	FR Cite
NPRM	02/09/81	47 FR 5902
NPRM Comment Period End	04/12/81	47 FR 5902
Hearing	06/22/82	47 FR 20802
Closed without regs.	12/31/85	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-83-80.

Drafting attorney: Phoebe A. Mix (202) 566-3238.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel reviewing attorneys: not assigned.

Agency Contact: Phoebe A. Mix, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AA69

2550. INCOME TAX--NOTICE OF PROPOSED RULEMAKING RELATING TO THE EXCLUSION FROM GROSS INCOME OF CERTAIN FRINGE BENEFITS

Significance: Regulatory Program

Legal Authority: 26 USC 132

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will propose rules concerning the exclusion from gross income of certain fringe benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	
Closed without regulations incorporated into LR-216-84 RIN 1545-AH73	12/31/85	

Small Entity: Undetermined

Additional Information: LR-14-85.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Philip R. Bosco (202) 566-3430.

Treasury attorney: Kent A. Mason (202) 56608527.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AH56

2551. NOTICE OF PROPOSED RULEMAKING RELATING TO THE TAXATION OF FRINGE BENEFITS AND EXCLUSIONS FROM GROSS INCOME FOR CERTAIN FRINGE BENEFITS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 132 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31; 26 CFR 54

Legal Deadline: None

Abstract: The regulations propose rules concerning the treatment of taxable and nontaxable fringe benefits, including the valuation of taxable fringe benefits for purposes of income and employment tax withholding. The regulations also include proposed special rules for valuing certain fringe benefits. The regulations propose rules relating to exclusions from gross income for qualified employee discounts, working condition fringes, and de minimis fringes.

Timetable:

Action	Date	FR Cite
NPRM	01/07/85	50 FR 836
NPRM Comment Period End	03/08/85	50 FR 836
Public Hearing	04/16/85	50 FR 7072
Public Hearing	04/17/85	50 FR 7072
Public Hearing	04/18/85	50 FR 7072
Final Action	12/23/85	50 FR 52333
Notice withdrawn LR-1216-84 remains cross reference notice to LR-37-85	12/23/85	50 FR 52333

Small Entity: Undetermined

Additional Information: LR-216-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Philip R. Bosco (202) 566-3430.

Treasury attorney: Kent A. Mason (202) 566-8527.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AH73

2552. TEMPORARY REGULATIONS RELATING TO THE TAXATION OF FRINGE BENEFITS AND EXCLUSIONS FROM GROSS INCOME FOR CERTAIN FRINGE BENEFITS

Significance: Regulatory Program

Legal Authority: 26 USC 132 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules concerning the treatment of taxable and non-taxable gross income of certain fringe benefits, including the valuation of taxable fringe benefits for purposes of income and employment tax withholding. The regulations also include special rules for valuing certain fringe benefits. The regulations include rules relating to exclusions from gross income, for the value of no-additional-cost services, qualified employee discounts, working condition fringes, and de minimis fringes.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8063	12/23/85	50 FR 52281

Small Entity: Undetermined

Additional Information: LR-37-85.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Philip R. Bosco (202) 566-3430.

Treasury attorney: Kent Mason (202) 566-8527.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AI03

2553. INCOME TAX--DEDUCTIONS FOR ADDITION TO A RESERVE FOR CERTAIN GUARANTEED DEBT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 166(f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules for establishing a suspense account for certain guaranteed debt obligations.

Timetable:

Action	Date	FR Cite
NPRM	07/11/80	45 FR 46815
NPRM Comment Period End	09/09/80	45 FR 46815
Final Action	01/17/86	51 FR 2478

Small Entity: Not Applicable

Additional Information: LR-1173.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AA81

2554. TEMPORARY REGULATIONS UNDER THE TAX REFORM ACT OF 1984, RELATING TO TAX-EXEMPT ENTITY LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to tax-exempt entity leasing. The regulations will explain a number of basic issues concerning tax-exempt use property, tax-exempt entities, depreciation, partnerships, high technology equipment, service contracts, lease terms, and transitional rules.

Timetable:

Action	Date	FR Cite
NPRM	07/02/85	50 FR 27297
Final Action	07/02/85	50 FR 27222
Final Action Effective	07/02/85	50 FR 27222
NPRM Comment Period End	09/03/85	

Small Entity: Not Applicable

Additional Information: LR-124-84.

Drafting attorney: Robert Beatson (202) 566-3590.

Reviewing attorney: John A. Tolleris (202) 566-3590.

Treasury attorney: Blake Rubin (202) 535-6968.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AG26

2555. INCOME TAX--ESTATE & GIFT TAXES--TRANSFERS OF PARTIAL INTERESTS IN PROPERTY FOR CONSERVATION PURPOSES--TO EXTEND CERTAIN TEMPORARY TAX PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 170(f)(3) Internal Revenue Code of 1954; 26 USC 170(h) Internal Revenue Code of 1954; 26 USC 2055(e)(2) Internal Revenue Code of 1954; 26 USC 2522(c)(2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 25

Legal Deadline: None

Abstract: These regulations will provide to what extent a taxpayer can obtain a charitable deduction for a charitable contribution of a partial interest in real property.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/18/80	51 FR 1496
NPRM	05/23/83	48 FR 22940
NPRM Comment Period End	07/22/83	48 FR 22940
Hearing	09/15/83	
Final Action	01/14/86	51 FR 1496

Small Entity: Not Applicable

Additional Information: LR-200-76.

Drafting attorney: Ada S. Rousso (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hutton, Levinson.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3287

RIN: 1545-AA91

2556. INCOME TAX--DISALLOWANCE OF CERTAIN ENTERTAINMENT EXPENSES--TO CONFORM TO SECTION 361, REVENUE ACT OF 1978

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 274(a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would conform section 274 (a) (l) (B) to changes made by section 361 of the Revenue Act of 1978. The regulations disallow expenditures paid or incurred with respect to a facility used in connection with entertainment.

Timetable:

Action	Date	FR Cite
NPRM	09/26/83	48 FR 43698
NPRM Comment Period End	11/22/83	48 FR 43698
Final Action	09/09/85	50 FR 36575

Small Entity: Not Applicable

Additional Information: LR-203-78.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel reviewing attorney: Carlisle.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB05

2557. WITHDRAWAL OF TEMPORARY REGULATIONS UNDER SECTION 274 RELATING TO CONTEMPORANEOUS RECORDKEEPING WITH RESPECT TO CERTAIN PASSENGER AUTOMOBILES AND CERTAIN OTHER LISTED PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 132 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This Treasury decision will withdraw certain temporary regulations contained in T.D. 7986 and T.D. 8009, relating to the substantiation requirements of section 274 (d), and withdraw a portion of other temporary regulations contained in T.D. 8009 relating to the Taxation of Fringe Benefits. This Treasury decision will conform the regulations to Public Law 99-44 which repealed the Contemporaneous Recordkeeping Requirement added to section 274 (d) by the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/85	50 FR 46004
Final Action	11/06/85	50 FR 46004

Small Entity: Not Applicable

Additional Information: LR-64-85.

Drafting attorneys: Michel A. Daze (202) 566-6456 and Annette J. Guarisco (202) 566-3918.

Reviewing attorneys: Sharon Galm (202) 566-3930 and Philip R. Bosco (202) 566-3430.

Treasury attorneys: Jeff Quinn (202) 566-2175 and Kent Mason (202) 535-6964.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6456

RIN: 1545-AH81

2558. ● TO PROVIDE TEMPORARY REGULATIONS RELATING TO THE REVISED RECORDKEEPING REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide guidance relating to the requirement that any deduction or credit claimed for certain business-related expenses be substantiated by adequate records or sufficient evidence corroborating a taxpayer's own statement. The regulations reflect amendments made to the Internal Revenue Code by Public Law 99-44, which repealed the Contemporaneous Recordkeeping requirement enacted in 1984.

Timetable:

Action	Date	FR Cite
Final Action	11/06/85	50 FR 46006
Final Action Effective	01/01/86	50 FR 46007

Small Entity: Not Applicable

Additional Information: LR-117-85.

Drafting attorneys: Michel A. Daze (202) 566-6456 and Annette J. Guarisco (202) 566-3918.

Reviewing attorneys: Sharon Galm (202) 566-3930 and Philip R. Bosco (202) 566-3430.

Treasury attorneys: Jeff Quinn and Kent Mason.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6456

RIN: 1545-AI40

2559. ● REGULATIONS UNDER SECTION 338(H)(10) RELATING TO SPECIAL ELECTIVE RECOGNITION OF GAIN OR LOSS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Temporary regulations to interpret section 338(h)(10) under which a special election can be made so that target recognizes gain or loss on the deemed sale of its assets. The regulations are necessary so that affected taxpayers can make the section 338(h)(10) election.

Timetable:

Action	Date	FR Cite
Final Action	01/08/86	51 FR 741

Small Entity: Not Applicable

Additional Information: LR-83-85.

Drafting attorney: Patricia Wendlandt (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel reviewing attorney: Thomas Wessel.

Agency Contact: Patricia Wendlandt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AI26

2560. INCOME TAX--ACQUISITION OF A CORPORATION BY MERGER OF A CORPORATION CONTROLLED BY THE ACQUIRING CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 368(a)(2)(E) Internal Revenue Code of 1954; 26 USC 368(b)(2) Internal Revenue Code of 1954; PL 91-693

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to the statutory merger of a controlled corporation into an acquiring corporation using the voting stock of the corporation controlling the merged corporation (reverse triangular merger).

Timetable:

Action	Date	FR Cite
NPRM	01/02/81	46 FR 114
NPRM Comment Period End	03/03/81	46 FR 114
Final Action	08/20/85	50 FR 42688

Small Entity: Not Applicable

Additional Information: LR-1994.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Carolyn Swift (202) 566-3458.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Yecies, McKee.

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB30

2561. INCOME TAX--REQUESTS FOR CHANGE OF METHOD OF ACCOUNTING FROM AN ERRONEOUS METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 446(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would clarify the procedures for changing from an erroneous method of accounting to a proper method of accounting. Generally, taxpayers must obtain the Commissioner's consent to change their method of accounting.

Timetable:

Action	Date	FR Cite
Closed without regulations	09/25/85	

Small Entity: Not Applicable

Additional Information: LR-188-79.

Drafting attorney: Alice M. Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB37

2562. INCOME TAX--TO CLARIFY TREATMENT OF CERTAIN COSTS INCURRED WITH RESPECT TO LONG TERM CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 451 Internal Revenue Code of 1954; Tax Equity and Fiscal Responsibility Act of 1982, Section 229

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would clarify when contracts are completed and when contracts are to be severed or aggregated. The regulations would also provide rules for determining the costs properly allocable to extended period long-term contracts.

Timetable:

Action	Date	FR Cite
NPRM	03/14/83	48 FR 10702
NPRM Comment Period End	05/13/83	48 FR 10702
Hearing	06/29/83	
Final Action T.D. 8067	01/06/86	51 FR 3
Final Action Effective	01/06/87	51 FR 3

Small Entity: Not Applicable

Additional Information: LR-274-81.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John M. Fischer (202) 566-3394.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Evans.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N. W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB40

2563. INCOME TAX--MAXIMUM RATE OF IMPUTED INTEREST FOR SALE OF LAND BETWEEN RELATED PERSONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 483(g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance for determining if sales of land between related persons qualify for a lower imputed rate of interest. More specifically, the regulations would provide for a definition of land and for rules to compute the maximum dollar limitation on which the lower imputed rate of interest is to apply.

Timetable:

Action	Date	FR Cite
Closed without regulations	08/22/85	
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-246-81.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB58

2564. INCOME TAX--SEMIANNUAL COMPOUNDING OF THE TEST RATE UNDER SECTION 483

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 483 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide for the semiannual compounding of the test rate of interest used to determine if a deferred payments contract contains unstated interest. Thus, in the case of a contract for the sale of property that provides for no interest or an unreasonably low rate of interest that does not satisfy the test rate of interest compounded semiannually, interest will be imputed under the contract.

Timetable:

Action	Date	FR Cite
closed without regulations	08/22/85	
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-12-83.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF59

2565. INCOME TAX--RATES OF TAX FOR PRINCIPAL CAMPAIGN COMMITTEES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 527 Internal Revenue Code of 1954; PL 97-34, Sec 128

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to the manner of designation of a principal campaign committee by a member of Congress. A candidate for Congress may make such a designation in order to permit a campaign committee to compute its income tax by multiplying its political organization taxable income by the appropriate rates of tax specified in section 11 (b) of the Code.

Timetable:

Action	Date	FR Cite
NPRM	04/20/83	48 FR 16911
NPRM Comment Period End	06/20/83	48 FR 16911
Final Action	07/30/85	50 FR 30816
Final Action Effective	07/30/85	50 FR 30816

Small Entity: Not Applicable

Additional Information: LR-243-81.

Drafting attorney: Susan Thompson Baker (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Agency Contact: Susan Thompson Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AB60

2566. INCOME TAX--DETERMINATION OF PARTNER'S DISTRIBUTIVE SHARE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 704(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules and examples relating to the substantial economic effect test and the determination of a partner's interest in the partnership.

Timetable:

Action	Date	FR Cite
NPRM	03/09/83	48 FR 9871
NPRM Comment Period End	04/27/83	48 FR 9871
Final Action	12/31/85	50 FR 53420

Small Entity: Not Applicable

Additional Information: LR-262-76.

Drafting attorney: John Schmalz (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lokey.

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB80

2567. INCOME TAX--RULES FOR DETERMINING WHETHER LOANS OR NET LEASES ARE COMMERCIAL ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 892 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would establish the activities with respect to loans or the ownership of real property that will be considered investment activities of foreign sovereigns. Income from such investments by foreign

sovereigns would be exempt from U.S. tax.

Timetable:

Action	Date	FR Cite
NPRM	07/22/80	
NPRM Comment Period End	09/22/80	
Withdrawn	09/13/85	50 FR 37381

Small Entity: Not Applicable

Additional Information: LR-110-80.

Drafting attorney: Nerman Dobynes Hubbard.

Reviewing attorney: Carol Doran Klein (202) 566-3289.

Office of International Tax Counsel (Treasury) reviewing attorneys: Andrus, Lainoff.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AB94

2568. ● INCOME TAX -- MIXED STRADDLE ACCOUNT ELECTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1092(b)(1) Internal Revenue Code of 1954; 26 USC 1092(b)(2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The amended temporary regulations will provide rules relating to the time and manner for making a mixed straddle account election.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3351
NPRM Comment Period End	03/25/85	50 FR 3351
Final Action	10/17/85	50 FR 42012

Small Entity: Not Applicable

Additional Information: LR-118-85.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Linda Carlisle (202) 566-4979.

Treasury attorney: Suzanne McDowell (202) 566-8278.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AI29

2569. ● INCOME TAX -- COORDINATION OF LOSS DEFERRAL AND WASH SALE RULES AND TREATMENT OF HOLDING PERIODS AND LOSSES UNDER SECTION 1092

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1092(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The amended temporary regulations will provide rules relating to the coordination of the loss deferral rules under section 1092 and the Wash sale rule under section 1091. The regulations will also provide rules relating to the treatment of holding periods and losses with respect to straddle positions held by regulated investment companies.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3352
NPRM Comment Period End	03/25/85	50 FR 3352
Final Action	01/15/86	51 FR 1785

Small Entity: Not Applicable

Additional Information: LR-124-85.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Linda Carlisle (202) 566-4979.

Treasury attorney: Suzanne McDowell (202) 566-8278.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AI30

2570. AMENDMENT OF INCOME TAX REGULATIONS UNDER SECTIONS 1374 AND 1375 RELATING TO THE IMPOSITION OF TAX ON CAPITAL GAINS AND PASSIVE INVESTMENT INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1374; 26 USC 1375

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules relating to a tax on capital gains and excess passive income in the case of certain subchapter S corporations.

Timetable:

Action	Date	FR Cite
NPRM	07/03/85	50 FR 27457
Final Action	07/03/85	50 FR 27457
NPRM Comment Period End	09/03/85	

Small Entity: Not Applicable

Additional Information: LR-267-82.

Drafting attorney: John G. Schmalz (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Fairlea Sheehy.

Agency Contact: John G. Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE92

2571. TEMPORARY ESTATE, GIFT AND GENERATION-SKIPPING TRANSFER TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2001 Note

CFR Citation: 26 CFR 27; 26 CFR 602

Legal Deadline: None

Abstract: These regulations will provide rules for taxpayers to report transfers of Public Housing Bonds occurring after December 31, 1983, and before July 18, 1984. The regulation will explain who must report such transfers, and how and when the reports must be made. The regulation will set forth penalties for failure to report such transfers.

Timetable:

Action	Date	FR Cite
Final Action	08/08/85	50 FR 32010
Final Action Effective	08/08/85	50 FR 32010

Small Entity: Not Applicable

Additional Information: LR-48-85.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Treasury attorney: Jim Bridgeman (202) 566-4902.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AH96

2572. TEMPORARY PROCEDURE AND ADMINISTRATION REGULATIONS UNDER THE SPENDING REDUCTION ACT OF 1984 RELATING TO THE REDUCTION OF TAX OVERPAYMENTS BY THE AMOUNT OF PAST-DUE LEGALLY ENFORCEABLE ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 31 USC 3720A Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These temporary 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 a taxpayer. The regulations explain which debts qualify for offset, and the steps a federal agency must take to refer a debt to the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8053	09/30/85	50 FR 39661

Small Entity: Not Applicable

Additional Information: LR-38-85.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: David Dickinson (202) 566-6655.

TITLE CONT: Debt Owed to Federal Agency.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AI00

2573. EXCISE TAX--APPLICABLE TO ARTICLES SOLD ON AND AFTER 1964

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4041 Internal Revenue Code of 1954; 26 USC 4042 Internal Revenue Code of 1954; 26 USC 4054 Internal Revenue Code of 1954; 26 USC 4058 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulations would revise and update the existing regulations regarding manufacturers and retailers excise taxes on special fuels to reflect statutory changes made to section 4041 since 1964. The regulations would provide guidance to the public to comply with the laws.

Timetable:

Action	Date	FR Cite
NPRM	10/22/80	45 FR 69933
NPRM Comment Period End	12/22/80	45 FR 69933
Hearing	04/08/81	
Final Action T.D. 8066	01/02/86	51 FR 11

Small Entity: Not Applicable

Additional Information: LR-2118.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: McClanahan.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AC85

2574. EXCISE TAX - PART 145 - TEMP. - DEFINITION OF FIRST RETAIL SALE RELATING TO TAX ON TRUCKS SOLD AT RETAIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4051 Internal Revenue Code of 1954

CFR Citation: 26 CFR 145.4051-1; 26 CFR 602.101 (c)

Legal Deadline: None

Abstract: These rules change the definition of "first retail sale" and provide for registration and certificates of resale in connection with sales for resale, where the purchaser is also in the business of leasing. The purpose is to improve the administration of the excise tax on trucks.

Timetable:

Action	Date	FR Cite
Final Action Temporary regulation	09/13/85	50 FR 37350

Small Entity: Not Applicable

Additional Information: LR-54-85.

Drafting attorney: Maurice B. Foley (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: Maurice B. Foley, Law Clerk, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AI11

2575. MANUFACTURERS & RETAILERS EXCISE TAX--RELATING TO RECAPPED OR RETREADED TIRES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4071 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: This project was opened to possibly amend the regulations so as to eliminate the distinction between shoulder to shoulder retread tires and bead to bead retread tires.

Timetable:

Action	Date	FR Cite
NPRM	02/08/84	49 FR 4790
NPRM Comment Period End	03/09/84	49 FR 4790
Final Action	10/11/85	50 FR 41490

Small Entity: Not Applicable

Additional Information: LR-180-81.

Drafting attorney: Robert B. Coplan (202) 566-3287.

Reviewing attorney: Robert B.Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Perlis.

Agency Contact: Robert B. Coplan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AC89

2576. EXCISE TAX--EXEMPTIONS FOR QUALIFIED GOVERNMENTAL INTERESTS, QUALIFIED CHARITABLE INTERESTS (INCLUDING RESIDENTIAL CHILD CARE AGENCIES), INDIAN OIL, ALASKAN ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4994 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: The regulations provide rules and definitions relating to various exemptions from the windfall profit tax.

Timetable:

Action	Date	FR Cite
NPRM	02/12/85	50 FR 5770
NPRM Comment Period End	04/15/85	50 FR 5770
Final Action	10/08/85	50 FR 40966

Small Entity: Not Applicable

Additional Information: LR-69-80.

Drafting attorney: John G. Schmalz (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: John G. Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD05

2577. REPORTING OF STATE AND LOCAL INCOME TAX REFUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050E Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to persons who make payments of refunds of State or local income taxes, or who allow credits or offsets with respect to such taxes, for purposes of reporting these amounts to the Service. The regulations would also prescribe rules for providing statements to the taxpayers receiving the refund or for whom the credit or offset is allowed.

Timetable:

Action	Date	FR Cite
NPRM	09/15/83	48 FR 41436
NPRM Comment Period End	11/14/83	48 FR 41436
Final Action T.D. 8052	09/13/85	50 FR 37347

Small Entity: Not Applicable

Additional Information: LR-233-82.

Drafting attorney: Alice M. Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: Alice M. Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AE76

2578. INCOME TAX--MORTGAGE INTEREST REPORTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050H Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules relating to information reporting of mortgage interest received in a trade or business from individuals, including the persons and interest subject to the reporting requirement.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8047	08/20/85	50 FR 33529

Small Entity: Not Applicable

Additional Information: LR-201-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Ewan D. Purkiss (202) 566-3238.

Treasury attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AH27

2579. ● RETURNS RELATING TO SALES OR EXCHANGES OF CERTAIN PARTNERSHIP INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050K Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules relating to the manner of filing and content of return, statements, and notifications with respect to certain sales or exchanges of interests in partnerships.

Timetable:

Action	Date	FR Cite
Final Action Temporary regulations	12/23/85	50 FR 52313

Small Entity: Not Applicable

Additional Information: LR-129-85.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Blake Rubin (202) 566-2927.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AI35

2580. ● EMPLOYEE TIP REPORTING AND SUBSTANTIATION REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; PL 98-369, Sec 1072(b) Tax Reform Act of 1984

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: The regulations contain rules relating to employee tip reporting and

recordkeeping requirements to reflect changes in the tax law made by section 1072 of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
Final Action Temporary regulation published	07/23/85	50 FR 29964

Small Entity: Not Applicable

Additional Information: LR-87-85.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AI34

2581. PROPOSED REGULATIONS OF SECTION 6232, RELATING TO THE APPLICABILITY OF PARTNERSHIP AUDIT RULES TO THE WINDFALL PROFIT TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6232 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: These regulations will provide rules relating to the extension of the partnership audit rules under Code sections 6221-6231 to the Windfall Profit Tax. These regulations provide rules under which the partnership may act on behalf of all partners in the assessment and determination of the Windfall Profit Tax.

Timetable:

Action	Date	FR Cite
NPRM	10/18/84	49 FR 40896
NPRM Comment Period End	12/17/84	49 FR 40896
Final Action	10/01/85	50 FR 39998

Small Entity: Yes

Additional Information: LR-220-83.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3289.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Treasury attorney: Moshe Schuldinger (202) 566-2929.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AG54

2582. EXCISE TAX--SPORTING GOODS AND FIREARMS & ADMINISTRATION PROVISIONS OF SPECIAL APPLICATION TO MANUFACTURERS & RETAILERS EXCISE TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6001 to 6427 Internal Revenue Code of 1954; 26 USC 4161 Internal Revenue Code of 1954; 26 USC 4181 Internal Revenue Code of 1954; 26 USC 4182 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: This regulation will contain amendments which would revise and update the regulations concerning manufacturers excise taxes on sporting goods and firearms and other administrative provisions especially applicable to manufacturers and retailers excise taxes.

Timetable:

Action	Date	FR Cite
NPRM	01/05/83	48 FR 00442
NPRM Comment Period End	05/05/83	
Final Action	08/08/85	50 FR 32012

Small Entity: Not Applicable

Additional Information: LR-2115.

Drafting attorney: Ada S. Rousso (202) 566-3297.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hutton, Levinson.

Notice published 01/05/83.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545-AD12

2583. ● CREDIT OR REFUND OF WINDFALL PROFIT TAX PAID BY A TRUST TO CERTAIN BENEFICIARIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6430(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 6430

Legal Deadline: None

Abstract: The regulations provide rules and examples relating to a credit of windfall profit tax paid by a trust to certain beneficiaries of the trust.

Timetable:

Action	Date	FR Cite
NPRM	11/20/84	49 FR 45758
NPRM Comment Period End	01/19/85	
Final Action	10/08/85	50 FR 40971

Small Entity: Not Applicable

Additional Information: LR-56-83.

Drafting attorney: John G. Schmalz (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Moshe Schuldinger (202) 566-2929.

Agency Contact: John G. Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AI27

2584. TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX RETURN ACT OF 1984, RELATING TO BELOW-MARKET LOANS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7872 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These temporary regulations provide taxpayers with a list of loan transactions that are not subject to section 7872. If a loan is subject to section 7872, the below-market loan is recharacterized as a 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. Taxpayers who are parties to a loan listed in these regulations are not subject to section 7872 with respect to that loan.

Accordingly, no amounts are imputed under section 7872.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8045	08/20/85	50 FR 35519

Small Entity: Not Applicable

Additional Information: LR-309-84.

Drafting attorney: Sharon L. Hall (202) 566-3828.

Reviewing attorney: John Fischer.

Treasury attorney: Fairlea Sheehy.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3828

RIN: 1545-AG82

[FR Doc. 86-5777 Filed 04-18-86; 8:45 am]

BILLING CODE 4830-01-T

Federal Register

Monday
April 21, 1986

Part XVI

ACTION

Semiannual Regulatory Agenda

ACTION

ACTION

45 CFR Ch. XII

Executive Order 12291, Federal Regulation, Semiannual Agenda of Regulations

AGENCY: ACTION.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations that ACTION will have under development, revision or review during the next year. The purpose for publishing this agenda is to give notice of any regulatory activity by the Agency in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the Agency official listed for the particular agenda item. For other information concerning ACTION regulations or this semiannual agenda, contact Robert C. MacKichan, General Counsel, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525, (202) 634-9333.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. 605) executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

The regulations being considered by ACTION are not "major" rules within the meaning of E.O. 12291 and no Regulatory Impact Analysis is required. ACTION has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public; and that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required under 5 U.S.C. 602.

Donna M. Alvarado,

Director.

ACTION (ACTION)

Prerule Stage

2585. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 2000(d)(1); 42 USC 5057; 42 USC 5060

CFR Citation: 45 CFR 1203

Legal Deadline: None

Abstract: In accordance with 42 USC 2000(d)(1) ACTION will promulgate regulations implementing provisions of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, as amended, and section 417 of the Domestic Volunteer Service Act of 1973, as amended, which prohibit discrimination on the basis of race, color, national origin, religion or sex, in federally assisted programs. Relevant provisions of existing ACTION title VI regulations will be subsumed into this new regulation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Jess Quintero, Deputy Director for Equal Opportunity, ACTION, Office of Compliance, 806 Connecticut Ave., NW, Washington, DC 20525, **202 634-9312**

RIN: 3001-AA06

2586. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN ACTION PROGRAMS

Legal Authority: 29 USC 794; 42 USC 5057; 42 USC 5060

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: In accordance with section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), ACTION will promulgate implementing regulations which prohibit discrimination on the basis of handicap in federally conducted programs and activities. ACTION regulations prohibiting discrimination on the basis of handicap in federally assisted programs are contained in 45 CFR 1232.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Jess Quintero, Deputy Director for Equal Opportunity, ACTION, Office of Compliance, 806 Connecticut Ave., NW, Washington, DC 20525, **202 634-9312**

RIN: 3001-AA07

ACTION (ACTION)

Completed Actions

2587. DENIAL OF APPLICATION FOR REFUNDING

CFR Citation: 45 CFR 1206

Completed:

Reason	Date	FR Cite
Final Action	10/17/85	50 FR 42023
Final Action Effective	12/02/85	50 FR 42023

Small Entity: No

Agency Contact: J. C. Argetsinger 202 634-9333

RIN: 3001-AA08

[FR Doc. 86-6297 Filed 04-18-86; 8:45 am]
BILLING CODE 6050-28-T

federal register

Monday
April 21, 1986

Part XVII

Advisory Council on Historic Preservation

Semiannual Regulatory Agenda

ACHP

ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Ch. VIII

Regulatory Agenda

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of regulatory agenda.

SUMMARY: This Regulatory Agenda is a semiannual summary of each proposed and final regulation that the Advisory Council on Historic Preservation expects to publish in the **Federal Register** during the next twelve (12) months.

ADDRESS: Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, N.W., Suite 809, The Old Post Office Building, Washington, D.C. 20004.

FOR FURTHER INFORMATION CONTACT: John Fowler, Acting Executive Director, Advisory Council on Historic Preservation, 202-786-0503.

John Fowler,

Acting Executive Director.

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP) — Final Rule Stage

2588. PROTECTION OF HISTORIC AND CULTURAL PROPERTIES

Significance: Agency Priority

Legal Authority: PL 89-665; 16 USC 470, as amended; 80 Stat. 915; 84 Stat. 204 (1970); 87 Stat. 139 (1973); 90 Stat. 1320 (1976); 92 Stat. 3467 (1978); EO 11593; 3 CFR 1971

CFR Citation: 36 CFR 800

Legal Deadline: None

Abstract: In order to streamline and increase the effectiveness of the Council's regulations at 36 CFR Part 800 the Council is in the process of preparing revisions to its regulations. The reason for the revisions is to implement new regulatory authorities set forth in PL 96-515, and to improve the efficiency of the historic preservation review process. The alternative to revision of the regulations is to leave them as they are, which would not achieve the goals the Council seeks. The revisions are expected to reduce the cost of complying with the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/18/85	50 FR 41828
NPRM Comment Period End	01/15/86	
Final Action	07/01/86	
Final Action Effective	10/01/86	

Small Entity: No

Agency Contact: John M. Fowler, Acting Executive Director, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue NW, Suite 809, Washington, DC 20004, 202 786-0503

RIN: 3010-AA00

2589. ● ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

Legal Authority: 29 USC 794

CFR Citation: 36 CFR 812

Legal Deadline: None

Abstract: This regulation ensures that the agency operates all of its programs and activities to ensure nondiscrimination against qualified handicapped persons. It sets forth standards for what constitutes discrimination on the basis of mental or physical handicap, provides a definition for handicapped person and qualified handicapped person, and establishes a complaint mechanism for resolving allegations of discrimination. This regulation is issued under the authority of Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap in programs or activities conducted by Federal executive agencies. No alternatives are being considered, and no significant impact or cost is anticipated.

Timetable:

Action	Date	FR Cite
NPRM	07/18/84	49 FR 34132
NPRM Comment Period End	12/26/84	
Final Action	07/00/86	
Final Action Effective	09/00/86	

Small Entity: No

Additional Information: The rule has been approved by the Equal Opportunity Commission under Executive Order 12067 and reviewed by the Office of Management and Budget under Executive Order 12291.

Agency Contact: John M. Fowler, Acting Executive Director, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue NW., #809, Washington, DC 20004, 202 786-0503

RIN: 3010-AA01

[FR Doc. 86-7382 Filed 04-18-86; 8:45 am]

BILLING CODE 4310-10-T

Federal Register

Monday
April 21, 1986

Part XVIII

Architectural and Transportation Barriers Compliance Board

Semiannual Regulatory Agenda

ATBCB

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1190

Unified Agenda of Federal Regulations

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Submission of Unified Agenda of Federal Regulations.

SUMMARY: The Architectural and Transportation Barriers Compliance Board submits the following agenda of proposed regulatory activities which may be conducted by the agency during the next twelve months. This regulatory agenda may be revised and/or refined by the agency during the coming months as a result of action taken by the Board. In addition to any regulatory actions, the Board may also consider issuing advisory standards and/or policy statements as part of its statutory responsibilities. When appropriate, these standards and policies will also be published in the **Federal Register.**

ADDRESS: U.S. Architectural and Transportation Barriers Compliance Board, 330 C Street, S.W., Room 1010, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: For information concerning Board regulations and proposed actions, contact Ms. Karen Smith, Office of Technical Services, (202) 472-2700 (voice or TDD) or (202) 245-1591 (messages - voice or TDD).

Charles R. Hauser,

Chairperson, Architectural and Transportation Barriers Compliance Board.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Prerule Stage

2590. MINIMUM GUIDELINES AND REQUIREMENTS FOR ACCESSIBLE DESIGN

Significance: Agency Priority

Legal Authority: 29 USC 792(b)(7) Rehabilitation Act of 1973, as amended

CFR Citation: 36 CFR 1190

Legal Deadline: None

Abstract: Specific provisions of the ATBCB Minimum Guidelines and Requirements for Accessible Design have been reserved until such time as sufficient research, information, and/or field experience is obtained. In addition to these reserved provisions, the Board has indicated that additional information would be useful on other provisions contained in the regulation and on other access issues. As materials and experience become available in these areas, the Board plans to take the appropriate action to complete or revise these requirements. For example, this year the Board may issue proposed rules in the areas of signage and detectable tactile surface treatments. Information on alternatives being considered for addressing a particular provision, and the potential costs and benefits of the action being proposed will be provided during the rulemaking process. The last revision to the Minimum Guidelines and Requirements for Accessible Design was published 08/04/82 (47 FR 33862).

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Additional Information: Phone number of agency contact is voice or TDD.

Agency Contact: Ms. Karen Smith, Acting Director-Office of Technical Services, Architectural and Transportation Barriers Compliance Board, 330 C Street, SW, Room 1010, Washington, DC 20202, **202 472-2700**

RIN: 3014-AA00

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Final Rule Stage

2591. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD PROGRAMS

Significance: Agency Priority

Legal Authority: 29 USC 794 Rehabilitation Act of 1973, as amended

CFR Citation: 36 CFR 1154

Legal Deadline: None

Abstract: This proposed regulation sets forth procedures and policies to assure nondiscrimination on the basis of handicap in programs and activities conducted by the Board. Patterned on the prototype regulation prepared by the Department of Justice, the draft regulation is under consideration by the Board.

Timetable:

Action	Date	FR Cite
NPRM	03/11/85	
NPRM Comment Period End	07/09/85	
Final Action	03/00/86	

Small Entity: No

Additional Information: Phone number of agency contact is voice or TDD.

Agency Contact: Ms. Debra Fischer, Acting General Counsel, Architectural and Transportation Barriers Compliance Board, 330 C Street, SW, Room 1010, Washington, DC 20202, **202 245-1801**

RIN: 3014-AA02

2592. ● COMPLIANCE WITH STANDARDS FOR ACCESS TO AND USE OF BUILDINGS BY HANDICAPPED PERSONS

Legal Authority: 29 USC 794 Rehabilitation Act of 1973, as amended

CFR Citation: 36 CFR 1150

Legal Deadline: None

ATBCB

Final Rule Stage

Abstract: The current regulation sets forth procedures to ensure compliance with standards issued under the Architectural Barriers Act of 1968, Pub. L. 90-480, as amended, 42 U.S.C. 4151 et seq. The Board will consider revision of this regulation to provide a 180 day period for informally resolving complaints in place of the current 90 day period.

Timetable:

Action	Date	FR Cite
Interim Final with Request for Comment	07/00/86	
Interim Final Comment Period End	09/00/86	
Final Action	12/00/86	

Small Entity: No

Agency Contact: Ms. Debra Fischer, Acting General Counsel, Architectural and Transportation Barriers Compliance Board, 330 C Street, SW, Room 1010, Washington, DC 20202, **202 245-1801**

RIN: 3014-AA03

[FR Doc. 86-4522 Filed 04-18-86; 8:45 am]

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federal register

Monday
April 21, 1986

Part XIX

Council on Environmental Quality

Semiannual Regulatory Agenda

CEQ

COUNCIL ON ENVIRONMENTAL QUALITY

40 CFR Part 1502

Semiannual Agenda of Regulations

February 4, 1986

AGENCY: Council on Environmental Quality.

ACTION: Publication of the semiannual agenda of regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act (5 U.S.C. 605) and Executive Order No. 12291, "Federal Regulations," dated February 17, 1981 the Council on Environmental Quality is required to publish in April and October of each year an agenda of proposed regulations that the Council has issued or expects to issue and current rules that are under agency review.

FOR FURTHER INFORMATION CONTACT: Questions should be addressed to: Dinah Bear, General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006 (202) 395-5754.

A. Alan Hill,

Chairman.

COUNCIL ON ENVIRONMENTAL QUALITY (CEQ) — Final Rule Stage

2593. INCOMPLETE OR UNAVAILABLE INFORMATION

Significance: Regulatory Program

Legal Authority: EO 11991; 42 USC 4321 to 4347

CFR Citation: 40 CFR 1502.22

Legal Deadline: None

Abstract: An Advance Notice of Proposed Rulemaking reported in the April, 1985 Semiannual Agenda resulted in a Council decision to amend 40 C.F.R. 1502.22. The regulation had been under review for resolution of the issues raised by judicial opinions. A proposed amendment was published in the Federal Register on Friday, August 9, 1985. 50 Fed. Reg. 32.234 (1985).

The Council received 184 comments on the proposed amendment. The Council is currently in the process of developing the final amendment.

Timetable:

Action	Date	FR Cite
ANPRM	12/31/84	49 FR 50744
ANPRM Comment Period End	02/15/85	49 FR 50744
NPRM	08/09/85	50 FR 32234
NPRM Comment Period End	09/23/85	50 FR 32234
Final Action	04/00/86	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Dinah Bear, General Counsel, Council on Environmental Quality, 722 Jackson Place, NW, Washington, DC 20006, 202 395-5754

RIN: 0331-AA01

[FR Doc. 86-4523 Filed 04-18-86; 8:45 am]

BILLING CODE 3125-01-T

federal register

Monday
April 21, 1986

Part XX

Environmental Protection Agency

Semiannual Regulatory Agenda

EPA

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL #2990-9]

Regulatory Agenda

AGENCY: Environmental Protection Agency (EPA).

ACTION: Regulatory agenda.

SUMMARY: EPA revises the Regulatory Agenda semiannually and it appears in the **Federal Register** each April and October. It provides specific information on the status of regulations that are under development, revision, and review at the Agency. The Agenda is published to keep interested parties informed of the progress of EPA regulations.

ADDRESSES: For specific information on any item in the Agenda, please contact the person listed with each entry.

If you have any suggestions for improving this publication, or need general information about the Agenda, please call or write to Angela Tyler, Regulation Management Staff, Environmental Protection Agency, PM-223, Washington, D.C. 20460, (202) 382-7205.

If you want to be on the mailing list for future Agendas, please call or write to Penelope Parker, Regulation and Information Management Division, Environmental Protection Agency, PM-223, Washington, D.C. 20460, (202) 382-5480.

FOR FURTHER INFORMATION CONTACT: Angela Tyler, (202) 382-7205.

SUPPLEMENTARY INFORMATION:

Organization of the Agenda

The Agenda is organized by statutory area -- generally by the titles of the major legislation authorizing EPA's pollution control programs. In a few cases, the Agenda combines regulations with differing statutory authorities that have closely-related subject matter. For example, the Fuel Economy Data regulation under the Energy Policy and Conservation Act appears together with mobile source regulations under the Clean Air Act.

The statutory areas appear in the following order:

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
Federal Food, Drug, and Cosmetics Act (FFDCA)
Toxic Substances Control Act (TSCA)
Clean Water Act (CWA)
Marine, Protection, Research, and Sanctuaries Act (MPRSA)
Atomic Energy Act (AEA)
Safe Drinking Water Act (SDWA)
Resource Conservation and Recovery Act (RCRA)
Hazardous and Solid Waste Management Act (HSWA)
Clean Air Act (CAA)
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
General -- Other Acts (including general grant and procurement regulations and regulations that cut across several program areas)

Within each statutory area the entries are divided into four categories: (1) Prerulemakings; (2) proposed rules; (3) final rules; and (4) regulations that EPA is deleting from the Agenda because the Agency has completed, withdrawn, or postponed them indefinitely. Detailed information on each of these sections is presented below.

Appendix A includes a list of abbreviations of terms used in this document.

I. Prerulemakings

Prerulemaking actions are those activities underway at EPA that are intended to determine whether, or how, to initiate rulemaking. These activities would occur prior to proposed rulemaking, and includes anything that influences or leads to rulemaking. These activities include advance notices of proposed rulemaking; significant studies or analyses of the possible need for regulatory action; requests for public comment on the need for regulatory action; or important regulatory policy proposals.

This section also includes existing EPA regulations: (1) that are now under review, or (2) whose review will begin before EPA publishes the next Agenda. The purpose of such reviews is to determine whether the Agency should revise the rule, rescind it, or leave it unchanged. When finished, these reviews will appear in the completed section of the Agenda. If EPA decides to review or rescind the regulation, the action will appear in the following Agenda with an entry in the proposed rule section, and will state the timetable for completing the revision or rescission.

For each regulation under review, the Agenda provides the title, a short abstract, legal authority, CFR reference, any analysis EPA is preparing, contact person, and the schedule for completing the review. It also indicates the "review authority," which in many cases is different from the regulation's statutory authority. EPA reviews regulations under various mandates, and some reviews satisfy more than one of these mandates. The principal mandates are:

Executive Order 12498 is intended to establish annually the Administration's Regulatory Program. It defines priority activities that the Agency will work on during the upcoming year. Its purpose is to minimize duplication and conflict among regulatory activities across different agencies and enhance public understanding of the Administration's regulatory objectives.

Executive Order 12291 establishes the general policy that EPA should review its regulations to ensure that the costs of these regulations are justified by their benefits.

The Regulatory Flexibility Act requires that EPA review existing regulations that have a significant economic impact on a substantial number of small entities, including small businesses, small organizations, and small governments, at least once every ten years. EPA invites public comment on the need to revise the list of regulations EPA is reviewing under the Regulatory Flexibility Act.

Reviews under the RFA are identified by a "Yes" in the "small entity" category. When the Agency completes reviews of regulations with a significant impact on small entities, the Agenda entry includes an abstract that announces the Agency's decision of whether to revise, rescind, or leave the regulation unchanged. This announcement complies with the RFA and EPA's July 16, 1981 plan (46 FR 36930) for reviewing regulations under the Act.

The Paperwork Reduction Act requires EPA to review its information collection activities to determine that the Agency needs and will actually use all of the information that will be collected. The Agency should make sure that it will manage the information as efficiently as possible. EPA must also ensure that the information to be collected is of high quality, appropriate

for its intended use, and does not already exist at EPA or at some other Federal agency. In addition, the Act requires EPA to review the cost of collecting the information, so that it will be held to a minimum for both the respondent and EPA.

Proposed and Final Rules

Regulations are generally listed in the Agenda once they are within a year of scheduled publication as a notice of proposed rulemaking (NPRM) or final action. Very important regulations under development will usually appear even if the scheduled publication dates are more than a year away.

Proposed and final rules appear as: (a) Actions that will create new CFR parts, subparts, or subsections; or (b) actions that revise or amend already existing CFR parts, subparts, or subsections. The word "revision" will appear in parentheses after the title of each regulation undergoing revision. All regulations appearing in the Agenda for the first time are marked with bullets (●).

The regulations are ordered numerically, by section number of the authorizing legislation. For example, all air regulations under section 109 of the Clean Air Act will appear before those under section 111.

This section includes all "significant" EPA regulations. Some are top priority regulations under development that:

- Are subject to Executive Order 12498; or
- The Agency has designated for priority development or revision.

However, the listings exclude: (a) Specialized categories of actions (such as EPA approvals of state plans and other actions that do not apply nationally); and (b) routine actions (such as pesticide tolerances and minor amendments to existing rules).

For each proposed and final regulation, the Agenda includes:

- The title
- The priority classification (if applicable)
- The legal authority
- The CFR reference
- A short abstract
- An analysis section (if the Agency is preparing a Regulatory Impact Analysis [RIA] and/or a Regulatory Flexibility Analysis [RFA])
- A timetable of existing and scheduled actions
- A reference to small entity impacts
- An Agency contact, and
- An additional information section

The additional information section includes the FTS phone number for the Agency contact. It also includes the Start Action Request (SAR) number, which is assigned to the regulation for internal tracking purposes.

III. Completed Actions

These are actions that appeared in the last Agenda, but which EPA is deleting because they are completed or are no longer under consideration. The information given on these regulations and reviews of regulations is less detailed than for those that are still under consideration. Generally, entries include: (1) The date and **Federal Register** citation, if any, of the last action on the regulation, and (2) an explanation of why the Agency is deleting the regulation from the Agenda.

DATED: March 13, 1986.

John M. Campbell,

Deputy Assistant Administrator for Policy, Planning, and Evaluation.

Appendix A--(Abbreviations)

ANPRM - Advance Notice of Proposed Rulemaking
AOD - Argon-Oxygen Decarbonization
BAT - Best Available Technology
BCT - Best Conventional Technology
BOD - Biochemical Oxygen Demand
BPT - Best Practicable Technology
CA - Cooperative Agreements
CAG - Carcinogenic Assessment Group
CBOD - Carbonaceous Biochemical Oxygen Demand
CEQ - Council on Environmental Quality
CFR - Code of Federal Regulations
DOE - Department of Energy
EAF - Electric Arc Furnaces
FR - Federal Register
FTS - Federal Telecommunications System
GCWR - Gross Combination Weight Rating
GVWR - Gross Vehicle Weight Rating
HDE - Heavy-Duty Engine
HDT - Heavy-Duty Truck
HDV - Heavy-Duty Vehicle
ICS - Intermittent Control System
LDT - Light-Duty Truck
LDV - Light-Duty Vehicle
MCL - Maximum Contaminant Level
NEPA - National Environmental Policy Act
NESHAPS - National Emission Standards for Hazardous Air Pollutants
NPDES - National Pollutant Discharge Elimination System
NPRM - Notice of Proposed Rulemaking
NRDC - Natural Resources Defense Council
NSO - Nonferrous Smelter Orders
NSPS - New Source Performance Standards
OAQPS - Office of Air Quality Planning and Standards
OPP - Office of Pesticide Programs
OPTS - Office of Pesticides and Toxic Substances
OSHA - Occupational Safety and Health Administration
PCB - Polychlorinated Biphenyl
POTW - Publicly Owned Treatment Work
PSD - Prevention of Significant Deterioration
PSES - Pretreatment Standards for Existing Sources
PSNS - Pretreatment Standards for New Sources
RFA - Regulatory Flexibility Act
RIA - Regulatory Impact Analysis
RIN - Regulatory Identifier Number
RMCL - Recommended Maximum Contaminant Level
SAR - Start Action Request
SIC - Standard Industrial Code
SSC - State Superfund Contracts
TSS - Total Suspended Solids
UIC - Underground Injection Control
USC - United States Code
VOC - Volatile Organic Chemical

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2594	SAR NO.2339 Toxicology Data Requirements for Antimicrobial Pesticides	2070-AB51
2595	SAR NO.2317 Restricted Use Classification for Certain Active Ingredients used in Termiticides	2070-AB53
2596	SAR NO.2337 Sale of Restricted Use Pesticides to Noncertified Applicators	2070-AB48

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Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2597	SAR NO.2314 Pesticide Advertising	2070-AB47
2598	SAR No. 2006. Guidelines on Disposal and Storage of Pesticides (Revision)	2070-AA61
2599	SAR No. 1640. Worker Protection Standards for Agricultural Pesticides (Revision)	2070-AA49
2600	SAR NO.2013 User Charges for Pesticide Registrations	2070-AB52

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2601	SAR No. 1828. Restricted Use Classification for Certain Active Ingredients Used in Fumigants	2070-AA00
2602	SAR No. 1964. Comprehensive Revision of Pesticide Registration and Classification Procedures (Revision)	2070-AA56
2603	SAR No. 1965. Pesticide Products; Package Size Exemption for Child Resistant Packaging (Revision)	2070-AA93
2604	SAR No. 2123. Policy Statement Regarding Certain Microbial Products	2070-AB34
2605	SAR No. 2289. Labeling Requirements for Pesticides and Devices (Revision)	2070-AB46
2606	SAR NO.2338 Reporting Requirements for Risk/Benefits Information	2070-AB50
2607	SAR No. 1747. Registration of Pesticide Producing Establishments (Revision)	2070-AA04
2608	SAR NO.1829 Restricted Use Classification for Certain Active Ingredients used in Granular Insecticides	2070-AB49

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2609	SAR No. 1932. Special Review Criteria and Procedures (Revision)	2070-AA57
2610	SAR No. 2252. Pesticide Registration Standards: Docketing and Public Participation Procedures	2070-AB33
2611	SAR No. 1963. Tolerance Fees for Pesticide Chemicals (Revision)	2070-AA46
2612	SAR No. 2180. Enforcement Policy Regarding Failures to Report Information Under Section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)(REVISION)	2070-AB12
2613	SAR No. 2179. Rescission of Efficacy Data Waiver for Vertebrate Control Products (Revision)	2070-AB19
2614	SAR No. 2017. Rule Governing Issuance of Emergency Exemptions from FIFRA (Revision)	2070-AA41

Toxic Substances Control Act (TSCA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2615	SAR No. 2032. Regulatory Investigation of 2-Ethoxyethanol, 2-Methoxyethanol and Their Acetates (Glycol Ethers) (Revision)	2070-AA71

Toxic Substances Control Act (TSCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2616	SAR No. 1137. Decisions on Test Rules for the Interagency Testing Committee (ITC) Priority Lists	2070-AB07
2617	SAR No. 2124. Strategies for Control/Information Collection for Chemical Categories	2070-AB17
2618	SAR No. 1923. Follow-up Rules on Existing Chemicals	2070-AA58
2619	SAR No. 1976. Follow-up Rules on Non-5(e) New Chemicals	2070-AA59
2620	SAR No. 2246. Chemical Specific Significant New Use Rules to Extend Provisions of Section 5(e) Orders	2070-AB27
2621	SAR NO. 2247 Generic Significant New Use Rule for Acrylate Compounds	2070-AB56
2622	SAR NO.2325 Significant New Use Rule for Pathogens and Microorganisms Containing Genetic Material from Pathogens	2070-AB57

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Toxic Substances Control Act (TSCA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2623	SAR No.2326 PMN Rule: Applicability of R&D Exemption to Living Microorganisms	2070-AB58
2624	SAR No. 2149. Regulatory Investigation of Metalworking Fluids	2070-AB09
2625	SAR No. 2146. Regulatory Investigation of Formaldehyde	2070-AB14
2626	SAR No. Regulatory Investigation of 4,4'-Methylenebis (2- Chloroaniline)(MBOCA)	2070-AB22
2627	SAR No.2243. Asbestos Abatement Building Occupant Protection Rule	2070-AB23
2628	SAR No.2244. Polychlorinated Biphenyls (PCBs): Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions; Exclusions and Use Authorizations (Revision)	2070-AB25
2629	SAR No. 2284. Regulatory Investigation of Methylene Chloride	2070-AB41
2630	SAR No. 2295. Asbestos in Schools Reinspection Rule	2070-AB44
2631	SAR No. 2297. PCB Spills Cleanup Policy and PCB Recordkeeping Amendments (Revision)	2070-AB45
2632	SAR NO. 1680 Labeling Rule for Treated Wood	2070-AB55
2633	SAR No. 2178. Section 8 (a) Preliminary Assessment Information Rule	2070-AB08
2634	SAR No. 2129. TSCA Section 8(a) Comprehensive Assessment Information Rule (CAIR)	2070-AB13
2635	SAR No.2327 Collection of Information on Living Microorganisms Released to the Environment	2070-AB59
2636	SAR NO.2324 User Fees for Processing PMNs	2070-AB54

Toxic Substances Control Act (TSCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2637	SAR No. 2253. Dioxins/Furans: Testing Rule and Requirements for Data Submission	2070-AB21
2638	SAR No. 2245. Negotiated Consent/Procedural Test Rule (Revision)	2070-AB30
2639	SAR No. 1134a. Premanufacture Notification: Stayed Provisions (Revision)	2070-AA94
2640	SAR No. 2250. General Regulations on Significant New Use Rules (SNURs) (Revision)	2070-AB26
2641	SAR No. 2123. Policy Statement Regarding Certain Microbial Products	2070-AB31
2642	SAR No. 2150. Polychlorinated Biphenyls (PCBs): Applications for Exemptions from the Ban on Manufacturing, Processing, and Distribution	2070-AB20
2643	SAR No. 2249 Asbestos Abatement Worker Protection Rule	2070-AB24
2644	SAR No. 2296. Action Concerning Commercial and Industrial Use of Asbestos	2070-AB29
2645	SAR No. 2115. Partial Updating of Certain TSCA Inventory Data	2070-AA99
2646	SAR No. Review of TSCA Section 8(c) Adverse Reactions Reporting and Recordkeeping Requirements(Revision)	2070-AB03
2647	SAR No. 1139a. Section 8(d) Health and Safety Data Reporting Rule	2070-AB11
2648	SAR No. 1139b. Section 8(d) Health and Safety Reporting Rule (revision)	2070-AB35

Toxic Substances Control Act (TSCA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2649	SAR No. 2114. Section 9 Report on 1,3-Butadiene	2070-AB04
2650	SAR No. 1138a. Section 8(c) Records and Reports of Allegations of Significant Adverse Reactions to Health and the Environment (Revision)	2070-AA86
2651	SAR No. 1137d. Chemical Information Rules; Additional Automatic Reporting (Revision)	2070-AA98

Clean Water Act (CWA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2652	SAR No. 2342. Regulations to Implement Recommendations of the Domestic Sewage Study	2040-AA99
2653	SAR No. 1404. Requirements for Application for 301(c) Variances	2040-AA01

EPA

Clean Water Act (CWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2654	SAR No. 2300. Guidelines for Classifying Groundwater under the EPA Groundwater Protection Strategy	2040-AA85
2655	SAR No. 1910. Effluent Guidelines for Adhesives and Sealants	2040-AA30
2656	SAR No. 2213. Effluent Guidelines for Plastics Molding and Forming (Phthalates)	2040-AA77
2657	SAR No. 1409. Effluent Guidelines for Leather Tanning (Revision)	2040-AA91
2658	SAR No. 1438. Effluent Guidelines for Aluminum Forming (Revision)	2040-AA92
2659	SAR NO.1410 Effluent Guidelines for Nonferrous Metals: (Phase I)	2040-AA96
2660	SAR No. 2304. Future Effluent Guidelines -- Standards Initiatives	2040-AA90
2661	SAR No. 2212. General Pretreatment Regulations: Response to PIRT (Revision)	2040-AA81
2662	SAR No. 2162. Sewage Sludge Use and Disposal Regulations	2040-AA74
2663	SAR No. 2189 Comprehensive Revisions to Ocean Dumping Regulations	2040-AA78
2664	SAR No. 2301. Incineration-at-Sea Site Designations (North Atlantic and Pacific)	2040-AA88

Clean Water Act (CWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2665	SAR No. 2163. State Sludge Program Regulations	2040-AA73
2666	SAR No. 1722. Simplifying Construction Grants Regulations (Revision)	2040-AA70
2667	SAR No. 1725. NPDES New Source and Short Application Forms (Revision)	2040-AA00
2668	SAR No. 1415. Effluent Guidelines for Organic Chemicals and Plastics and Synthetic Fibers	2040-AA05
2669	SAR No. 1649. Effluent Guidelines for Offshore Oil and Gas Extraction Industry (Revision)	2040-AA12
2670	SAR No. 1427. Effluent Guidelines for Pharmaceuticals	2040-AA13
2671	SAR No. 1425. Effluent Guidelines for Gum and Wood (Revision)	2040-AA17
2672	SAR No. 1420. Effluent Guidelines for Rubber Processing (Revision)	2040-AA42
2673	SAR No. 1969. Effluent Guidelines for Pulp, Paper, and Paperboard (PCB's) (Revision)	2040-AA63
2674	SAR No. 1413. Effluent Guidelines for Ore Mining and Dressing (Placer Mining)	2040-AA65
2675	SAR No. 1433. Effluent Guidelines for Copper Forming (Revision)	2040-AA93
2676	SAR No. 1434. Effluent Guidelines for Battery Manufacturing	2040-AA95
2677	SAR No. 1752. Best Conventional Pollutant Control Technology (BCT) Cost Test and BCT Effluent Guidelines(Revision)	2040-AA45
2678	SAR No. 1900. General Pretreatment Regulations: Definitions for Passthrough and Interference (Revision)	2040-AA46
2679	SAR No. 1451. Hazardous Substances Pollution Prevention for Facilities Subject to Permitting Requirements of Section 402	2040-AA34
2680	SAR No. 1579. Discharge of Oil (Revision)	2040-AA48
2681	SAR No. 2200. NPDES Regulations: Stormwater Application Requirements (Revision)	2040-AA79
2682	SAR No. 2140. Ocean Incineration Regulation (Revision)	2040-AA72

Clean Water Act (CWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2683	SAR No. 2267. Cost Control of Construction Grant Increases Regulation (Revision)	2040-AA71
2684	SAR No. 1411. Effluent Guidelines for Paint Formulation	2040-AA15
2685	SAR No. 1411A. Effluent Guidelines for Ink Formulation	2040-AA16
2686	SAR No. 1426. Effluent Guidelines for Pesticides	2040-AA18
2687	SAR No. 1432. Effluent Guidelines for Metal Molding and Casting (Foundries)	2040-AA20
2688	SAR No. 1911. Effluent Guidelines for Nonferrous Metals (Phase II)	2040-AA27
2689	SAR No. 1414. Effluent Guidelines for Coal Mining (Revision)	2040-AA66

EPA

Atomic Energy Act (AEA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2690	SAR No. 2073. Residual Radioactivity	2060-AB31

Atomic Energy Act (AEA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2691	SAR No. 1525. Radiofrequency Radiation Guidance	2060-AA02
2692	SAR No. 1727. Environmental Protection Standards for Low-Level Radioactive Waste	2060-AA04

Atomic Energy Act (AEA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2693	SAR No. 1161. Guidance for Occupational Radiation Exposure (Revision)	2060-AA00
2694	SAR No. 1162. Transuranium Elements	2060-AA01

Safe Drinking Water Act (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2695	SAR No. 1755. National Primary Drinking Water Regulations: Inorganic and Organic Compounds and Microbiological Contaminants and Turbidity (Revision)	2040-AA55
2696	SAR No. 2281. National Primary Drinking Water Regulation: Radionuclides	2040-AA94
2697	SAR NO.2340 National Primary Drinking Water Regulation: Disinfectants and Disinfection By-products	2040-AA97
2698	SAR No. 2131 Underground Injection Control Program: Indian Lands	2040-AA76

Safe Drinking Water Act (SDWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2699	SAR No. 1567. National Primary Drinking Water Regulations: Maximum Contaminant Levels for Volatile Organic Chemicals Found in Drinking Water	2040-AA53
2700	SAR No. 1756. National Primary Drinking Water Regulations: Fluoride (Revision)	2040-AA56

Noise Control Act (NCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2701	SAR No. 2046. Withdrawal of Products from the Agency's Reports Identifying Major Noise Sources and Withdrawal of Proposed Rules	2060-AB24

EPA

Noise Control Act (NCA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2702	SAR No. 2045. Motor Carriers Engaged in Interstate Commerce: Noise Emission Standards (Revision)	2060-AB20

Resource Conservation and Recovery Act (RCRA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2703	SAR No. 2211. Prohibition of Underground Injection of Wastes	2050-AB34

Resource Conservation and Recovery Act (RCRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2704	SAR No. 2207. Containerized Liquids in Landfills	2050-AB12
2705	SAR NO.2334 Corrective Action at Federal Facilities	2050-AB63
2706	SAR NO.2332 Mandatory Inspection Regulation	2050-AB59
2707	SAR No. 2204. Retrofitting Interim Status Surface Impoundments	2050-AB03
2708	SAR No. 2224 Criteria for Classification of Solid Waste Disposal Facilities and Practices (Revision)	2050-AB21
2709	SAR No. 2240. Air Emission Regulations for Hazardous Waste Treatment, Storage, and Disposal Facilities	2050-AB33
2710	SAR No. Identification and Listing of Hazardous Wastes	2050-AB46
2711	SAR No. 2208. Hazardous Waste Exports	2050-AB13
2712	SAR No. 2062. Identification and Listing of Hazardous Wastes: Toxicity Characteristic (Modification)	2050-AA78
2713	SAR No. 1817. Hazardous Waste Management: Miscellaneous Units (Subpart X)	2050-AA23
2714	SAR No. 2078. Hazardous Waste as Fuels: Technical Standards(Revision)	2050-AA72
2715	SAR No. 2080. Land Disposal Liner and Leak Detection Regulation (Revision)	2050-AA76
2716	SAR No. 2225. Financial Responsibility for Corrective Action: Continuing Releases	2050-AB22
2717	SAR No. 2229 and 2273 Use of Appendix VIII for Groundwater Monitoring (Revision)	2050-AB27
2718	SAR No. 1948. Standards for Owners/Operators of Waste Facilities: Financial Responsibility for Corrective Action-As Necessary and Desirable	2050-AB39
2719	SAR No. 2187. Proposed Codification Rule for the 1984 RCRA Amendments	2050-AB58
2720	SAR NO. 2254 Restriction of Land Disposal of Certain Hazardous Wastes: California List	2050-AB65
2721	SAR No. 2303. RCRA Location Standards for Hazardous Waste Treatment, Storage, and Disposal Facilities	2050-AB67
2722	SAR No. 2158. Amendment to State Program Capability Requirements	2050-AB01
2723	SAR No. 2257. Guidelines for Procurement of Re-refined Oil	2050-AB53
2724	SAR No. 2221. Leaking Underground Storage Tanks: Regulations for Tanks	2050-AB19
2725	SAR No. 2234. Requirements for Authorization of States: Underground Storage Tank Programs	2050-AB31
2726	SAR NO. 2556 Corrective Action Regulations for Underground Storage Tanks	2050-AB61

Resource Conservation and Recovery Act (RCRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2727	SAR No. 2111. Identification and Listing of Hazardous Wastes: Acute Hazardous Waste Mixture Rule (Revision)	2050-AA85
2728	SAR No. 2105. Identification and Listing of Hazardous Wastes: Listing of Commercial Chemical Products (Revision)	2050-AA87
2729	SAR 2274 Identification and Listing of Hazardous Waste: Iron Dextran	2050-AB54
2730	SAR No. 2168. Proposed Reinterpretation of Mining Waste Exclusion (Smelting/Refining)(Revision)	2050-AB56
2731	SAR NO. 2187. State Authorization Codification Rule	2050-AB64
2732	SAR No. 1713. Standards for the Management of Specific Hazardous Wastes: Waste Oil(Revision)	2050-AA00
2733	SAR No. 2068. Identification and Listing of Hazardous Wastes: Test Methods for Hazardous Waste (Revision)	2050-AA82
2734	SAR No. 2166. Schedule for Reviewing Wastes for Possible Land Disposal Restriction	2050-AA97
2735	SAR No. 1878. Restriction of Land Disposal of Certain Hazardous Wastes: Solvents, Dioxins and Establishing the Framework for EPA's Land Disposal Program	2050-AA30
2736	SAR No. 1844. Consolidated Permits: Class Permits(Revision)	2050-AA36
2737	SAR No. 1957. Standards for Storage or Treatment of Hazardous Waste in Tank Systems(Revision)	2050-AA57

EPA

Resource Conservation and Recovery Act (RCRA)—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2738	SAR No. 2165. Standards for Owners and Operators of Waste Facilities: Closure and Post-Closure Care (Revision)	2050-AB00
2739	SAR No. 2223 and 2273 Alternate Concentration Limits (ACL)and Other Groundwater Regulatory Amendments (Revision)	2050-AB20
2740	SAR No. 2273. Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Liability Storage	2050-AB47
2741	SAR No. 1805. Consolidated Permits: Minor Modifications to Existing RCRA Permits (Revision)	2050-AA37
2742	SAR No. 2011. Guideline for Federal Procurement of Paper and Paper Products Containing Recovered Materials	2050-AA68
2743	SAR No. 2259. Guidelines for Rubber Asphalt	2050-AB52
2744	SAR No. 2222. Interpretive Rule for the Lust Interim Prohibition	2050-AB57

Resource Conservation and Recovery Act (RCRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2745	SAR No. 1935. RCRA Small Quantity Generator Rule (Revision)	2050-AA59
2746	SAR No. 2079. Hazardous Waste as Fuels: Administrative Standards	2050-AA74
2747	SAR No. 2206. Streamlining Approval of State Program Revisions	2050-AB11
2748	SAR No. 2209. Notification Form for Underground Tanks	2050-AB14

Clean Air Act (CAA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2749	SAR No. 1919. NAAQS: Lead	2060-AA95
2750	SAR No. 1920. NAAQS: Ozone	2060-AA96
2751	SAR No. 1119. NSPS: Perchloroethylene Dry Cleaning	2060-AA14
2752	SAR No. 2264. NSPS: Primary Aluminum Reduction Plants	2060-AB36
2753	SAR No. 2265. NSPS: Secondary Lead Smelters	2060-AB39
2754	SAR NO.2330 NSPS: Petroleum Refineries	2060-AB93
2755	SAR No. 2029. NESHAPS: Beryllium	2060-AB07
2756	SAR No. 2181. Decisions on Regulating Various Air Pollutants	2060-AB56
2757	SAR No. 2287 Hydrocarbon Standards for Light-Duty Trucks (Revision)	2060-AB85
2758	SAR No. 1328. Fuels and Fuel Additives	2060-AA59

Clean Air Act (CAA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2759	SAR NO. 2302. Fuel Economy and Emissions Test Procedures for Light-Duty Vehicles (Revised)	2060-AB90
2760	SAR No. 1002. NAAQS for Sulfur Oxides (Revision)	2060-AA61
2761	SAR No. 1695. NSPS: Solvent Degreasing(111d)	2060-AA33
2762	SAR No. 1691. NSPS: Polymer and Resin Manufacture	2060-AA37
2763	SAR No. 2028. NSPS: Sewage Treatment Plants (Revision)	2060-AB05
2764	SAR No. 2075. NSPS: Industrial Boilers, S02	2060-AB33
2765	SAR No. 2164. NSPS: SOCMI Reactor Processes	2060-AB55
2766	SAR No. 2237. NSPS: Polymeric Coating of Supporting Substrates	2060-AB67
2767	SAR No. 2238. NSPS: Residential Wood Combustion	2060-AB68
2768	SAR No.1696 NSPS: VOC Emissions from Petroleum Refinery Wastewater Systems	2060-AB81
2769	SAR NO. 2239 NSPS: Small Boilers	2060-AB95
2770	SAR No. 1686. NESHAPS: Coke Oven Emissions from By-Product Coke Oven Charging, Door Leaks, and Topside Leaks on Wet-Coal Charged Batteries	2060-AA48
2771	SAR No. 1714. NESHAPS: Asbestos (Revision)	2060-AB51
2772	SAR No.2181 NESHAPS: Chromium(Revision)	2060-AB83

EPA

Clean Air Act (CAA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2773	SAR NO. 1869 NESHAPS: Cadmium	2060-AB92
2774	SAR No. 2112. Emission Standards, Test Procedures and CAFE Equivalency Factors for Methanol-Fueled New Motor Vehicles	2060-AB28
2775	SAR NO.2318 Control of Excess Evaporative Emissions/Fuel Volatibility	2060-AB89
2776	SAR No. 2143. Small-Volume Manufacturers Certification Procedure (Revision)	2060-AB54
2777	SAR No. 2136. Emission Performance Warranty Regulations (Revision)	2060-AB53
2778	SAR No. 2145 Voluntary Aftermarket Parts Certification Regulations (Revision)	2060-AB58
2779	SAR No. 2215 Fuel and Fuel Additives: Preventative Action Program to Prevent Self-Serve Fuel Switching	2060-AB59
2780	SAR NO. 2240. Treatment, Storage, and Disposal Facility Area Source Air Emissions - RCRA Standards	2060-AB94

Clean Air Act (CAA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2781	SAR No. 1003. NAAQS for Particulate Matter (Revision)	2060-AA62
2782	SAR No. 1845. New Source Review (Revision)	2060-AA68
2783	SAR No. 2102. Ambient Air Quality Surveillance (Revision)	2060-AB47
2784	SAR No. 1503. Restructure CFR Parts 51, 52 (Revision)	2060-AB49
2785	SAR No. 1741. Quality Assurance Procedures, Appendix F, Procedure 1	2060-AA09
2786	SAR No. 1008. NSPS: Stationary Internal Combustion Engines	2060-AA11
2787	SAR No. 1010. NSPS: Solvent Degreasing	2060-AA12
2788	SAR No. 2076 NSPS: Industrial Boilers--Particulate Matter and NOx	2060-AA22
2789	SAR No. 1612. NSPS: Volatile Organic Liquids Storage	2060-AA23
2790	SAR No. 1615. NSPS: Rubber Products Industry-Tire Manufacturing	2060-AA24
2791	SAR No. 1618. NSPS: Synthetic Organic Chemical Industry: Air Oxidation Process	2060-AA30
2792	SAR No. 1733. NSPS: Distillation Operations	2060-AA35
2793	SAR No. 1736. NSPS: Petroleum Refinery, FCC Regenerators	2060-AA36
2794	SAR No. 1959. NSPS: Kraft Pulp Mills (Revision)	2060-AA97
2795	SAR No. 2044. NSPS: Automobile and Light-Duty Truck Coating Operations	2060-AB22
2796	SAR No. 2083. NSPS: Fossil Fuel-Fired Steam Generators (Revision)	2060-AB29
2797	SAR No. 2186 NSPS: Cement Plants (Revision)	2060-AB38
2798	SAR No. 2236. NSPS: Surface Coating of Plastic Parts for Business Machines	2060-AB66
2799	SAR No.1928 NSPS: Magnetic Tape Manufacturing	2060-AB88
2800	SAR No. 1869. Decision on Regulation of Cadmium	2060-AA38
2801	SAR No. 1684. NESHAPS: Arsenic from Smelters and Other Sources	2060-AA41
2802	SAR No. 1685. NESHAPS: Benzene in Coke Ovens/By-Products Plants	2060-AA42
2803	SAR No. 1971. NESHAPS: Vinyl Chloride (Revision)	2060-AB06
2804	SAR No. 2137. NESHAPS: Mercury (Revision)	2060-AB44
2805	SAR No. 2217 NESHAPS: Radionuclides: Uranium Mills	2060-AB57
2806	SAR No. 1893. Dispersion Techniques Implemented Before Enactment of the Clean Air Act Amendments of 1970	2060-AA49
2807	SAR No. 1941. "Guideline on Air Quality Models" (Revision)	2060-AB13
2808	SAR No. 1317. Importation of Motor Vehicles and Motor Vehicle Engines (Revision)	2060-AA54
2809	SAR No. 2290. Removal of Lead from EPA Certification and Test Fuels (Revision)	2060-AB87
2810	SAR No. 2214. Fuel and Fuel Additives: Gasoline Lead Content (Revision)	2060-AB60
2811	SAR NO.2294 X-ray Test Procedures for Measuring Lead Content in Fuels	2060-AB91
2812	SAR No. 2289. Fuel Economy Test Procedures; Adjustment to Test Results to Account for Test Procedure Changes (light-duty trucks)	2060-AB86

Clean Air Act (CAA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2813	SAR No. 1671. NSPS: Basic Oxygen Furnaces (Revision)	2060-AA72
2814	SAR No. 2026. NSPS: Sulfuric Acid Manufacture	2060-AB02
2815	SAR No. 2110. NSPS: On-Shore Production for Sulfur Dioxide	2060-AB27
2816	SAR No. 2266. NSPS: Asphalt Concrete Plants	2060-AB41
2817	SAR No. 2070. NSPS: Reporting Requirements for Opacity	2060-AB42

EPA

Clean Air Act (CAA)—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2818	SAR No. 2239. NSPS: Small Boilers	2060-AB69
2819	SAR No.2292 NSPS: Coal Preparation Plants	2060-AB84
2820	SAR No. 1681. NESHAPS General Provisions (Revision)	2060-AA79
2821	SAR No. 2233. Nonconformance Penalties for 1987 and Later Model Year Heavy-Duty Engines (HDEs), Heavy-Duty Vehicles (HDVs), and Light-Duty Trucks (LDTs) (Phase II)	2060-AB65

Superfund (CERCLA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2822	SAR No. 1642C. Notification of Continuous Release of Hazardous Substances	2050-AA46
2823	SAR No. 2104. Adjustment of Reportable Quantities of Hazardous Substances Identified as Potential Carcinogens and Chronically Toxic Substances (Revision)	2050-AA80
2824	SAR NO.2335 Adjustment of Reportable Quantities of Hazardous Substances (Radionuclides)	2050-AB60
2825	SAR NO.2336 Adjustment of Reportable Quantities of Hazardous Substances (Acute Air Toxicants)	2050-AB62
2826	SAR No. 2065. Amendments to the National Oil and Hazardous Substances Pollution Contingency Plan	2050-AA75
2827	SAR No. 2077. National Priorities List (NPL) (Revision)	2050-AA79
2828	SAR No. 2160. Response Claims Procedures	2050-AA90

Superfund (CERCLA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2829	SAR No. 2291. Adjustments of Reportable Quantities of 105 Hazardous Substances (Revision)	2050-AB48

Superfund (CERCLA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2830	SAR No. 1642a. Designation of Additional Hazardous Substances and Reportable Quantity Adjustments	2050-AB50
2831	SAR No. 1642D. Natural Resource Claims Procedure	2050-AA48

General—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2832	SAR No. 2196 Denial or Restriction of Disposal Sites (Revision)	2030-AA05
2833	SAR No. 1825. Regulations for the Federal Claims Collection Act	2020-AA01
2834	SAR No. 2195 Confidentiality Regulations: Special Rules Governing Certain Information Under FIFRA (Revision)	2020-AA06
2835	SAR No. 2216 Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation of Suspension of Permits	2020-AA08
2836	SAR NO. 2307 Notice Requirements for Citizen Suits under the SDWA	2020-AA10

EPA

General—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2837	SAR No. 2049. Nondiscrimination on the Basis of Handicap for Programs Conducted by EPA	2020-AA05
2838	SAR No. 2218 Nondiscrimination on the Basis of Age in Programs Receiving Financial Assistant from the EPA(Revision)	2020-AA07
2839	SAR No. 1835. Amending NEPA Procedures Relating to Wastewater Construction Grants (Revision)	2090-AA04
2840	SAR No. 1605. Emissions Trading Policy (Revision)	2010-AA08
2841	SAR No. 1973. Section 404 State Program Regulations (Revision)	2030-AA00

General—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2842	SAR No. 1791. Public Information and Confidentiality Regulations (Revision)	2020-AA03
2843	SAR No. 2286. FTS:8-382-5460 Public Information Regulations: Collection of Fees	2020-AA09

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Proposed Rule Stage

2594. ● TOXICOLOGY DATA REQUIREMENTS FOR ANTIMICROBIAL PESTICIDES

Significance: Regulatory Program

Legal Authority: 7 USC 136 /FIFRA 3

CFR Citation: 40 CFR 158

Legal Deadline: None

Abstract: EPA will propose a policy to require toxicology data requirements for certain antimicrobial pesticide products. At present, virtually all antimicrobials are registered by EPA on the basis of only acute toxicity data because exposure is not considered to be repeated or long term. The only exception is the category of swimming pool chemicals because exposure of swimmers is whether exposure to additional antimicrobial pesticides is significant and/or repeated and whether expanded toxicology data, as described in Part 158, the Data Requirements for Pesticide Registration, should be required for certain antimicrobials.

Supplemental Timetable:

Policy Statement

Proposal 04/00/86

Small Entity: Undetermined

Additional Information: SAR NO.2339

FTS:8-557-7470

Agency Contact: James Wilson, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767c), Washington, D.C. 20460, 202 557-7470

RIN: 2070-AB51

2595. ● RESTRICTED USE CLASSIFICATION FOR CERTAIN ACTIVE INGREDIENTS USED IN TERMITICIDES

Significance: Regulatory Program

Legal Authority: 7 USC 136 /FIFRA 3

CFR Citation: 40 CFR 162.31

Legal Deadline: None

Abstract: FIFRA requires that pesticides be classified for either general use or restricted to trained, certified pesticide applicators. This rule would classify certain active ingredients in termiticides for restricted use based on criteria concerning toxicity, persistency and quantity used per application. Classification for restricted use permits the continued use of certain pesticides which, if used without restrictions, may have adverse effects on human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Additional Information: SAR NO.2317

FTS: 8-557-5096

Agency Contact: Michael McDavit, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, D.C. 20460, 703 557-5096

RIN: 2070-AB53

2596. ● SALE OF RESTRICTED USE PESTICIDES TO NONCERTIFIED APPLICATORS

Legal Authority: 42 USC 136 /FIFRA 4, 12

CFR Citation: 40 CFR Not applicable

Legal Deadline: None

Abstract: This action is intended to develop regulations to allow the sale of restricted use pesticides to persons who are not certified under special circumstances as set forth by Congress in 1978. Regulatory development will be coordinated with the review of state plans FIFRA Section 4 to determine both need and compatibility with State authorities and programs.

EPA—FIFRA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: SAR NO.2337

FTS: 8-382-3949

Agency Contact: William Dickinson, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-788), Washington, D.C. 20460, 202 382-3949

RIN: 2070-AB48

2597. ● PESTICIDE ADVERTISING

Legal Authority: 7 USC 136 /FIFRA 12, 18

CFR Citation: 40 CFR 153.12; 40 CFR 166.7

Legal Deadline: None

Abstract: EPA is proposing to treat as unlawful under FIFRA section 12 or restrict the advertising of certain uses of pesticides authorized for experimental use, emergency use, and special local needs. The proposed policy will also address advertising of other unregistered pesticides and pesticide use patterns. This policy is intended to prevent misuse of pesticides which could cause unreasonable adverse effects on humans or the environment.

Supplemental Timetable:

Interpretive Rulemaking
Final Action 00/00/00

Policy Statement
Proposal 03/00/86

Small Entity: No

Additional Information: SAR NO.2314

FTS: 8-557-7758

Agency Contact: John Street, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, D.C. 20460, 703 557-7758

RIN: 2070-AB47

2598. GUIDELINES ON DISPOSAL AND STORAGE OF PESTICIDES (REVISION)

Legal Authority: 7 USC 136q / FIFRA 19

CFR Citation: 40 CFR 165

Legal Deadline: None

Abstract: EPA's Office of Pesticide Programs is updating the Guidelines on Disposal and Storage of Pesticides to make them consistent with current regulations and technology. The Office of Pesticide Programs is also adding interpretive guidance on compliance with RCRA regulations on hazardous waste as they may apply to the disposal and storage of pesticides. These guidelines serve as guidance only and compliance is completely voluntary.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Additional Information: SAR No. 2006.

FTS: 8-557-7347.

Agency Contact: Raymond R. Krueger, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-769C), Washington, DC 20460, 703 557-7347

RIN: 2070-AA61

2599. WORKER PROTECTION STANDARDS FOR AGRICULTURAL PESTICIDES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136 / FIFRA 25

CFR Citation: 40 CFR 170

Legal Deadline: None

Abstract: The worker protection standards for agricultural pesticides will be revised to reflect new and developing registration and reregistration of pesticides. The current standards need to be revised in order to update the provisions, clarify definitions and responsibilities, and improve implementation, compliance, and enforcement.

Timetable:

Action	Date	FR Cite
ANPRM	08/15/84	49 FR 32605
NPRM	06/00/86	

Small Entity: No

Additional Information: SAR No. 1640.

FTS: 8-557-7666.

Analysis: RIA

Agency Contact: Linda Billings, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-766C), Washington, DC 20460, 703 557-7666

RIN: 2070-AA49

2600. ● USER CHARGES FOR PESTICIDE REGISTRATIONS

Significance: Regulatory Program

Legal Authority: 31 USC 9701 /Idependent Offices Appropriation Act of 1952

CFR Citation: 40 CFR Not applicable

Legal Deadline: None

Abstract: Under the authority of the Independent Offices Appropriation Act (IOAA) of 1952, the Agency is proposing to establish user fees for processing pesticide registration actions which constitute special services to registrants. The Agency is also considering establishing fees for other special services such as re-registration. The proposed registration fee system would place all or part of the burden of payment for the Agency's services on those who benefit from the service rather than on the Agency.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR NO.2013

FTS: 8-557-1485

Agency Contact: Joseph F. Powers, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-757C), Washington, D.C. 20460, 703 557-1485

RIN: 2070-AB52

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Final Rule Stage

2601. RESTRICTED USE CLASSIFICATION FOR CERTAIN ACTIVE INGREDIENTS USED IN FUMIGANTS

Legal Authority: 7 USC 136 / FIFRA 3

CFR Citation: 40 CFR 162.31

Legal Deadline: None

Abstract: FIFRA requires that pesticides be classified for either general use or restricted to trained, certified pesticide applicators, or people under their direct supervision. This rule would classify certain active ingredients in grain fumigants for restricted use based on an evaluation of the incremental risks and benefits of unrestricted use. Classification for restricted use permits the continued use of certain pesticides which, if used without restrictions may have unreasonable adverse effects on the environment. Issuance of a final rule by EPA has been deferred pending completion of a comprehensive review of all grain fumigants used as substitutes to EDB(ethylene dibromide).

Timetable:

Action	Date	FR Cite
NPRM	10/12/83	48 FR 46397
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1828.

FTS: 8-557-7451.

Agency Contact: Linda Vlier, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767-C), Washington, DC 20460, **703 557-7451**

RIN: 2070-AA00

2602. COMPREHENSIVE REVISION OF PESTICIDE REGISTRATION AND CLASSIFICATION PROCEDURES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136(a) / FIFRA 3

CFR Citation: 40 CFR 162

Legal Deadline: None

Abstract: These regulations will revise procedures and requirements for the registration, reregistration and classification of pesticide products as restricted use. The revisions are intended to improve the clarity of the existing rule and to integrate into the procedures aspects of the registration process, such as the Registration Standards program, which were initiated since the original regulation was promulgated.

Timetable:

Action	Date	FR Cite
ANPRM	12/26/79	44 FR 76311
NPRM	09/26/84	49 FR 37915
Final Action	04/00/86	

Small Entity: No

Additional Information: SAR No. 1964.

FTS: 8-557-0592.

Analysis: RIA

Agency Contact: Jean Frane, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, DC 20460, **703 557-0592**

RIN: 2070-AA56

2603. PESTICIDE PRODUCTS; PACKAGE SIZE EXEMPTION FOR CHILD RESISTANT PACKAGING (REVISION)

Legal Authority: 7 USC 136d / FIFRA 3

CFR Citation: 40 CFR 162

Legal Deadline: None

Abstract: EPA is proposing to amend its regulations on the use of child resistant packaging for pesticide products to provide for exemptions for certain products based on the size of the package in which the product is distributed. This revision should reduce the cost of packaging for producers who market large-size containers to the pest control service segment of the user community.

Timetable:

Action	Date	FR Cite
NPRM	01/04/84	49 FR 423
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1965.

FTS: 8-557-0592.

Agency Contact: Jean Frane, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767c), Washington, DC 20460, **703 557-0592**

RIN: 2070-AA93

2604. POLICY STATEMENT REGARDING CERTAIN MICROBIAL PRODUCTS

Legal Authority: 7 USC 136/FIFRA 3; 7 USC 136/FIFRA 5

CFR Citation: 40 CFR 172; 40 CFR 162

Legal Deadline: None

Abstract: New microorganisms developed through advanced techniques of genetic engineering and used for FIFRA commercial purposes will be subject to EPA requirements. OPTS is now developing a policy for handling genetically engineered pesticides, and strategies for conducting risk assessments of these organisms. A proposed policy was published in December 1984. Comments were due on April 1, 1985. The policy will be revised, as appropriate, and a final statement will be prepared. In addition, OPTS is participating in an inter-Agency Working Group on Biotechnology to ensure that the overall Federal approach is integrated and consistent.

Timetable:

Action	Date	FR Cite
Notice of Proposed Policy	12/31/84	49 FR 50880
Notice of Final Policy	03/00/86	

Small Entity: No

Additional Information: SAR No. 2123.

FTS:8-557-9307.

Agency Contact: Fred Betz, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-769c), Washington, DC 20460, **703 557-9307**

RIN: 2070-AB34

2605. LABELING REQUIREMENTS FOR PESTICIDES AND DEVICES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136 / FIFRA 3

CFR Citation: 40 CFR 156; 40 CFR 167

Legal Deadline: None

Abstract: This regulation will revise and expand the labeling requirements for pesticide products and devices. The revisions will provide for pesticide producers a comprehensive description of pesticide labeling requirements, and will result in better quality pesticide labeling for users.

EPA—FIFRA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	09/26/84	49 FR 37959
Final Action	09/00/86	

Small Entity: No

Additional Information: SAR No. 2289.

FTS: 8-557-0592.

Split away from RIN: 2070-AA56

Analysis: RIA

Agency Contact: Jean Frane, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767c), Washington, DC 20460, **703 557-0592**

RIN: 2070-AB46

2606. ● REPORTING REQUIREMENTS FOR RISK/BENEFITS INFORMATION

Legal Authority: 7 USC 136 /FIFRA 6

CFR Citation: 40 CFR 153

Legal Deadline: None

Abstract: FIFRA Section 6(a)(2) requires that registrants report to EPA additional factual information regarding unreasonable adverse effects of their products. In September 1985, EPA revised its 1979 section 6 (a)(2) enforcement policy by publishing a notice which expanded upon the types of factual information which must be reported and established uniform timeframes for compliance. In response to comments received on this notice, the Agency is revising it to clarify the types of information which registrants must report to EPA.

Supplemental Timetable:

Policy Statement

Final Action 04/00/86

Small Entity: No

Additional Information: SAR NO.2338

FTS: 8-557-0592

Agency Contact: David Alexander, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, D.C. 20460, **703 557-0592**

RIN: 2070-AB50

2607. REGISTRATION OF PESTICIDE PRODUCING ESTABLISHMENTS (REVISION)

Legal Authority: 7 USC 136 / FIFRA 7

CFR Citation: 40 CFR 167

Legal Deadline: None

Abstract: This regulation amends the existing regulations on registering establishments that produce pesticides. The regulation implements the Congressional mandate to register establishments that produce active ingredients used in pesticides.

Timetable:

Action	Date	FR Cite
NPRM	07/09/80	45 FR 46100
Final Action	04/00/86	

Small Entity: No

Additional Information: SAR No. 1747.

FTS: 8-382-7826.

Agency Contact: David Hannemann, Environmental Protection Agency, Pesticides and Toxic Substances, (EN-342), Washington, DC 20460, **202 382-7826**

RIN: 2070-AA04

2608. ● RESTRICTED USE CLASSIFICATION FOR CERTAIN ACTIVE INGREDIENTS USED IN GRANULAR INSECTICIDES

Legal Authority: 42 USC 136 /FIFRA 3

CFR Citation: 40 CFR 162.31

Legal Deadline: None

Abstract: FIFRA requires that pesticides be classified either for general use, or restricted to trained, certified pesticide applicators or people under their direct supervision. In August 1979, EPA proposed to classify as restricted use several pesticide active ingredients used in granular insecticide formulations. Since then the granular formulations of all of these pesticides, except fenamiphos, have been reclassified through Registration Standard review. Since a Registration Standard review of fenamiphos is not expected to be completed in 1986, EPA is making final its proposal to restrict the use of fenamiphos in granular formulations. Classification for Restricted use permits the continued use of certain pesticides which, if used without restrictions, may have adverse effects on human health or the environment.

Timetable:

Action	Date	FR Cite
Final Action	04/00/86	

Small Entity: No

Additional Information: SAR NO.1829

FTS: 8-557-7758

Agency Contact: John Street, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, D.C. 20460, **703 557-7758**

RIN: 2070-AB49

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Completed Actions

2609. SPECIAL REVIEW CRITERIA AND PROCEDURES (REVISION)

Significance: Regulatory Program

CFR Citation: 40 CFR 162.11

Completed:

Reason	Date	FR Cite
Final Action	11/27/85	50 FR 49003

Small Entity: No

Agency Contact: Joan Warshawski 703 557-7420

RIN: 2070-AA57

2610. PESTICIDE REGISTRATION STANDARDS: DOCKETING AND PUBLIC PARTICIPATION PROCEDURES

CFR Citation: 40 CFR 155

Completed:

Reason	Date	FR Cite
Final Action	11/27/85	50 FR 48998

Small Entity: No

Agency Contact: Jean M. Frane 703 557-0592

RIN: 2070-AB33

EPA—FIFRA — **Completed Actions**

2611. TOLERANCE FEES FOR PESTICIDE CHEMICALS (REVISION)

CFR Citation: 40 CFR 180.33

Completed:

Reason	Date	FR Cite
Final Action	01/08/86	51 FR 844

Small Entity: No

Agency Contact: Ken Wetzel 703 557-1127

RIN: 2070-AA46

2612. ENFORCEMENT POLICY REGARDING FAILURES TO REPORT INFORMATION UNDER SECTION 6(A)(2) OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)(REVISION)

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Policy Notice	09/20/85	50 FR 38115

Small Entity: No

Agency Contact: David Alexander 703 557-0592

RIN: 2070-AB12

2613. RESCISSION OF EFFICACY DATA WAIVER FOR VERTEBRATE CONTROL PRODUCTS (REVISION)

CFR Citation: 40 CFR 136

Completed:

Reason	Date	FR Cite
Final Action	11/13/85	50 FR 46764

Small Entity: No

Agency Contact: Jean Frane 703 557-0592

RIN: 2070-AB19

2614. RULE GOVERNING ISSUANCE OF EMERGENCY EXEMPTIONS FROM FIFRA (REVISION)

CFR Citation: 40 CFR 166

Completed:

Reason	Date	FR Cite
Final Action	01/15/86	51 FR 1896

Small Entity: No

Agency Contact: Franklin Gee 703 557-0592

RIN: 2070-AA41

[FR Doc. 86-8640 Filed 04-18-86; 8:45 am]
BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Toxic Substances Control Act (TSCA) — Prerule Stage

2615. REGULATORY INVESTIGATION OF 2-ETHOXYETHANOL, 2-METHOXYETHANOL AND THEIR ACETATES (GLYCOL ETHERS) (REVISION)

Significance: Regulatory Program

Legal Authority: 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: Recent data indicate that inhalation of glycol ethers can cause teratogenic effects and testicular damage. EPA will refer all occupational risks to the Occupational Safety and Health Administration under TSCA Section 9(a). EPA will continue consultations on consumer risks with the Consumer Product Safety Commission under TSCA Section 9(d).

Timetable:

Action	Date	FR Cite
ANPRM	01/24/84	49 FR 2921
Section 9 Report	04/00/86	
OSHA Response	00/00/00	

Small Entity: No

Additional Information: SAR No. 2032. FTS: 8-382-3945.

Analysis: RIA; RFA

Agency Contact: Richard Gross, Environmental Protection Agency, Pesticides and Toxic Substances, TS-794, Washington, DC 20460, 202 382-3945

RIN: 2070-AA71

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Toxic Substances Control Act (TSCA) — Proposed Rule Stage

2616. DECISIONS ON TEST RULES FOR THE INTERAGENCY TESTING COMMITTEE (ITC) PRIORITY LISTS

Legal Authority: 15 USC 2603 / TSCA 4

CFR Citation: 40 CFR 799

Legal Deadline: None

Abstract: The following table lists chemicals for which EPA will initiate rulemaking to require testing or publish a notice which provides the reasons for not doing so. The list includes chemicals which have been designated for priority testing consideration by the Interagency Testing Committee as well as those chemicals (i.e., recommended and non-designated chemicals) for which the 12 month statutory requirement does not apply. The list also includes chemicals or categories of chemicals which have been identified for testing consideration by other EPA program offices and through TSCA review processors.

Timetable:

Action	Date	FR Cite
ANPRM	01/08/82	47 FR 973

Supplemental Timetable:

Alkyl Epoxides (ITC List 1)
ANPRM 01/04/84 (49 FR 449)
Notice 09/06/85 (50 FR 36476)

Anilines (ITC List 4)
ANPRM 01/03/84 (49 FR 108)
NPRM 09/00/86

Anthraquinone (ITC List 15)
NPRM 11/06/85 (50 FR 46090)
Final Action 12/00/86

EPA—TSCA

Proposed Rule Stage

Aryl Phosphates (ITC List 2)
ANPRM 12/29/83 (48 FR 57452)
NPRM 01/00/87
Benzyl Butyl Phthalate (ITC List 7)
Notice 10/30/81 (46 FR 53775)
Notice 01/05/82 (47 FR 335)
NPRM 09/06/85 (50 FR 36446)
Final Action 11/00/86
Biphenyl (ITC List 10)
NPRM 05/23/83 (48 FR 23080)
Final Action 09/12/85 (50 FR 37182)
Bisphenol (Test Standards)(ITC List 10)
NPRM 10/00/86
Bisphenol A (ITC List 14)
NPRM 05/17/85 (50 FR 20691)
Final Action 11/00/86
Chlorinated Benzenes (environmental) (ITC List 1)
Final Action 03/00/86
Chlorinated Benzenes (environmental)(ITC List 1)
ANPRM 01/13/84 (49 FR 1760)
Chlorinated Benzenes (health) (ITC List 1)
Notice 12/28/84 (49 FR 50408)
Final Action 06/00/86
Cresols (ITC List 1)
NPRM 07/11/83 (48 FR 31812)
Final Action 03/00/86
Cumene (ITC List 15)
NPRM 11/06/85 (50 FR 46104)
Final Action 12/00/86
Cyclohexane (ITC List 17)
NPRM 12/00/86
Final Action 00/00/00
Cyclohexanone (ITC List 4)
NPRM 01/03/84 (49 FR 136)
Final Action 00/00/00
Diethylene Glycol Butyl Ether/DGBA (ITC List 13)
ANPRM 11/19/84 (49 FR 45606)
NPRM 07/00/86
Diethylenetriamine (ITC List 8)
NPRM 04/29/82 (47 FR 18386)
Final Action 05/29/85 (50 FR 21398)
Diethylenetriamine (Onco)(ITC List 8)
NPRM 05/23/85 (50 FR 21413)
Final Action 09/00/86
Diethylenetriamine (Test Standards) (ITC List 8)
NPRM 04/00/86
Diisodecyl Phenyl Phosphate (ITC List 17)
NPRM 12/00/86
Final Action 00/00/00
Ethyltoluene (ITC List 10)
NPRM 05/23/83 (48 FR 23088)
Final Action 05/17/85 (50 FR 20662)
Ethyltoluene (Test Standards)(ITC List 10)
NPRM 04/00/86
Fluoroalkenes (ITC List 7)
ANPRM 10/30/81 (46 FR 53704)
NPRM 06/04/84 (49 FR 23112)
NPRM 11/06/85 (50 FR 46133)
Final Action 01/00/87
Formamide (ITC List 10)
NOTICE 12/29/83 (48 FR 57365)
NOTICE 05/23/85 (48 FR 23098)
Final Action 03/00/86
Glycidols (ITC List 3)
ANPRM 12/30/83 (48 FR 57562)
NPRM 09/00/87
Hexafluoropropylene Oxide (ITC List 2)
NPRM 12/30/83 (48 FR 57686)
Final Action 00/00/00
Hydroquinone (ITC List 15)
NPRM 01/04/84 (49 FR 438)
Final Action 12/30/85 (50 FR 53143)
Hydroquinone (Test Standards)(ITC List 5)
NPRM 12/30/85 (50 FR 53160)
Final Action 12/00/86
Mercaptobenzothiazole (ITC List 15)
NPRM 11/06/85 (50 FR 46121)
Final Action 12/00/86
Mesityl Oxide (ITC List 4)
NPRM 07/05/83 (48 FR 30699)
Final Action 12/20/85 (50 FR 51857)
Mesityl Oxide (Test Standards)(ITC List 5)
NPRM 12/20/85 (50 FR 51888)
Final Action 12/00/86
Metholurea (ITC List 12)
ANPRM 05/21/84 (49 FR 21371)
NPRM 09/00/87
Methylcyclopentane (ITC List 16)
NPRM 05/00/86
Final Action 00/00/00
Octamethyl Cyclotetrasiloxane (ITC List 15)
NPRM 10/30/85 (50 FR 45123)
Final Action 12/00/86
Oleylamine (ITC List 13)
NPRM 11/19/84 (49 FR 45610)
Final Action 08/00/86
OSW Generic Test Rule
NPRM 07/00/86
Final Action 00/00/00
Pentabromoethylbenzene (ITC list 15)
NPRM 11/13/85 (50 FR 46785)
Pentabromoethylbenzene (ITC List 15)
Final Action 01/00/87
Phenylenediamines and Toluenediamines (ITC List 15)
ANPRM 01/08/82 (47 FR 973)
NPRM 01/06/86 (31 FR 472)
Final Action 01/00/87
Propylene Oxide (ITC List 1)
NPRM 01/04/84 (49 FR 430)
Final Action 11/27/85 (50 FR 48762)
Propylene Oxide (Test Standards) (ITC List 1)
NPRM 11/27/85 (50 FR 48803)
Final Action 00/00/00
Quinone (ITC List 5)
NPRM 01/04/84 (49 FR 456)
Final Action 12/30/85 (50 FR 53165)
Sodium N-methyl-n-oleytaurine (ITC List 15)
NOTICE 11/06/85 (50 FR 46178)
Tetrabromobishpenol A (ITC List 16)
Final Action 00/00/00
Tetrabromobisphenol A (ITC List 16)
NPRM 05/00/86
Toluenediamines (ITC List 6)
ANPRM 01/08/82 (47 FR 973)
NPRM 12/00/86
Trichloroethane (ITC List 2)
NPRM 06/05/81 (46 FR 30300)
Final Action 10/10/84 (49 FR 39810)
Trichloroethane (Test Standards) (ITC List 2)
NPRM 08/07/85 (50 FR 31895)
Final Action 12/19/85 (50 FR 51683)
Triethylene Glycol Monomethy,Monoethyl,Monobutyl Ethers(List 16)
NPRM 05/00/86
Final Action 00/00/00
Trimethylbenzene (Test Standards) (List 10)
NPRM 05/23/83 (48 FR 23088)
Final Action 05/17/85 (50 FR 20662)
NPRM 04/00/86
Vinylidiene Chloride
NPRM 03/00/86
Final Action 00/00/00
1,2-Dibromo-4 (1,2-dibromethyl) cyclohexane (ITC List 14)
NOTICE 05/08/85 (50 FR 19460)
1,2-Dichloropropane (ITC List 3)
NPRM 01/06/84 (49 FR 899)
Final Action 09/00/86
1,2-Dichloropropane (Test Standards) (ITC List 3)
NPRM 09/00/86
1,2,4-Tetrachlorobenzene (environmental testing)(ITC List 1)
ANPRM 11/19/84 (49 FR 45606)
NPRM 07/00/86
1,2,4-Tri-and 1,2,4,5-Tetrachlorobenzenes (ITC List 1)
NPRM 07/18/80 (45 FR 48324)
NPRM 12/07/83 (48 FR 54836)
Final Action 07/00/86
2-Ethytexanoic acid (ITC List 14)
NPRM 05/17/85 (50 FR 20678)
2-Ethythexanoic acid (ITC List 14)
Final Action 09/00/86
2,(2-Butoxyethoxy) ethylacetate(DGBA)(ITC List 13)
ANPRM 11/19/84 (49 FR 45606)
2,(2-Butoxyethoxy) ethylacetate(DGBA)(ITC List13)
NPRM 07/00/86
2,6-Di-tert-butylphenol (ITC List 17)
NPRM 12/00/86
Final Action 00/00/00
3,4-Dichlorobenzotrifluoride (ITC List 14)
NPRM 12/00/86
Final Action 00/00/00

Small Entity: No

Additional Information: SAR No. 1137.

FTS: 8-475-8130.

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-788), Washington, DC 20460, **202 475-8130**

RIN: 2070-AB07

2617. STRATEGIES FOR CONTROL/INFORMATION COLLECTION FOR CHEMICAL CATEGORIES

Significance: Regulatory Program

Legal Authority: 15 USC 2625(c) / TSCA 4; 15 USC 2625(c) / TSCA 5; 15 USC 2625(c) / TSCA 6; 15 USC 2625(c) / TSCA 8; 15 USC 2625(c) / TSCA 9

CFR Citation: 40 CFR 700

Legal Deadline: None

Abstract: EPA is currently evaluating the utility of a categorical approach to regulating new and existing chemicals.

A categorical approach would permit EPA to put new and existing chemical categories of interest on a more equal footing. The actions considered for the categories include requirements for testing under Section 4 of TSCA, requirements to provide more information on the manufacture and use of the chemicals under Section 8, requirements to limit some aspect of the manufacture or use of a chemical under Section 5, and potential action under Section 6 or 9 to limit the manufacture or use of the chemicals. Consideration will also be given to voluntary approaches to the development of data and the control of category members. Outputs of this action calls for specific categories; those rules are separately in the Regulatory Agenda once a decision has been made to develop a specific rule.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 2124.

FTS: 382-3849.

Agency Contact: Joseph DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3849

RIN: 2070-AB17

2618. FOLLOW-UP RULES ON EXISTING CHEMICALS

Legal Authority: 15 USC 2604 / TSCA 5; 15 USC 2607 / TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None

Abstract: EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under TSCA section 5 and/or 8 to require reporting by the manufacturers, importers and/or processors of these chemicals. Individual proposed or final rules will be published on at least the chemicals listed below:4,4'Methylene bis (2-chloroaninline); Hexamethylphosphoramide; Urethane; Methyl Butyl Ketone; 11-Aminoundecanoic Acid; Hexachloronorbornadiene; Pentachloroethane; Polybrominated Biphenyls and Tris/2.3- Dibromopropyl Phosphate. and p-tert-Butyl Benzoic Acid (PTBBA), p-tert-Butyl Benzaldehyde (PTBB), and p-tert-Butyl Toluene(PTBT).

Supplemental Timetable:

Hexachloronorbornadiene
NPRM 02/22/85 (50 FR 7351)
Final Action 11/19/85 (50 FR 47534)

Hexamethylphosphoramide (HMPA) and Urethane
NPRM 10/10/84 (49 FR 39703)
Final Action 03/00/86

Methyl Butyl Ketone
NPRM 03/00/86

Pentachloroethane
NPRM 07/00/86
Final Action 00/00/00

Polybrominated Biphenyls
NPRM 03/00/86
Final Action 00/00/00

PTBBA, PTBB, PTBT
NPRM 11/07/85 (50 FR 46309)
Final Action 00/00/00

Tris/2,3-Dibromopropyl Phosphate
NPRM 03/00/86
Final Action 00/00/00

11-Aminoundecanoic Acid
NPRM 06/00/86

4,4-Methylene-bis (2-chloroaniline) (MBOCA)
NPRM 04/26/85 (50 FR 16569)
Final Action 04/00/86

Small Entity: No

Additional Information: SAR No. 1923.

FTS: 8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 382-3436

RIN: 2070-AA58

2619. FOLLOW-UP RULES ON NON-5(E) NEW CHEMICALS

Legal Authority: 15 USC 2604 / TSCA 5; 15 USC 2607 / TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None

Abstract: EPA has instituted a program to follow the commercial development of selected new chemicals that have completed premanufacture notice review. EPA will issue rules on new chemicals of concern as they are identified to require follow-up reporting under TSCA Section 5 or 8, by the manufacturers and processors of the chemicals. Individual proposed and final rules will be published at different times throughout the period of April 1986 to April 1987.

Supplemental Timetable:

Acetamide, 2-chloro-N-(2-ethyl-6-Methylphenyl)(83-1274)
NPRM 00/00/00

Alkyl, Sulfonic Acid, Ammonium Salt (84-1056)
NPRM 00/00/00

Benzoic Acid, 3,3'Methylenebis (6-Amino-, Di-2-Propenyl Ester)
NPRM 01/02/85 (50 FR 127)
Final Action 00/00/00

Certain Polyamino Chemical Substances
Final Action 00/00/00

Dinitrophenyl Azo-2,4-Diamino-5-Methoxybenzene Derivatives
NPRM 10/25/84 (49 FR 42960)
Final Action 00/00/00

Substituted Methylpyridine/Substituted 2-Phenoxypyridine
NPRM 02/06/84 (49 FR 4390)
Final Action 00/00/00

Small Entity: No

Additional Information: SAR No. 1976.

FTS: 8-382-3771.

Agency Contact: John Bowser, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, D.C. 20460, 202 382-3771

RIN: 2070-AA59

2620. CHEMICAL SPECIFIC SIGNIFICANT NEW USE RULES TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS

Legal Authority: 15 USC 2604 /TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: When the Agency determines that in the absence of adequate safety data, the uncontrolled manufacture, distribution, use or disposal of a PMN substance may present an unreasonable risk, it may issue a proposed order under section 5(e) to limit the aforementioned activities. However, section 5(e) orders apply only to the PMN submitter. Once the substance is placed on the TSCA chemical inventory, other persons are free to manufacture or process the substance without controls. Therefore EPA, by rule, designates manufacture or processing of the substances for use without the specified controls as a significant new use. These SNURs ensure that the original submitter is not at a competitive disadvantage and that no uncontrolled activities will occur

without an opportunity for prior Agency review.

Supplemental Timetable:

(84-274) (see additional information for title)
NPRM 08/26/85 (50 FR 34505)
Final Action 00/00/00

(85-1149) (see additional information for title)
NPRM 00/00/00

(85-1176) (see additional information for title)
NPRM 06/00/86

(85-564) (see additional information for title)
NPRM 06/00/86

(85-703) (see additional information for title)
NPRM 03/27/85 (50 FR 12046)

Alkyl Aryl Phosphine (83-1023)
NPRM 09/20/84 (49 FR 36880)
Final Action 00/00/00

Alkyl Glycoether Acrylic Acid Derivative (84-27)
Final Action 05/00/86

Alkyl Glycoether Acrylic Acid Derivative(84-27)
NPRM 12/24/84 (49 FR 49868)

Brominated Aryl Alkyl Ether, Ethylated Amino Phenol Amino ETC
NPRM :(83-906/908/909/910) 09/28/84 (49 FR 38303)
FINAL ACTION :(83-906/908/909/910) 00/00/00

Certain Acrylate and Methacrylate Chemicals (84-176, 180-184)
NPRM 03/27/85 (50 FR 12046)
Final Action 00/00/00

Certain Acrylate Chemicals (84-341-344)
NPRM 06/00/86

Ethyl Dinitrobenzene/ar-ethylbenzenediamine (85-1181/1182)
NPRM 00/00/00

Halogenated Pyridine Alkyl Pyridine (83-1162, 1163)
NPRM 00/00/00

Halogenated-N-(2-propenyl)-N-cSubstituted phenyll acetamide
NPRM :(83-1085) 08/26/85 (50 FR 34500)
FINAL ACTION :(83-1085) 00/00/00

Methylammonium n-Methyldithiocarbamate
NPRM 04/00/86

Methylphenol, bis-(substituted alkyl)(84-417)
NPRM 03/21/85 (50 FR 11391)
Final Action 10/00/86

N,N,N'N'-Tetrakis (oxiranylmethyl) 1,3-Cyclohexanedimethanamine
NPRM :(84-7) 01/13/86 (51 FR 1396)
FINAL ACTION :(84-7) 00/00/00

Polymer of Substitute Aryl Olefin (85-612)
NPRM 07/00/86

Polyol Polyacrylate (85-718)
NPRM 10/00/86

Substituted Aryl Olefin (84-660 and 84-704)
NPRM 04/00/86

Substituted Bromothiophene (83-769)
NPRM 09/28/84 (49 FR 38310)
Final Action 00/00/00

Substituted Methylpyridine (83-237)
NPRM 02/06/84 (49 FR 4390)
Final Action 00/00/00

Substituted Polyester Resin (85-395)
NPRM 00/00/00

Substituted Tetrafluoro Alkanes and Alkanes (84-105/106/107)
NPRM 03/21/85 (50 FR 11384)
Final Action 00/00/00

2-Butenedioic Acid(z), Mono'2-'(1-Oxo-2-propenyl)Oxy'Ethyl'-Ester
NPRM :(85-543, 547) 00/00/00

2-Propenoic Acid-3-Dimethylamino)-2,2-Dimethyl-Propyl Ester
NPRM 00/00/00

2-Propenoic Acid, 2-Methyl
NPRM 00/00/00

2-Propenoic Acid, 3,3,5-Trimethylcyclohexylester
NPRM 00/00/00

Small Entity: No

Additional Information: SAR No. 2246.

FTS:8-382-3771. (85-1176) Alcohols, C1-4, ethers with Polyethylene-polypropylene glycol mono (2-aminopropyl) ether, polymer with maleic anhydride and trimethylolpropane triacrylate

(85-1149) Biphenol A, Polymer with Substituted alkanoic acid and Epichllorohydrin, Polyacrylate

(85-564) Isocyanic acid, polymethylene-polyphenylene ester, polymer with 1,1-methylenebis ;4-isocyanatobenzene!, 2-hydroxyethyl acrylate-blocked

(85-703) Poly 2-hydroxpropyl melamine, polymers with 5-isocyana to 1-isocyanatomethyl-1,3,3-trimethylcyclohexane 2-hydroxyethyl acrylate-blocked

Agency Contact: John Bowser, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3771

RIN: 2070-AB27

2621. ● GENERIC SIGNIFICANT NEW USE RULE FOR ACRYLATE COMPOUNDS

Legal Authority: 15 USC 2694 /TSCA Section 5

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: The generic acrylate significant new use rule may require any person who proposes to manufacture, import, or process an acrylate/methacrylate subject to the category definition contained within the proposed rule to notify EPA at least 90 days in advance of the initiation of a significant new use. The significant new use rule will apply to a subset of acrylates and methacrylates added to the inventory after the effective date, it will no longer be necessary to issue routine 5(e) orders or chemical specific SNURs for those acrylates covered by the rule.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Undetermined

Additional Information: SAR NO. 2247

FTS: 8-382-3779

Agency Contact: Ralph Wright, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, D.C. 20460, 202 382-3779

RIN: 2070-AB56

2622. ● SIGNIFICANT NEW USE RULE FOR PATHOGENS AND MICROORGANISMS CONTAINING GENETIC MATERIAL FROM PATHOGENS

Significance: Regulatory Program

Legal Authority: 15 USC 2604 /TSCA Section 5

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: EPA believes that if a microorganism subject to TSCA is a pathogen or contains genetic material from a pathogen(s), then any new environmental use of the microorganism should be considered a "significant new use" and a significant new use notification should be required. EPA will propose a rule consistent with this policy under TSCA section 5(b). EPA will try to exclude unaltered pathogens used on fewer than 10 acres from this SNUR. EPA will consider whether it should include provisions to review all nonindigenous pathogens. EPA will announce in an FR notice its expectation that anyone using such products will report to EPA between now and the time that the pathogen SNUR is final.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: Yes

Additional Information: SAR NO.2325

FTS: 8-382-3826

Agency Contact: Anne Hollander, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, D.C. 20460, **202 382-3826**

RIN: 2070-AB57

2623. ● PMN RULE: APPLICABILITY OF R&D EXEMPTION TO LIVING MICROORGANISMS

Significance: Regulatory Program

Legal Authority: 15 USC 2604 /TSCA 5

CFR Citation: 40 CFR 720

Legal Deadline: None

Abstract: EPA believes that living microorganisms used in small scale field tests are not "small quantities for research and development" and are therefore not exempt from PMB reporting under section 5(h)(4). EPA will amend the PMN rule to clarify this. Under the amended rule, persons wishing to field test "new" microorganisms have to submit a PMN prior to field testing.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: Yes

Additional Information: SAR No.2326

FTS:8-382-3826.

Agency Contact: Anne Hollander, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3826**

RIN: 2070-AB58

2624. REGULATORY INVESTIGATION OF METALWORKING FLUIDS

Legal Authority: 15 USC 2605 / TSCA 6

CFR Citation: 40 CFR 747

Legal Deadline: None

Abstract: The formulation of water-based metalworking fluids with nitrite in combination with alkanolamines may present an unreasonable risk to machinists due to the formulation of nitrosamines, particularly in n-nitrosodiethanolamine (NDELA). Recent studies indicate that NDELA is a potent animal carcinogen. EPA may propose to prohibit the intentional addition of inorganic nitrites to water- containing metalworking fluids that contain amines.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/84	49 FR 2767
NPRM	06/00/86	

Small Entity: Yes

Additional Information: SAR No. 2149.

FTS: 8-382-3945.

Analysis: RFA; RIA

Agency Contact: Richard Gross, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3945**

RIN: 2070-AB09

2625. REGULATORY INVESTIGATION OF FORMALDEHYDE

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6; 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 765

Legal Deadline: None

Abstract: As described in the Federal Register on May 23, 1984, the Agency has been investigating regulatory options for the reduction of three categories of exposure to formaldehyde: 1) residents exposed to formaldehyde emissions from wood products used in the construction of mobile homes: 2) similarly exposed residents of conventional homes: 3) apparel manufacture employees exposed to formaldehyde released from treated fabrics. Because OSHA proposed a standard in December 1985 that applies to all occupational exposure, EPA has terminated its investigation with respect to apparel manufacturing employees. Investigation is being conducted in consultation with HUD and CPSC. This investigation may lead to the initiation of various control alternatives, including section 9 referral to other agencies and/or section 6 regulations.

Timetable:

Action	Date	FR Cite
ANPRM	05/23/84	49 FR 21870
Section 9(d) and Notice of Termination for Apparel Workers	02/00/86	
Section 9 Report, NPRM, or statement of no unreasonable risk regarding wood products	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2146.

FTS: 8-382-3945.

Agency Contact: Richard Gross, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3945**

RIN: 2070-AB14

2626. REGULATORY INVESTIGATION OF 4,4'-METHYLENEBIS (2-CHLOROANILINE)(MBOCA)

Legal Authority: 15 USC 2605/ TSCA 6; 15 USC 2608/ TSCA 9

CFR Citation: 40 CFR 764

Legal Deadline: None

Abstract: MBOCA is a curing agent used in the manufacturing of elastomers and surface coatings. It has been shown to cause cancer in laboratory animals. Risks are primarily to workers, many of whom work for small businesses. The Agency will close out the ANPR and refer these risks to the Occupational Safety and Health Administration under the consultation provision of TSCA Section 9(d).

Timetable:

Action	Date	FR Cite
ANPRM	05/23/83	48 FR 22954
NPRM	00/00/00	

Supplemental Timetable:

TSCA 9(d) and ANPR Closure

NOTICE 00/00/00

Small Entity: Undetermined

Additional Information: SAR No.

FTS:8-382-3945

Agency Contact: Richard Gross, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3945**

RIN: 2070-AB22

EPA—TSCA

Proposed Rule Stage

2627. ASBESTOS ABATEMENT BUILDING OCCUPANT PROTECTION RULE

Significance: Regulatory Program

Legal Authority: 15 USC 2605/TSCA 6

CFR Citation: 40 CFR 764

Legal Deadline: None

Abstract: This rulemaking may set standards to ensure that building occupants and visitors are protected during asbestos abatement. Approaches being considered include (1) a rule requiring that asbestos abatement contractors undergo certain training in order to ensure that they are competent to conduct asbestos abatement work, and (2) non-regulatory approaches based on programs EPA has started or is expanding that would assist States in establishing programs that ensure persons performing abatement work are "certified" as competent to perform such work.

In addition, OSHA is now revising its asbestos rule and intends to issue new asbestos standards for the construction industry in the near future. These OSHA standards may contain a provision requiring employers to institute a training program for employees. Such a provision could obviate the need for all or part of this rule, although amendments to the EPA worker protection rule would be necessary.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No.2243.

FTS:8-382-3849.

Agency Contact: Joseph DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3849

RIN: 2070-AB23

2628. POLYCHLORINATED BIPHENYLS (PCBS): MANUFACTURING, PROCESSING, DISTRIBUTION IN COMMERCE, AND USE PROHIBITIONS; EXCLUSIONS AND USE AUTHORIZATIONS (REVISION)

Legal Authority: 5 USC 556 /TSCA 6

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: On July 10, 1984, EPA promulgated a rule for inadvertently generated PCBs and authorizing the limited use of PCBs in heat transfer and hydraulic systems (49 FR 28172). EPA will propose amendments to the July 10 Rule in response to two petitions for judicial review of the Rule. The proposed amendments will be based on EPA evaluation of new information submitted by the petitioners and other interested parties.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No.2244.

FTS:8-382-3935.

Agency Contact: Suzanne Rudzinski, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, 202 382-3935

RIN: 2070-AB25

2629. REGULATORY INVESTIGATION OF METHYLENE CHLORIDE

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6; 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 754

Legal Deadline: None

Abstract: EPA, in consultation with other Federal Agencies, is developing a comprehensive and integrated strategy for a regulatory investigation of methylene chloride. This regulatory investigation will determine whether or not methylene chloride presents an unreasonable risk to human health or the environment and to determine if regulatory controls are needed to eliminate or reduce exposure to methylene chloride.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/85	50 FR 42037
NPRM	02/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2284.

FTS: 8-382-3945.

Agency Contact: Richard Gross, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3945

RIN: 2070-AB41

2630. ASBESTOS IN SCHOOLS REINSPECTION RULE

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6

CFR Citation: 40 CFR 763

Legal Deadline: None

Abstract: EPA is considering a rule to require local education agencies to reinspect schools periodically for friable asbestos and to report the presence of friable asbestos to parents of school children and school employees.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Yes

Additional Information: SAR No. 2295.

FTS: 382-3849.

Analysis: Regulatory Flexibility Analysis; RFA

Agency Contact: Joseph DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3849

RIN: 2070-AB44

2631. PCB SPILLS CLEANUP POLICY AND PCB RECORDKEEPING AMENDMENTS (REVISION)

Legal Authority: 15 USC 2605(e) (3) (B) / TSCA 6(e)

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Under EPA's regulations on the disposal of PCBs, spills, leaks and other uncontrolled discharges of PCBs constitute the illegal disposal of PCBs. Because such discharges of PCBs are considered to be violations of the PCB disposal regulations, EPA requires the cleanup of contamination resulting from such discharges. This action is directed toward establishing nationwide standards under TSCA for the cleanup of PCB spills. EPA will propose amendments to the PCB recordkeeping requirements to require owners of fluid

containing PCBs to maintain records of cleanup. at the same time, EPA will publish for public comment, a TSCA enforcement policy for the clean up of PCB spills.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 2297.

FTS: 382-3935.

Agency Contact: Suzanne Rudzinski, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, 202 382-3935

RIN: 2070-AB45

2632. ● LABELING RULE FOR TREATED WOOD

Legal Authority: 15 USC 2605 /TSCA section 6

CFR Citation: Not yet determined

Legal Deadline: Judicial, December 1986. December 1986

Abstract: The Agency is concerned about potential risks to users of wood treated with pesticides. The Agency will propose to require that homeowners and other users of treated wood are provided with information on the safe handling, use ad disposal of treated wood. Final action will depend on whether the wood preservative industry complies fully with a voluntary program to accomplish the same goal.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR NO. 1680

FTS: 8-557-7420

Agency Contact: Paul Lapsley, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, D.C. 20460, 703 557-7420

RIN: 2070-AB55

2633. SECTION 8 (A) PRELIMINARY ASSESSMENT INFORMATION RULE

Legal Authority: 15 USC 2607a / TSCA 8(a)

CFR Citation: 40 CFR 712

Legal Deadline: None

Abstract: This rule adds chemicals to the list of chemicals and designated mixtures subject to the requirements of the TSCA Section 8(a) Preliminary Assessment Information Rule - (40 CFR Part 712). Chemicals not designated by the Interagency Testing Committee (ITC) for test rules, and not subject to EPA's one year priority consideration are also included for reporting under Section 8(a). These include chemicals identified by OTS; other EPA offices and other Agencies. Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances. It will also support risk assessment and test rule decisions. Reporting rules may be issued on specific chemicals.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Supplemental Timetable:

Anthraquinone

NPRM 11/06/85 (50 FR 46090)
Final Action 00/00/00

Small Entity: No

Additional Information: SAR No. 2178.

FTS: 8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20640, 202 382-3436

RIN: 2070-AB08

2634. TSCA SECTION 8(A) COMPREHENSIVE ASSESSMENT INFORMATION RULE (CAIR)

Significance: Regulatory Program

Legal Authority: 15 USC 2607(a) / TSCA 8(a)

CFR Citation: 40 CFR 712

Legal Deadline: None

Abstract: This rule will contain a comprehensive list of questions for industry reporting which will provide necessary information to complete chemical assessments. Each time EPA needs information on a chemical, the Agency will amend the rule to add the chemical. Not all questions will be selected for each chemical added to the rule; only the most relevant questions will be selected for each chemical. The information obtained by this rule will be used by EPA and other Federal Agencies to support assessments of and rulemaking on chemical substances.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Additional Information: SAR No. 2129.

FTS: 8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 382-3436

RIN: 2070-AB13

2635. ● COLLECTION OF INFORMATION ON LIVING MICROORGANISMS RELEASED TO THE ENVIRONMENT

Significance: Regulatory Program

Legal Authority: 15 USC 2607 /TSCA 8(a)

CFR Citation: Not applicable

Legal Deadline: None

Abstract: EPA will collect information about organisms and their uses which are not now included under its active TSCA biotechnology review program. This will provide a way of monitoring the biotechnology industry and ensuring that there is an increasing base of information with which to assess and modify regulatory decisions. In order to require submission of this information and to clarify what is expected, EPA will issue a rule under section 8(a) of TSCA.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Additional Information: SAR No.2327

FTS:8-382-3826.

Agency Contact: Anne Hollander, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3826

RIN: 2070-AB59

EPA—TSCA

Proposed Rule Stage

2636. ● USER FEES FOR PROCESSING PMNS

Significance: Regulatory Program

Legal Authority: 15 USC 2625 /TSCA 26(B)

CFR Citation: 40 CFR 720

Legal Deadline: None

Abstract: Section 26(b) of TSCA authorizes EPA, by rule, to require the payment of a fee from any persons required to submit data under sections 4 or 5 of TSCA. The fee may not exceed $2,500 or, in the case of a small business, $100. EPA intends to propose a rule under this authority to require fees for premanufacture notices (PMNs) on new chemical substances. EPA is also considering whether fees should be required for test marketing exemption notices on polymers and low-volume chemicals, and whether fees required for PMNs should be reduced if the submitter provides test data on the new chemical substance.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: SAR NO.2324

FTS: 8-382-3852

Agency Contact: Joseph A. DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, D.C. 20460, 202 382-3852

RIN: 2070-AB54

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Toxic Substances Control Act (TSCA)

Final Rule Stage

2637. DIOXINS/FURANS: TESTING RULE AND REQUIREMENTS FOR DATA SUBMISSION

Significance: Regulatory Program

Legal Authority: 15 USC 2603 /TSCA 4; 15 USC 2607 /TSCA 8

CFR Citation: 40 CFR 799; 40 CFR 712

Legal Deadline: None

Abstract: EPA has proposed to collect information on chemicals containing polyhalogenated dibenzo-p-dioxins (PHDD's) and polyhalogenated dibenzofurans (PHDF's). Rules will be promulgated under section 4 and 8 requiring testing of specified chemicals to determine the presence of and levels of PHDD's and PHDF's; and to require submission of production, use, and exposure data.

Timetable:

Action	Date	FR Cite
NPRM	12/19/85	50 FR 51794
Final Action	02/00/87	

Small Entity: No

Additional Information: SAR No. 2253.

FTS:8-382-3933.

Agency Contact: Suzanne Rudzinski, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3933

RIN: 2070-AB21

2638. NEGOTIATED CONSENT/PROCEDURAL TEST RULE (REVISION)

Legal Authority: 15 USC 2603/TSCA 4

CFR Citation: 40 CFR 790

Legal Deadline: None

Abstract: This amends the test rule development and exemptions procedural rule published October 10, 1984 (49 FR 39776) to allow for rulemaking to be conducted in a single phase (i.e., a proposed rule and a final rule covering both the effects for which testing is necessary and the testing methodology and may add consent orders as a means of obtaining test data required under Section 4 of TSCA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/85	50 FR 20652
Final Action	04/00/86	

Small Entity: No

Additional Information: SAR No. 2245.

FTS:8-475-8130.

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-777), Washington, DC 20460, 202 475-8130

RIN: 2070-AB30

2639. PREMANUFACTURE NOTIFICATION: STAYED PROVISIONS (REVISION)

Legal Authority: 15 USC 2604 / TSCA 5

CFR Citation: 40 CFR 720

Legal Deadline: None

Abstract: On September 13, 1983, EPA stayed the effective date of sections 720.3(y), 720.36, 720.50(c), and 720.78(b) of the final premanufacture notification (PMN) rule issued under section 5 of the Toxic Substances Control Act (TSCA). The stayed provisions concerned the section 5(h)(3) research and development exemption, data requirements on related chemicals, and the definition of "possession and control". All other provisions are effective as of October 26, 1983. This reproposal will revise the stayed provisions only.

Timetable:

Action	Date	FR Cite
NPRM	12/27/84	49 FR 5020
Final Action	03/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1134a.

FTS: 8-382-3849.

Agency Contact: Joseph A. DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3849

RIN: 2070-AA94

2640. GENERAL REGULATIONS ON SIGNIFICANT NEW USE RULES (SNURS) (REVISION)

Legal Authority: 15 USC 2604 /TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: Subpart A of part 721 of 40 CFR contains general provisions for Significant New Use Rules (SNURs). The Agency has received comments requesting that the general provisions

be modified to provide more flexibility in recordkeeping requirements; to revise its hazard communication provisions to make them more compatible with OSHA's Hazard Communication Standard; and to allow manufacturers and processors to seek Agency approval, outside the context of a PMN submission, for risk management measures which are equivalent to those described in a SNUR. Based on comments, EPA will revise the general provisions for SNURs.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2250.

FTS:8-382-3779.

Agency Contact: Ralph Wright, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3779

RIN: 2070-AB26

2641. POLICY STATEMENT REGARDING CERTAIN MICROBIAL PRODUCTS

Legal Authority: 15 USC 2604/TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: New microorganisms developed through advanced techniques of generic engineering and used for TSCA commercial purposes will be subject to EPA requirements. OPTS is now developing general policies concerning the scope of PMN requirements for genetically engineered organisms, and strategies for conducting risk assessments of these organisms. A proposed policy was published in December 1984. Comments were due on April 1, 1985. The policy will be revised, as appropriate, and final statement will be prepared. In addition, OPTS is participating in an inter-Agency Working Group on Biotechnology to ensure that the overall Federal approach is integrated and consistent.

Timetable:

Action	Date	FR Cite
Notice of Proposed Policy	12/31/84	49 FR 50880
Notice of Final Policy	03/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2123.

FTS:8:382-3826.

Agency Contact: Anne Hollander, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3826

RIN: 2070-AB31

2642. POLYCHLORINATED BIPHENYLS (PCBS): APPLICATIONS FOR EXEMPTIONS FROM THE BAN ON MANUFACTURING, PROCESSING, AND DISTRIBUTION

Legal Authority: 5 USC 556 / TSCA 6(e)(3)(B)

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Section 6(e)(3)(b) of TSCA provides that the Administrator may grant, by rule, exemptions from the prohibitions on the manufacture, processing and distribution in commerce of PCBs upon finding (1) that granting the exemption will not pose an unreasonable risk of injury to health or the environment, and (2) that good faith efforts have been made to develop a PCB substitute which does not pose an unreasonable risk of injury to health or the environment.

Timetable:

Action	Date	FR Cite
NPRM	08/29/85	50 FR 35182
Notice	08/29/85	50 FR 35192
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2150.

FTS: 8-382-3935.

Analysis: RIA

Agency Contact: Suzanne Rudzinski, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, 202 382-3935

RIN: 2070-AB20

2643. ASBESTOS ABATEMENT WORKER PROTECTION RULE

Significance: Regulatory Program

Legal Authority: 15 USC 2605 /TSCA 6

CFR Citation: 40 CFR 763.120

Legal Deadline: None

Abstract: This rule would establish worker protection provisions for public employees who conduct asbestos abatement work and are not covered by an OSHA rule or a rule developed under an approved state plan. The rule was made immediately effective.

Timetable:

Action	Date	FR Cite
NPRM	07/12/85	50 FR 28530
Interim Final Rule	07/12/85	50 FR 28530
Final Action	04/00/86	

Small Entity: No

Additional Information: SAR No. 2249

FTS:8-382-3849

Analysis: Regulatory Flexibility Analysis; RFA

Agency Contact: Joseph DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3849

RIN: 2070-AB24

2644. ACTION CONCERNING COMMERCIAL AND INDUSTRIAL USE OF ASBESTOS

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6

CFR Citation: 40 CFR 763

Legal Deadline: None

Abstract: Asbestos is a known human carcinogen. Persons are exposed to asbestos from releases to the environment during all phases of the lifecycle of asbestos products. Because of the serious risk presented to many people from exposure to asbestos during the lifecycle of asbestos products, EPA has proposed a rule under Section 6 of TSCA to ban certain asbestos products for which substitutes are currently available and to phase out all or most asbestos mining and importation over 10 years.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/79	44 FR 60057
NPRM	01/29/86	51 FR 3738
Final Action	01/00/87	

Small Entity: Yes

Additional Information: SAR No. 2296.

FTS: 382-3849.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; RIA, RFA

Agency Contact: Joseph DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3849

RIN: 2070-AB29

2645. PARTIAL UPDATING OF CERTAIN TSCA INVENTORY DATA

Legal Authority: 15 USC 2607 / TSCA 8(a)

CFR Citation: 40 CFR 710, Subpart b

Legal Deadline: None

Abstract: This rule would update, under the authority of section 8(a) of TSCA, the production volume and plant site data for certain substances reported for the TSCA Chemical Substances Inventory. The information is needed by EPA to perform a number of activities associated with the implementation of TSCA. The current Inventory data base was compiled in 1979, based on 1977 data. The obsolescence of the Inventory data base and the lack of an alternative source that can fully satisfy EPA's requirements have formed the basis for the proposed action. EPA has proposed that certain manufacturers/importers of certain substances report current production volume, plant site location, and site-limited status. After the initial reporting, follow-up reporting will be required on a regular basis.

Timetable:

Action	Date	FR Cite
NPRM	03/12/85	50 FR 9944
Final Action	06/00/86	

Small Entity: No

Additional Information: SAR No. 2115.

FTS: 8-382-3938.

Agency Contact: Linda Travers, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-793), Washington, DC 20460, 202 382-3938

RIN: 2070-AA99

2646. REVIEW OF TSCA SECTION 8(C) ADVERSE REACTIONS REPORTING AND RECORDKEEPING REQUIREMENTS(REVISION)

Legal Authority: 15 USC 2607 / TSCA 8

CFR Citation: 40 CFR 717

Legal Deadline: None

Abstract: Under Section 8(c) of the Toxic Substances Control Act, manufacturers, processors, and distributors are responsible for recording allegations that their products caused significant adverse reactions to health or the environment EPA will conduct an evaluation to determine the number and kinds of allegation records that industry is keeping and whether the rule as currently written appears to be meeting its stated objective. The review will be conducted in two phases (pilot study and full-scale evaluation) and the recommendations, where appropriate, will be implemented through revisions to the 8(c) rule.

Timetable:

Action	Date	FR Cite
Begin Pilot Study	01/00/86	
End Pilot Study	06/00/86	

Small Entity: Not Applicable

Additional Information: SAR No.

REVIEW AUTHORITY: Paperwork Reduction Act.

FTS: 8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 382-3436

RIN: 2070-AB03

2647. SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULE

Legal Authority: 15 USC 2607(d)/TSCA 8(d)

CFR Citation: 40 CFR 716

Legal Deadline: None

Abstract: This rule adds chemicals to the list of chemicals and designated mixtures subject to the requirements of the TSCA Section 8(d) Health and Safety Data Reporting Rule. Chemicals not designated by the Interagency Testing Committee (ITC) and not subject to EPA's 1 year priority consideration are also included for reporting under Section 8(a). These include chemicals identified by OTS; other EPA offices and other Agencies.

Supplemental Timetable:

p-tert-Butyl Benzoic Acid;p-tert-Butyl Benzaldehyde; p-tert-ETC
NPRM 11/07/85 (50 FR 46309)

p-tert-Butyl Benzoic Acid;p-tert-Butyl Benzaldehyde; p-tert-ETC
Final Action 00/00/00

Vinyl Acetate
NPRM 08/08/85 (50 FR 32095)
Final Action 12/27/85 (50 FR 52923)

23 Substances Contained in Hazardous Wastes
NPRM 10/07/85 (50 FR 40874)
Final Action 01/22/86 (51 FR 2890)

Small Entity: No

Additional Information: SAR No. 1139a.

FTS: 8-382-3436.

Docket No. OPTS 84012.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 382-3436

RIN: 2070-AB11

2648. SECTION 8(D) HEALTH AND SAFETY REPORTING RULE (REVISION)

Legal Authority: 15 USC 2607(d) /TSCA 8(d)

CFR Citation: 40 CFR 716

Legal Deadline: None

Abstract: EPA is considering amending the Toxic Substances Control Act (TSCA) Section 8(d) Health and Safety Data Reporting Rule by: lengthening the rule's sunset provision, limiting certain reporting exemptions, and clarifying the rule's confidentiality provisions. EPA believes that these amendments will increase the number and usefulness of the health and safety data reports submitted to EPA, and will provide these reports during the same time period that EPA performs its chemical testing, hazard/risk assessment, and risk management determinations.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	50 FR 39715
Final Action	09/00/86	

Small Entity: No

Additional Information: SAR No. 1139b.

FTS:8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-788), Washington, DC 20460, 202 382-3436

RIN: 2070-AB35

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Toxic Substances Control Act (TSCA)

Completed Actions

2649. SECTION 9 REPORT ON 1,3-BUTADIENE

Significance: Regulatory Program

CFR Citation: 40 CFR 764

Completed:

Reason	Date	FR Cite
Section 9 Report	10/10/85	50 FR 41393

Small Entity: Undetermined

Agency Contact: Richard Gross 202 382-3945

RIN: 2070-AB04

2650. SECTION 8(C) RECORDS AND REPORTS OF ALLEGATIONS OF SIGNIFICANT ADVERSE REACTIONS TO HEALTH AND THE ENVIRONMENT (REVISION)

CFR Citation: 40 CFR 717

Completed:

Reason	Date	FR Cite
Final Action	11/13/85	50 FR 46766

Small Entity: No

Agency Contact: Frank Kover 202 382-3436

RIN: 2070-AA86

2651. CHEMICAL INFORMATION RULES; ADDITIONAL AUTOMATIC REPORTING (REVISION)

CFR Citation: 40 CFR 712

Completed:

Reason	Date	FR Cite
Final Action	08/28/85	50 FR 34805

Small Entity: No

Agency Contact: Frank Kover 202 382-3436

RIN: 2070-AA98

[FR Doc. 86-6640 Filed 04-18-86; 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Clean Water Act (CWA)

Prerule Stage

2652. ● REGULATIONS TO IMPLEMENT RECOMMENDATIONS OF THE DOMESTIC SEWAGE STUDY

Significance: Regulatory Program

Legal Authority: 42 USC 6939 / Sec. 3018(b) RCRA

CFR Citation: 40 CFR 400ff; 40 CFR 122

Legal Deadline: Statutory, August 1987. Eighteen months after submission to Congress of the Domestic Sewage Study required by RCRA Sec. 3018(a). Submitted 2/8/86.

Abstract: Regulations are to be promulgated to ensure that hazardous wastes discharged to publicly owned treatment works are adequately controlled to protect human health and the environment. The ANPRM will present a spectrum of possible approaches and solicit the best ways to implement the recommendations of the Congressionally-mandated study of the RCRA domestic sewage exclusion. The study supports primary reliance on the CWA pretreatment program for regulation of aqueous hazardous waste discharged to sewers.

Timetable:

Action	Date	FR Cite
ANPRM	07/00/86	
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2342.

Agency Contact: Marilyn Goode, Attorney-Advisor, Environmental Protection Agency, Water, EN-336, 202 475-9521

RIN: 2040-AA99

2653. REQUIREMENTS FOR APPLICATION FOR 301(C) VARIANCES

Legal Authority: 33 USC 1311 / CWA 311

CFR Citation: 40 CFR 125

Legal Deadline: None

Abstract: Section 301(c) of the Clean Water Act provides for variances on economic grounds of the strict requirements of BAT controls for non-toxic, non-conventional pollutants. The Agency is considering providing a guidance document which would set out ground rules and national criteria for granting variances from BAT requirements.

Timetable:

Action	Date	FR Cite
Guidance Document	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1404.

FTS: 8-382-2724.

Agency Contact: Karen Shafer, Environmental Protection Agency, Water, (PM-220), Washington, DC 20460, 202 382-2724

RIN: 2040-AA01

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Clean Water Act (CWA)

Proposed Rule Stage

2654. GUIDELINES FOR CLASSIFYING GROUNDWATER UNDER THE EPA GROUNDWATER PROTECTION STRATEGY

Significance: Regulatory Program

CFR Citation: Not applicable

Legal Deadline: None

Abstract: In August 1984, EPA issued Groundwater Protection Strategy to provide clear objectives to guide the Agency's efforts to protect groundwater. The strategy incorporated views of State and local governments, industry, a broad-cross section of public-interest groups, and other Federal agencies who had been invited to comment on the development of the strategy. One of the major factors toward the development of the strategy was the need to achieve greater consistency among the many EPA programs in protecting groundwater and the need to take into account its value and vulnerability in

developing protection and cleanup approaches. Some EPA programs tended to factor in groundwater considerations to a greater extent than other programs. These differences were creating confusion among those subject to these regulations, and among State and local officials who were implementing EPA programs. Now EPA is looking at a rational basis for decisionmaking through these guidelines. The Agency plans to publish both draft and final guidelines.

Timetable:

Action	Date	FR Cite
Draft Guidelines	05/00/86	
Final Guidelines	09/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2300.

FTS: 8-382-7077.

Agency Contact: Marian Mlay, Environmental Protection Agency, Water, Washington, DC 20460, (WH-550G), **202 382-7077**

RIN: 2040-AA85

2655. EFFLUENT GUIDELINES FOR ADHESIVES AND SEALANTS

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 463

Legal Deadline: None

Abstract: The Agency has decided to exclude portions of the Adhesives and Sealants point source category from toxic pollutant regulation. Authority for this decision is provided under the EPA-NRDC Settlement Agreement, Paragraph 8. The Agency intends to publish a document that will provide a summary of technical findings for this industrial category.

Timetable:

Action	Date	FR Cite
Notice Summary of Technical Findings	09/00/86	

Small Entity: No

Additional Information: SAR No. 1910.

FTS:8-382-7190.

Agency Contact: Elwood Forsht, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7190**

RIN: 2040-AA30

2656. EFFLUENT GUIDELINES FOR PLASTICS MOLDING AND FORMING (PHTHALATES)

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 463

Legal Deadline: None

Abstract: The Agency promulgated BPT, BAT, and BCT limitations, and NSPS for the plastics and molding and forming industry on December 17, 1984, with the exception of three phthalates in two subcategories. Limitations were reserved for the phthalates because the Agency does not have treatability data for the technology identified to control those pollutants (i.e., activated carbon absorption). The Agency plans to obtain those data through a treatability study and then to propose and promulgate limitations for phthalates, if appropriate. The phthalates are: 1) bis(2-ethylhexyl) phthalate, 2) di-n-butyl phthalate, and 3) dimethyl phthalate. The Agency is planning to withdraw the phthalates portion of the rule under paragraph 8 of the NRDC consent decree.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	06/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2213.

FTS: 8-382-7150

Agency Contact: Robert M. Southworth, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7150**

RIN: 2040-AA77

2657. EFFLUENT GUIDELINES FOR LEATHER TANNING (REVISION)

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304;; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307;; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 425

Legal Deadline: None

Abstract: In response to a settlement agreement (December 11, 1984), the Agency will propose and promulgate amendments to existing regulations which limit the discharge of toxic pollutants to U.S. waters and publicly owned treatment works.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1409.

FTS: 8-382-7189.

Agency Contact: Rexford R. Gile, Jr., Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7146**

RIN: 2040-AA91

2658. EFFLUENT GUIDELINES FOR ALUMINUM FORMING (REVISION)

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304;; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307;; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 467

Legal Deadline: None

Abstract: In response to a settlement agreement (4/1/85), the Agency will propose and promulgate amendments to regulations which limit the discharge of pollutants to U.S. waters and publicly owned treatment works.

Timetable:

Action	Date	FR Cite
Final Action	10/24/83	48 FR 49126
Notice	03/27/84	49 FR 11629
NPRM	12/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1438.

FTS: 8-382-7152.

Agency Contact: Jan Goodwin, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7152**

RIN: 2040-AA92

2659. ● EFFLUENT GUIDELINES FOR NONFERROUS METALS: (PHASE I)

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 421

Legal Deadline: None

Abstract: In response to a settlement agreement (11/27/85), the Agency will propose and promulgate amendments to the pretreatment and new source standards for the primary aluminum, secondary aluminum and tungsten subcategories to regulations which limit the discharge of pollutants.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	11/00/86	

Small Entity: No

Additional Information: SAR NO.1410

FTS: 8-382-7126

Agency Contact: Eleanor Zimmerman, Environmental Protection Agency, Water, (WH-552), Washington, D.C. 20460, **202 382-7126**

RIN: 2040-AA96

2660. FUTURE EFFLUENT GUIDELINES -- STANDARDS INITIATIVES

Significance: Regulatory Program

Legal Authority: 33 USC 1251 /CWA 402

CFR Citation: 40 CFR 122

Legal Deadline: None

Abstract: EPA intends to evaluate categories of industrial dischargers of hazardous or toxic pollutants; identify subcategories based upon production processes, pollutants, and applicable technologies; and determine the extent of the environmental problem and the practicality and efficiency of issuing effluent guidelines. Potential industrial categories for analysis would be selected based on requests from the EPA regional offices, States, and municipalities and from results of internal studies. Regulations for these industries would be based on complex engineering and economic studies to determine wastewater characteristics and treatment capabilities of each industrial category and subcategory.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2304.

FTS: 8-382-7120.

Agency Contact: Devereaux Barnes, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7120**

RIN: 2040-AA90

2661. GENERAL PRETREATMENT REGULATIONS: RESPONSE TO PIRT (REVISION)

Legal Authority: 33 USC 1317 /CWA 307

CFR Citation: 40 CFR 403

Legal Deadline: None

Abstract: Revisions to the General Pretreatment Regulations will be proposed to address final recommendations of the Pretreatment Implementation Review Task Force (PIRT) and the need for other adjustments to the regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	05/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2212.

FTS: 8-475-9520.

Agency Contact: Debora Clovis, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, **202 475-9520**

RIN: 2040-AA81

2662. SEWAGE SLUDGE USE AND DISPOSAL REGULATIONS

Significance: Regulatory Program

Legal Authority: 33 USC 1345 / CWA 405

CFR Citation: 40 CFR 503

Legal Deadline: Statutory. One year following enactment of CWA amendments.

Abstract: The Agency plans to provide technical criteria and management practices by issuing technical sludge regulations under Section 405 of the Clean Water Act. These regulations will address: Distribution and Marketing, Application of sludge to lands which are used for Food and Non-food Chain crops, Ocean Disposal, Incineration and Landfilling. Fifty chemical are being evaluated for the various reuse and disposal options.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
Final Action	09/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2162.

FTS: 8-755-0100.

Agency Contact: Patrick Tobin, Environmental Protection Agency, Water, WH-585, Washington, DC 20460, **202 755-0100**

RIN: 2040-AA74

2663. COMPREHENSIVE REVISIONS TO OCEAN DUMPING REGULATIONS

Significance: Regulatory Program

Legal Authority: 33 USC 1401 et seq /MPRSA

CFR Citation: 40 CFR 220 to 229

Legal Deadline: None

Abstract: These amendments are necessary to clarify the existing regulations, incorporate program experience, and respond to statutory amendments and the results of two lawsuits. Those lawsuits are the City of New York decision (543 F. Supp.), which involved the consideration of the need for ocean dumping and availability and impacts of land-based alternatives, and NWF v. Costle decision (629 F. 2d 118), which involved dredged material issues. These regulations will involve multi-media issues, such as how to compare impacts of ocean disposal and land-based alternatives. Significant impacts on small entities (i.e., small business and small governmental jurisdictions) seem unlikely. The potential for such impact will be further considered as regulations are developed.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 2189

FTS: 8-755-9231

Agency Contact: John Lishman, Environmental Protection Agency, Water, (WH-556), Washington, DC 20460, **202 755-9231**

RIN: 2040-AA78

2664. INCINERATION-AT-SEA SITE DESIGNATIONS (NORTH ATLANTIC AND PACIFIC)

Significance: Regulatory Program

EPA—CWA

Proposed Rule Stage

Legal Authority: 33 USC 1401 / MPRSA 201(c)

CFR Citation: 40 CFR 234

Legal Deadline: None

Abstract: In response to the need to provide for the safe disposal of hazardous wastes, the Agency has proposed regulations governing at-sea incineration of hazardous wastes (50 FR 8222, February 28, 1985). Incineration of liquid wastes at-sea is a potential method to help solve the nation's hazardous waste problem. Designation of sites for incineration-at-sea is a necessary step in making this technique for waste disposal available. An incineration-at-sea site for the Gulf of Mexico was designated in 1976 and redesignated in 1982. The Agency is planning to designate additional sites in the North Atlantic and Pacific.

Timetable:

Action	Date	FR Cite
Final Designation of North Atlantic Site	00/00/00	
Proposed Designation of Pacific Site	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2301.

FTS: 8-382-7166.

Agency Contact: Tudor Davies, Environmental Protection Agency, Water, (WH-556M), Washington, DC 20460, 202 382-7166

RIN: 2040-AA88

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Clean Water Act (CWA)

Final Rule Stage

2665. STATE SLUDGE PROGRAM REGULATIONS

Significance: Regulatory Program

Legal Authority: 33 USC 1256 /CWA 106; 33 USC 1285(g) /CWA 205(g); 33 USC 1313 /CWA 303; 42 USC 6942 /RCRA 4002

CFR Citation: 40 CFR 501

Legal Deadline: None

Abstract: The agency has proposed requiring States to develop sludge management programs, or improve existing ones, and submit them to the EPA Regional Administrators for approval. Included in the proposal were: 1) the procedural requirements for the submission, review, approval, EPA oversight, and withdrawal of approval of State sludge management programs; and 2) the elements of a State program, including compliance monitoring and enforcement provisions, that a State would be required to obtain approval of its program.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4458
Final Action	02/00/87	

Small Entity: No

Additional Information: SAR No. 2163.

This item was listed in the April 1, 1985 Regulatory Program of the United States Government as RIN 2040-AA86.

Agency Contact: Charles E. Gross, Environmental Protection Agency, Water, (WH-547), Washington, DC 20460, 202 382-2333

RIN: 2040-AA73

2666. SIMPLIFYING CONSTRUCTION GRANTS REGULATIONS (REVISION)

Legal Authority: 33 USC 1361 / CWA 201

CFR Citation: 40 CFR 35, Appendix A

Legal Deadline: None

Abstract: A revised interim final regulation describing allowable and unallowable costs for construction grant projects was published February 17, 1984. This rule will not be published as a final rule until after Congress acts on reauthorization of the construction grants program.

Timetable:

Action	Date	FR Cite
NPRM - Previous	11/06/81	46 FR 55220
NPRM	05/12/82	47 FR 20470
Interim Final Rule	05/12/82	47 FR 20450
Interim Final Rule Revised	02/17/84	49 FR 6224
Final Action	12/00/86	

Small Entity: No

Additional Information: SAR No. 1722.

Docket No. G-81-5.

FTS: 8-382-7278.

Agency Contact: Patricia Power, Environmental Protection Agency, Water, (WH-595), Washington, DC 20460, 202 382-7278

RIN: 2040-AA70

2667. NPDES NEW SOURCE AND SHORT APPLICATION FORMS (REVISION)

Legal Authority: 33 USC 1311 / CWA 301

CFR Citation: 40 CFR 122

Legal Deadline: None

Abstract: This action will develop an NPDES application form for new manufacturing, commercial, mining, and silvicultural operations. Besides obtaining information necessary for setting effluent discharge limitations, it will also help permit writers to determine whether the facility is a new source. This action will also develop a short, two-page application form for use by non-process wastewater dischargers. These dischargers usually contain only materials such as sanitary wastes and non-contact cooling water.

Timetable:

Action	Date	FR Cite
NPRM	10/01/84	49 FR 38812
Final Action	03/00/86	

Small Entity: No

Additional Information: SAR No. 1725.

FTS:8-475-9541.

Agency Contact: James Gallup, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 475-9541

RIN: 2040-AA00

2668. EFFLUENT GUIDELINES FOR ORGANIC CHEMICALS AND PLASTICS AND SYNTHETIC FIBERS

Significance: Regulatory Program

Legal Authority: 33 USC 1311 / CWA 30[illegible] 33 USC 1314 / CWA 304; 33 USC 1316 [illegible]A 306; 33 USC 1317 / CWA 307; 33 [illegible]461 / CWA 501

CFR Citation: 40 CFR 414; 40 CFR 416

Legal Deadline: Judicial, March 31, 1986

Abstract: The Agency will promulgate BPT, BAT, NSPS and pretreatment standards for the organic chemicals portion of this industry (SIC 2865, 2869). Pollutants include aromatic chlorinated hydrocarbons, phenolic compounds, and metals. EPA is also promulgating BCT, BAT, BPT, NSPS, and pretreatment standards for the plastics and synthetics portion of this industry (SIC 2821, 2823, 2824). Pollutants of concern include phenols, acrolein, ethylbenzene, vinyl chloride, and metals. A notice of availability and request for comments announced the availability of technical and economic data and related documentation received after proposal.

Timetable:

Action	Date	FR Cite
NPRM	03/21/83	48 FR 11828
Notice	07/17/85	50 FR 29068
Notice	10/11/85	50 FR 41528
Final Action	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1415.

This item was included under RIN 2040-AA89 in the April 1, 1985 Regulatory Program of the United States Government.

Analysis: RIA

Agency Contact: E.H. Forsht, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7190

RIN: 2040-AA05

2669. EFFLUENT GUIDELINES FOR OFFSHORE OIL AND GAS EXTRACTION INDUSTRY (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 435

Legal Deadline: Judicial, December 1985

Abstract: The Agency will promulgate regulations for BAT, BCT, NSPS and certain revisions to BPT.

Timetable:

Action	Date	FR Cite
NPRM	08/26/85	50 FR 34592
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1649.

This item was included under RIN 2040-AA89 in the April 1, 1985 Regulatory Program of the United States Government. Government.

Agency Contact: Dennis Ruddy, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7131

RIN: 2040-AA12

2670. EFFLUENT GUIDELINES FOR PHARMACEUTICALS

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 439

Legal Deadline: None

Abstract: EPA has promulgated final BPT, BAT, NSPS, PSES and PSNS effluent limitations and standards for the pharmaceutical manufacturing point source category. Additionally, the Agency will promulgate BCT and NSPS regulations to control the discharge of conventional pollutants from existing and new source direct dischargers, respectively. However, BCT limitations will not be established until a final BCT cost test methodology is finalized. The Agency will also finalize BAT and NSPS regulations to control the discharge of the nonconventional pollutant, COD, at a later time.

Timetable:

Action	Date	FR Cite
NPRM	11/26/82	47 FR 53584
Final Action BPT, BAT, PSES, PSNS	10/27/83	48 FR 49808
Notice (BCT)	03/09/84	49 FR 8967
Final Action NSPS	02/00/86	
Final Action (BCT)	03/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1427.

FTS:8-382-7182.

Agency Contact: Frank Hund, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7182

RIN: 2040-AA13

2671. EFFLUENT GUIDELINES FOR GUM AND WOOD (REVISION)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 454

Legal Deadline: None

Abstract: The Agency intends to promulgate the proposed BPT standards for seven subcategories and NSPS standards for four subcategories. However, the Agency will be withdrawing the proposed BAT limitations and the proposed pretreatment standards. Authority for the BAT and pretreatment exclusions is provided under paragraph 8 of the modified NRDC-EPA settlement agreement. In addition to publishing the final BPT and NSPS standards, the Agency will publish guidance describing available wastewater treatment options and the basis for the exclusion of the BAT and pretreatment standards.

Timetable:

Action	Date	FR Cite
NPRM	11/29/80	44 FR 68710
Notice of Availability - Guidance Document	09/00/86	
Final Action (BPT and NSPS)	09/00/86	

Small Entity: No

Additional Information: SAR No. 1425.

FTS:8-382-7186.

Agency Contact: Richard E. Williams, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7186

RIN: 2040-AA17

2672. EFFLUENT GUIDELINES FOR RUBBER PROCESSING (REVISION)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 428

Legal Deadline: None

Abstract: EPA will collect new wastewater data from rubber producing facilities for nine subcategories as part of a staged regulatory review now scheduled to run from FY 87 through FY 90. Some data obtained from the Organic Chemicals/Plastics and Synthetics Fibers project will be examined for technology transfer opportunities. Lead limits for three

subcategories were studied and revisions to these limits will be made. Rubber reclaimers covered by subparts H and I have been re-examined for BCT, BAT, and NSPS regulations. National regulations will not be issued for two rubber reclaimed subcategories.

Timetable:

Action	Date	FR Cite
NPRM	12/18/79	44 FR 75016
Final Action	06/00/90	

Small Entity: Undetermined

Additional Information: SAR No. 1420.

FTS:8-382-7172.

Agency Contact: J. S. Vitalis, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7172

RIN: 2040-AA42

2673. EFFLUENT GUIDELINES FOR PULP, PAPER, AND PAPERBOARD (PCB'S) (REVISION)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 430

Legal Deadline: None

Abstract: EPA promulgated effluent limitations and standards for BPT, BAT, NSPS, PSNS and PSES for the Pulp, Paper and Paperboard and the Builders' Paper and Board Mills point source category. BCT limitation will not be established until promulgation of the general methodology for BCT. The Agency proposed BAT and NSPS regulations that would limit the discharge of polychlorinated biphenyls (PCBs) into waters of the United States from mills in this industry where fine and tissue papers are made from deinked wastepaper. In response to a court remand of the final 1977 BPT regulation, EPA has also proposed a revised BPT limitation for BOD5 in acetate grade production in the dissolving sulfite pulp subcategory. The Agency intends to promulgate BCT limitations, PCB regulations and the BOD5 limitation for acetate grade production in the dissolving sulfite pulp subcategory.

Timetable:

Action	Date	FR Cite
NPRM (BOD)	03/12/80	45 FR 15952
NPRM (BCT)	10/29/82	46 FR 49176
NPRM (PCB)	11/18/82	47 FR 52066
Notice (BOD)	09/06/85	50 FR 36444
Final Action (BCT)	05/00/86	
Final Action (BOD)	05/00/86	
Final Action (PCB)	09/00/86	

Small Entity: No

Additional Information: SAR No. 1969.

FTS:8-382-7137.

Agency Contact: Thomas O'Farrell, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7137

RIN: 2040-AA63

2674. EFFLUENT GUIDELINES FOR ORE MINING AND DRESSING (PLACER MINING)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 144.103; 40 CFR 144.104

Legal Deadline: None

Abstract: The Agency is promulgating BAT and NSPS for mines and mills that beneficiate gold ores by gravity separation methods. These methods include mining of placer deposits, dredge mining, and hydraulic mining operations. These limitations will apply to wastewater generated by these operations and are an addition to those subcategories for which final regulations were issued on December 3, 1982.

Timetable:

Action	Date	FR Cite
NPRM	11/20/85	50 FR 47982
Final Action	10/00/87	

Small Entity: Yes

Additional Information: SAR No. 1413.

FTS 8-382-7191.

Agency Contact: Willis E. Umholtz, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7191

RIN: 2040-AA65

2675. EFFLUENT GUIDELINES FOR COPPER FORMING (REVISION)

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304;; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307;; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 468

Legal Deadline: None

Abstract: In response to a settlement agreement (9/29/84), the Agency will propose and promulgate amendments to the applicability of the regulation issued on 8/15/83 (48 FR 26128).

Timetable:

Action	Date	FR Cite
Final Action	08/15/83	48 FR 36942
Final Action	09/15/83	48 FR 41409
NPRM	02/04/85	50 FR 4872
NPRM	06/27/85	50 FR 26128
Final Action	04/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1433.

FTS: 8-382-7152.

Agency Contact: Jan Goodwin, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7152

RIN: 2040-AA93

2676. EFFLUENT GUIDELINES FOR BATTERY MANUFACTURING

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 461

Legal Deadline: None

Abstract: In response to a settlement agreement (3/27/85), the Agency will promulgate amendments to the pretreatment and new source standards for the lead subcategory to regulations which limit the discharge of pollutants.

Timetable:

Action	Date	FR Cite
Notice	04/09/84	49 FR 13879
Notice	07/09/84	49 FR 27946
Notice	12/07/84	49 FR 47925
NPRM	01/28/86	51 FR 3477
Final Action	07/00/86	

Small Entity: No

Additional Information: SAR No. 1434.

FTS: 8-382-7153.

Agency Contact: Mary Belefski, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7153

RIN: 2040-AA95

2677. BEST CONVENTIONAL POLLUTANT CONTROL TECHNOLOGY (BCT) COST TEST AND BCT EFFLUENT GUIDELINES(REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1314 / CWA 304

CFR Citation: 40 CFR 405; 40 CFR 406; 40 CFR 407; 40 CFR 408; 40 CFR 409; 40 CFR 411; 40 CFR 412; 40 CFR 418; 40 CFR 422; 40 CFR 424; 40 CFR 426; 40 CFR 432

Legal Deadline: None

Abstract: EPA is revising the cost reasonableness test for BCT effluent guidelines. EPA is making these revisions in response to a 1981 court decision. EPA proposed a revised BCT methodology and new BCT limitations on October 29, 1982 for 16 industries, including pulp and paper, inorganic chemicals, metal finishing, seafood processing, and meat products. EPA issued a notice of data availability on September 20, 1984, requesting comment on new information that is being considered for use in the final BCT methodology. Following analysis of the comments on this notice, EPA will publish a final BCT methodology and BCT effluent guidelines for certain industries identified in the CFR citations listed.

Timetable:

Action	Date	FR Cite
NPRM	10/29/82	47 FR 49176
Notice	09/20/84	49 FR 37046
Final Action	04/00/86	

Small Entity: No

Additional Information: SAR No. 1752.

FTS: 8-382-5385.

Agency Contact: Debra Maness, Environmental Protection Agency, Water, (WH-586), Washington, DC 20460, 202 382-5385

RIN: 2040-AA45

2678. GENERAL PRETREATMENT REGULATIONS: DEFINITIONS FOR PASSTHROUGH AND INTERFERENCE (REVISION)

Legal Authority: 33 USC 1317 / CWA 307

CFR Citation: 40 CFR 403

Legal Deadline: None

Abstract: The Agency is preparing revisions to the Pretreatment Regulations which will redefine several terms and repromulgate other definitions of passthrough and interference. These revisions will address a remand by the Third Circuit Court of Appeals, and fulfills the request for review of the program by the President's Task Force Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	06/19/85	50 FR 25526
Final Action	03/00/86	

Small Entity: No

Additional Information: SAR No. 1900.

FTS: 8-475-9530.

Agency Contact: Craig Jakubowics, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 475-9530

RIN: 2040-AA46

2679. HAZARDOUS SUBSTANCES POLLUTION PREVENTION FOR FACILITIES SUBJECT TO PERMITTING REQUIREMENTS OF SECTION 402

Legal Authority: 33 USC 1321 / CWA 311

CFR Citation: 40 CFR 151

Legal Deadline: None

Abstract: This regulation's purpose is to prevent spills of hazardous substances into navigable waters. It sets forth requirements for the Spills Prevention Control and Countermeasure Plans for facilities which (a) are not related to transportation, (b) which store, manufacture or otherwise handle hazardous substances at their facilities, and (c) are subject to NPDES permits. The Agency will likely exempt any small facilities which store less than ten times the reportable quantities of spilled, hazardous substances.

Timetable:

Action	Date	FR Cite
NPRM	09/01/78	43 FR 39276
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1451.

FTS:8-382-3000. RCRA/CERCLA Hotline 800-424-9346

Agency Contact: John Riley, Environmental Protection Agency, Water, (WH-548B), Washington, DC 20460, 202 382-2190

RIN: 2040-AA34

2680. DISCHARGE OF OIL (REVISION)

Legal Authority: 33 USC 1321 / CWA 311

CFR Citation: 40 CFR 110

Legal Deadline: None

Abstract: This regulation defines harmful quantities of oil for purposes of section 18(m)(3) of the Deep Water Port Act of 1974 and incorporates the 1977, 1978 and 1980 amendments to section 311 of the Clean Water Act (CWA). Generally, this action extends reporting requirements for oil spills beyond the continuous zone to ocean waters and provides for an exemption from section 311 for oil discharge covered under MARPOL and section 402 of the CWA.

Timetable:

Action	Date	FR Cite
NPRM	03/11/85	50 FR 9776
Final Action	09/00/86	

Small Entity: No

Additional Information: SAR No. 1579.

For information call the RCRA/Superfund Hotline (800-424-9346); in D.C. Metropolitan Area (382-3000).

Agency Contact: Jack Kooyoomjian, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548B), Washington, DC 20460, 202 382-4130

RIN: 2040-AA48

2681. NPDES REGULATIONS: STORMWATER APPLICATION REQUIREMENTS (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1251 /CWA 402

CFR Citation: 40 CFR 122

Legal Deadline: None

Abstract: These revisions to the NPDES permit program application requirements for stormwater discharges are in response to concerns about the difficulty of complying the April 26, 1985 deadline for application submittals. These changes will address the deadline for application submission and the information required within the application.

EPA—CWA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM Deadline and Requirements	03/07/85	50 FR 9362
NPRM Reproposed Requirements	08/12/85	50 FR 32548
Final Action Deadline	08/29/85	50 FR 35200
Final Action Requirements	06/00/86	

Small Entity: No

Additional Information: SAR No. 2200.

FTS: 8-426-7010.

Agency Contact: Martha Kirkpatrick, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 475-9517

RIN: 2040-AA79

2682. OCEAN INCINERATION REGULATION (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1410 / MPRSA

CFR Citation: 40 CFR 234

Legal Deadline: None

Abstract: The Agency plans to provide specific permitting regulations for the ocean incineration of liquid hazardous and nonhazardous wastes. These regulations will be an independent part of the Ocean Dumping Regulations. The existing Ocean Dumping Regulations provide no specific criteria or standards for the review of ocean incineration permit applications.

Timetable:

Action	Date	FR Cite
NPRM	02/28/85	50 FR 8222
Final Action	09/00/86	

Small Entity: No

Additional Information: SAR No. 2140.

FTS: 8-755-0100.

Agency Contact: Patrick Tobin, Environmental Protection Agency, Water, (WH-585), Washington, DC 20460, 202 755-0100

RIN: 2040-AA72

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Clean Water Act (CWA)

Completed Actions

2683. COST CONTROL OF CONSTRUCTION GRANT INCREASES REGULATION (REVISION)

CFR Citation: 40 CFR 35.2205

Completed:

Reason	Date	FR Cite
Final Action	12/12/85	50 FR 46648

Small Entity: No

Agency Contact: David P. Welch 202 382-5819

RIN: 2040-AA71

2684. EFFLUENT GUIDELINES FOR PAINT FORMULATION

CFR Citation: 40 CFR 446

Completed:

Reason	Date	FR Cite
Postponed Indefinitely	02/00/86	

Small Entity: No

Agency Contact: Robert Dellinger 202 382-7137

RIN: 2040-AA15

2685. EFFLUENT GUIDELINES FOR INK FORMULATION

CFR Citation: 40 CFR 447

Completed:

Reason	Date	FR Cite
Withdrawn	03/00/86	

Small Entity: No

Agency Contact: Robert Dellinger 202 382-7137

RIN: 2040-AA16

2686. EFFLUENT GUIDELINES FOR PESTICIDES

Significance: Regulatory Program

CFR Citation: 40 CFR 455

Completed:

Reason	Date	FR Cite
Final Action	10/04/85	50 FR 40672

Small Entity: No

Agency Contact: George Jett 202 382-7180

RIN: 2040-AA18

2687. EFFLUENT GUIDELINES FOR METAL MOLDING AND CASTING (FOUNDRIES)

Significance: Regulatory Program

CFR Citation: 40 CFR 464

Completed:

Reason	Date	FR Cite
Final Action	10/30/85	50 FR 45212

Small Entity: Yes

Agency Contact: Donald Anderson 202 382-7189

RIN: 2040-AA20

2688. EFFLUENT GUIDELINES FOR NONFERROUS METALS (PHASE II)

Significance: Regulatory Program

CFR Citation: 40 CFR 421

Completed:

Reason	Date	FR Cite
Final Action	09/20/85	50 FR 38276

Small Entity: No

Agency Contact: Maria Irizarry 202 382-7126

RIN: 2040-AA27

2689. EFFLUENT GUIDELINES FOR COAL MINING (REVISION)

CFR Citation: 40 CFR 434

Completed:

Reason	Date	FR Cite
Final Action	10/09/85	50 FR 41296

Small Entity: No

Agency Contact: Susan de Nagy 202 382-7141

RIN: 2040-AA66

[FR Doc. 86-8640 Filed 04-18-86; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY (EPA)—Atomic Energy Act (AEA)

Prerule Stage

2690. RESIDUAL RADIOACTIVITY

Significance: Regulatory Program

Legal Authority: 42 USC 2201 / AEA 274; 42 USC 2021 / AEA 274

CFR Citation: 40 CFR 194

Legal Deadline: None

Abstract: The Agency is determining what standards and/or guidance is needed to control radiation exposure levels to the public from residual radioactivity after cleanup of sites and facilities where radionuclides were used and where unrestricted use will be allowed. This action may also control radiation exposure levels to the general public from materials contaminated with radionuclides which will be recycled into general commerce.

Timetable:

Action	Date	FR Cite
ANRRM	05/00/86	
NPRM	05/00/88	
Final Action	05/00/90	

Small Entity: Undetermined

Additional Information: SAR No. 2073.

FTS: 8-557-8927.

Analysis: Regulatory Impact Analysis; RIA

Agency Contact: Stanley Lichtman, Environmental Protection Agency, Air and Radiation, ANR-460, Washington, DC 20460, 703 557-8927

RIN: 2060-AB31

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Atomic Energy Act (AEA)

Proposed Rule Stage

2691. RADIOFREQUENCY RADIATION GUIDANCE

Significance: Regulatory Program

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This guidance will serve to limit exposure of the general public to radiofrequency radiation, which may pose a potential health risk.

Timetable:

Action	Date	FR Cite
ANPRM	12/23/82	47 FR 57338
NPRM	05/00/86	
Final Action	09/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1525.

FTS: 8-557-8217.

Background Information Reports: a) Biological Effects of Radiofrequency Radiation, b) the Radiofrequency Radiation Environment, c) Analysis of the Radiofrequency Fields Produced by Broadcast Antennas, and d) Analysis of Economic Impact of Federal Radiation Protection Guidance (to Limit Exposure of the Public to Radiofrequency Radiation).

Agency Contact: David E. Janes, Environmental Protection Agency, Air and Radiation, (ANR-461), Washington, DC 20460, 703 557-8217

RIN: 2060-AA02

2692. ENVIRONMENTAL PROTECTION STANDARDS FOR LOW-LEVEL RADIOACTIVE WASTE

Significance: Regulatory Program

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: 40 CFR 193

Legal Deadline: None

Abstract: The Agency intends to set generally applicable standards for the disposal of low-level radioactive wastes, possibly to include some natural and accelerator produced radioactive wastes. The Agency is considering a criteria for declaring certain wastes as below regulatory concern as part of this activity.

Timetable:

Action	Date	FR Cite
ANPRM	08/31/83	48 FR 39563
NPRM	10/00/86	
Final Action	10/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 1727.

FTS:8-557-8610.

Agency Contact: G. Lewis Meyer, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, 703 557-8610

RIN: 2060-AA04

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Atomic Energy Act (AEA)

Final Rule Stage

2693. GUIDANCE FOR OCCUPATIONAL RADIATION EXPOSURE (REVISION)

Legal Authority: 42 USC 2021(h) /AEA 274(h)/Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This guidance would update existing (1960) radiation occupational exposure limits for all workers except exposure of uranium miners to radon. It may lower allowable exposure per year and incorporate selected current recommendations of national and international radiation protection advisory bodies.

Timetable:

Action	Date	FR Cite
ANPRM	09/17/79	44 FR 53785
NPRM	01/23/81	46 FR 7836
Final Action	03/00/86	

Small Entity: No

Additional Information: SAR No. 1161.

Docket No. A-79-46.

FTS:8-557-8927.

EPA—AEA

Final Rule Stage

Agency Contact: Allan Richardson, Environmental Protection Agency, Air and Radiation, (ANR 460), Washington, DC 20460, **703 557-8927**

RIN: 2060-AA00

2694. TRANSURANIUM ELEMENTS

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This guidance to Federal Agencies will establish dose rate limits for people exposed to transuranium elements in the general environment. Guidance is undergoing interagency review.

Timetable:

Action	Date	FR Cite
NPRM	11/30/77	42 FR 60956
Interim Final Rule	06/00/86	
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1162.

FTS:8-557-0740.

Agency Contact: Gordon Burley, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, **703 557-9710**

RIN: 2060-AA01

[FR Doc. 86-6640 Filed 04-18-86; 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Safe Drinking Water Act (SDWA)

Proposed Rule Stage

2695. NATIONAL PRIMARY DRINKING WATER REGULATIONS: INORGANIC AND ORGANIC COMPOUNDS AND MICROBIOLOGICAL CONTAMINANTS AND TURBIDITY (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 300 / SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: None

Abstract: The monitoring requirements and MCLs in the National Interim Primary Drinking Water Regulations will be comprehensively reviewed for inorganic and organic compounds, microbiological contaminants and turbidity and radionuclides. EPA will conduct an assessment of exposure, analytical methods, potential health effects, and the performance and costs of treatment technologies.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
NPRM RMCLs	11/13/85	50 FR 46936
NPRM MCLs	03/00/87	
Final Action RMCLs	03/00/87	
Final Action MCLs	03/00/88	

Small Entity: Yes

Additional Information: SAR No. 1755.

FTS:8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, **202 382-7575**

RIN: 2040-AA55

2696. NATIONAL PRIMARY DRINKING WATER REGULATION: RADIONUCLIDES

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: None

Abstract: EPA may propose Recommended Maximum Contaminant Levels (RMCLs) and Primary Drinking Water Regulations for radionuclides in drinking water. These radionuclides include radium, uranium, radon, gross alpha, and gross beta and photon emitters. RMCLs would first be proposed and would be followed by the proposal of Maximum Contaminant Levels (MCLs) and monitoring requirements at the same time the RMCLs are promulgated.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
NPRM RMCLs	03/00/86	
NPRM MCLs	05/00/87	
Final Action RMCLs	05/00/87	
Final Action MCLs	05/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2281.

FTS: 8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, (WH-559), Washington, DC 20460, **202 382-7575**

RIN: 2040-AA94

2697. ● NATIONAL PRIMARY DRINKING WATER REGULATION: DISINFECTANTS AND DISINFECTION BY-PRODUCTS

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: None

Abstract: EPA may propose Recommended Maximum Contaminant Levels (RMCLs) for disinfectants and disinfection by-products found in drinking water. RMCLs would be proposed first and would be followed by the proposal of Maximum Contaminant Levels 9MCLs) and monitoring requirements at the same time the RMCLs are finalized.

Timetable:

Action	Date	FR Cite
NPRM RMCLs	12/00/87	
NPRM MCLs	12/00/88	
Final Action RMCLs	12/00/88	
Final Action MCLs	12/00/89	

Small Entity: Undetermined

Additional Information: SAR NO.2340

FTS: 8-382-7575

Agency Contact: Joseph A. Cotruvo Ph.D., Environmental Protection Agency, Water, (WH-550), Washington, D.C. 20460, **202 382-7575**

RIN: 2040-AA97

EPA—SDWA **Proposed Rule Stage**

2698. UNDERGROUND INJECTION CONTROL PROGRAM: INDIAN LANDS

Legal Authority: 42 USC 300 /SDWA 1422

CFR Citation: 40 CFR 147

Legal Deadline: None

Abstract: EPA is required to prescribed an Underground Injection Control (UIC) program in States that do not have an approved UIC program. In addition, all Indian lands not under the jurisdiction of an approved State program must be covered by a Federal program. The program is to take into consideration the unique conditions and the tribal concerns for each nation.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	09/00/86	

Small Entity: No

Additional Information: SAR No. 2131

FTS: 8-382-5558

Agency Contact: Donald M. Olson, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, 202 382-5558

RIN: 2040-AA76

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Safe Drinking Water Act (SDWA) — Final Rule Stage

2699. NATIONAL PRIMARY DRINKING WATER REGULATIONS: MAXIMUM CONTAMINANT LEVELS FOR VOLATILE ORGANIC CHEMICALS FOUND IN DRINKING WATER

Significance: Regulatory Program

Legal Authority: 42 USC 300 / SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: None

Abstract: EPA has promulgated Recommended Maximum Contaminant Levels (RMCLS) and proposed Primary Drinking Water Regulations for certain volatile synthetic organic compounds (VOCs), (including monitoring and reporting requirements for these VOCs as well as other unregulated VOCs.) These VOCs have been most commonly found in drinking water drawn from groundwater sources. These chemicals include such compounds as trichloroethylene, tetrachloroethylene, and vinyl chloride. Aeration and granular activated carbon (GAC) systems are treatment technologies that can reduce these contaminants to a low level. Preliminary estimates show that average residential monthly bills for affected systems could rise from $1-$14 depending on the size of the drinking water system and the type of technology selected.

Timetable:

Action	Date	FR Cite
ANPRM Previous	07/14/76	41 FR 23991
ANPRM	03/04/82	47 FR 9350
NPRM	06/12/84	49 FR 24330
NPRM RMCLs	06/12/84	49 FR 24330
NPRM MCLs	11/13/85	50 FR 46902
Final Action RMCLs	11/13/85	50 FR 46880
Final Action MCLs	10/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1567.

FTS: 8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, 202 382-7575

RIN: 2040-AA53

2700. NATIONAL PRIMARY DRINKING WATER REGULATIONS: FLUORIDE (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 300 / SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Judicial, March 1986

Abstract: The Agency will assess the maximum contaminant level (MCL) for fluoride in the National Interim Primary Drinking Water Regulations to determine if it reflects potential health effects and the performance and cost of available treatment technologies. Based on statutory requirements and recent technical information, the Agency is considering numerous options.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/81	46 FR 58345
ANPRM	10/05/83	48 FR 45502
NPRM (RMCLs)	05/14/85	50 FR 20164
NPRM (MCLS)	11/14/85	50 FR 47156
Final Action (MCLs)	04/00/86	

Supplemental Timetable:

(RMCLs)

Final Action 11/14/85 (50 FR 47142)

Small Entity: Undetermined

Additional Information: SAR No. 1756.

FTS:8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, 202 382-7575

RIN: 2040-AA56

[FR Doc. 86-6640 Filed 04-18-86; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY (EPA)—Noise Control Act (NCA)

Final Rule Stage

2701. WITHDRAWAL OF PRODUCTS FROM THE AGENCY'S REPORTS IDENTIFYING MAJOR NOISE SOURCES AND WITHDRAWAL OF PROPOSED RULES

Legal Authority: 42 USC 4904(b)(1) / NCA 5(b)(1); 42 USC 4905 / NCA 6(a)(1)

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: This action withdraws certain products from the Agency's report identifying major noise sources issued under authority of Section 5(b)(1) of the Noise Control Act of 1972. These products are: Truck Transport Refrigeration Units, Power Lawn Mowers, Pavement Breakers, Rock Drills, Wheel and Crawler Tractors and Buses. This action also withdraws proposed noise regulations for Wheel and Crawler Tractors, and Buses, issued under the authority of Section 6(a)(1) of the Act.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54108
Final Action	06/00/86	

Small Entity: No

Additional Information: SAR No. 2046.

FTS: 8-382-7403

No CFR parts pertain. This action withdraws proposals which were not codified.

Agency Contact: Kenneth Feith, Environmental Protection Agency, Air and Radiation, Washington, DC 20460, **202 382-7403**

RIN: 2060-AB24

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Noise Control Act (NCA)

Completed Actions

2702. MOTOR CARRIERS ENGAGED IN INTERSTATE COMMERCE: NOISE EMISSION STANDARDS (REVISION)

CFR Citation: 40 CFR 202

Completed:

Reason	Date	FR Cite
Final Action	01/06/86	51 FR 850

Small Entity: No

Agency Contact: Kenneth Feith 202 382-7403

RIN: 2060-AB20

[FR Doc. 86-8640 Filed 04-18-86; 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Resource Conservation and Recovery Act (RCRA)

Prerule Stage

2703. PROHIBITION OF UNDERGROUND INJECTION OF WASTES

Significance: Regulatory Program

Legal Authority: RCRA 3001; HWSW 201

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: The Hazardous Waste Disposal Amendments of 1984 Sections 201 F&G require the Administrator to investigate the disposal of Hazardous Waste through underground injection wells, and to determine whether such practices are protective of human health and the environment.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/87	
Final Action	02/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2211.

FTS: 8-382-5508.

Agency Contact: Francoise Brasier, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-550), Washington, DC 20460, **202 382-5508**

RIN: 2050-AB34

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Resource Conservation and Recovery Act (RCRA)

Proposed Rule Stage

2704. CONTAINERIZED LIQUIDS IN LANDFILLS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264.314; 40 CFR 265.314

Legal Deadline: Statutory, February 8, 1986

Abstract: The Agency will propose regulations consistent with the Hazardous and Solid Waste Act of 1984. The regulation will 1) minimize the placement of containers in landfills, 2) minimize the placement of free liquids in containers, and 3) prohibit the use of absorbents that biodegrade and release liquids when compressed.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Interim Final Rule	00/00/00	

Small Entity: No

Additional Information: SAR No. 2207.

FTS:8-382-4682

Agency Contact: Paul Cassidy, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565E), Washington, DC20460, 202 382-4682

RIN: 2050-AB12

2705. ● CORRECTIVE ACTION AT FEDERAL FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924; 42 USC 6926 /HSWA 206

CFR Citation: 40 CFR 264; 40 CFR 271

Legal Deadline: None

Abstract: HSWA requires corrective action for releases of hazardous wastes and constituents at hazardous waste management facilities seeking RCRA permits. Issues concerning the applicability of the HSWA corrective action requirement to Federal facilities specifically recognition of subdivisions of Federal agencies as facility "owners," limitations on Federal agency responsibility at facilities operated by private parties and policies for establishing priorities for correcting releases at Federal facilities, will be covered by EPA's rules.

Timetable:

Action	Date	FR Cite
Notice of Policy and Interpretation and Intent to Propose	03/05/86	51 FR 7722
NPRM	03/00/87	
Final Action	11/00/87	

Small Entity: Not Applicable

Additional Information: SAR NO.2334

FTS: 8-382-2210

Agency Contact: Paul Connor, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-563), Washington, D.C. 20460, 202 382-2210

RIN: 2050-AB63

2706. ● MANDATORY INSPECTION REGULATION

Legal Authority: 42 USC 6927 /RCRA 3007,HSWA 231

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Administrator is required under Section 231 3007(e) of the Hazardous and Solid Waste Amendments of 1984 (HSWA) after notice and public comment to promulgate a regulation which establishes standards for mandatory inspections. The regulation will pertain to inspections conducted at treatment, storage, and disposal facilities subject to permitting under section 3005 of HSWA and will establish the manner, frequency, recordkeeping, and reporting of inspections.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
Final Action	07/00/87	

Small Entity: Undetermined

Additional Information: SAR NO.2332

FTS: 8-475-9325

Agency Contact: Bruce Newton, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-527), Washington, D.C. 20460, 202 475-9325

RIN: 2050-AB59

2707. RETROFITTING INTERIM STATUS SURFACE IMPOUNDMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 265.220; 40 CFR 265.230

Legal Deadline: None

Abstract: The Agency will provide guidance on retrofitting provisions and the exemptions. Guidance is for applicants to use to understand the necessary information that must be included in a permit application.

Timetable:

Action	Date	FR Cite
Guidance	06/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2204.

FTS 8-382-4682

Agency Contact: Paul Cassidy, Environmental Protection Agency, Solid Waste and Emergency Response, Environmental Protection Agency, 401 M street, Washington, D.C. 20460, 202 382-4682

RIN: 2050-AB03

2708. CRITERIA FOR CLASSIFICATION OF SOLID WASTE DISPOSAL FACILITIES AND PRACTICES (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 6907a / RCRA 1008a; 42 USC 6944 / RCRA 4004; 42 USC 6949 / RCRA 4010

CFR Citation: 40 CFR 257

Legal Deadline: Statutory, March 31, 1988

Abstract: The Hazardous and Solid Waste Amendments of 1984 require EPA, by November 8, 1987, to submit a report to Congress on the adequacy of the RCRA 1008(a) and 4004 Criteria in protecting human health and the environment from ground-water contamination, and on the need for additional authorities to enforce the Criteria. EPA must revise the criteria by March 31, 1988, for Subtitle D facilities that may receive hazardous household waste or small quantity generator waste. The revisions will include ground-water monitoring, location restrictions, and corrective action, as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
Final Action	03/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2224

FTS-382-4489

Analysis: Regulatory Impact Analysis

Agency Contact: Michael Flynn, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565E), Washington, DC, 202 382-4489

RIN: 2050-AB21

2709. AIR EMISSION REGULATIONS FOR HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

Significance: Regulatory Program

Legal Authority: RCRA as Amended by HSWA section 201(N)

CFR Citation: 40 CFR 264

Legal Deadline: None

Abstract: Regulations are under development for monitoring and control of air emissions at hazardous waste treatment, storage, and disposal facilities, including open tanks, surface impoundments, and landfills, as may be

necessary to protect human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2240.

FTS 629-5671

Agency Contact: James Durham, Environmental Protection Agency, Solid Waste and Emergency Response, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, **919 541-5671**

RIN: 2050-AB33

2710. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES

Legal Authority: 42 USC 6905 / RCRA 1006; 42 USC 6912(a) / RCRA 2002(a); 42 USC 6921 / RCRA 3001; 42 USC 6922 / RCRA 3002

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: These actions announce EPA's decision whether or not to list a waste as hazardous under RCRA. If a waste is listed as hazardous it will be subject to those requirements contained in 40 CFR Parts 262-266 and Parts 270, 271 and 124. A listing decision is an internal determination which is based on extensive waste characterization studies and toxicological evaluations. As a result of this determination, a regulatory package is prepared which then goes through Agency regulatory review procedures. The Agency can decide either to list or not to list and will justify this decision in the rulemaking package.

Supplemental Timetable:

Additional Solvents
NPRM 07/30/85 (50 FR 30208)
Final Action 08/00/86

Carbamate (SAR 1861)
NPRM 12/20/84 (49 FR 49562)
Final Action 04/00/86

Carbon Disulfide Production (SAR 2172)
NPRM 11/00/86
Final Action 01/00/88

Chlorinated Aliphatic Compounds (SAR 1854)
NPRM 02/10/84 (49 FR 5313)
Interim Final Rule 02/10/84 (49 FR 5308)
Final Action 03/00/86

Chlorotoluenes Production (SAR 2205)
NPRM 08/00/86
Final Action 12/00/87

Coal Slurry Pipeline Effluent
NPRM 06/00/86
Final Action 06/00/87

Coke By-Product Wastes (SAR 2227)
NPRM 07/00/86
Final Action 07/00/87

Diallate/Triallate
NPRM 05/00/86
Final Action 07/00/87

Dimethoate, Methomyl and Famphur (SAR 1944)
NPRM 10/03/83 (48 FR 45210)
Final Action 04/00/86

Dimethylhydrazine (SAR 1954)
NPRM 12/20/84 (49 FR 49556)
Final Action 06/00/86

Diphenylamine (SAR 2156)
NPRM 03/00/86
Final Action 05/00/87

Dyes and Pigments
NPRM 09/00/86
Final Action 09/00/87

Ethylene Dibromide (SAR 1862)
NPRM 11/08/84 (49 FR 44718)
Interim Final Rule 04/00/86

Halogenated Dioxin
NPRM 11/00/86
Final Action 11/00/87

Hexavalent Chromium (SAR 1761)
NPRM 10/30/80 (45 FR 72029)
Publication of Report 03/00/86

Inorganic Chemical Industry (SAR 2235)
NPRM 07/00/86
Final Action 07/00/87

Laboratory Wastes (SAR 2228)
NPRM 07/00/86
Final Action 07/00/87

Lead Alkyls Production (SAR 2173)
NPRM 04/00/86
Final Action 04/00/87

Linuron and Bromocil (SAR 2154)
NPRM 05/01/85 (50 FR 18622)
Final Action 09/00/86

Methyl Bromide (SAR 2157)
NPRM 04/25/85 (50 FR 16432)
Final Action 07/00/86

Nitroanilines Production (SAR 2171)
NPRM 08/00/86
Final Action 10/00/87

Nitrotoluenes/Toluidines (SAR 2155)
NPRM 05/00/86
Final Action 07/00/87

Paint Manufacturing (SAR 2220)
NPRM 05/00/86
Final Action 00/00/00

Petroleum Refinery (SAR 2226)
NPRM 10/00/86
Final Action 02/00/88

Solvent Mixtures (SAR 1858)
NPRM 04/30/85 (50 FR 18378)
Final Action 02/28/86

Toluene Diisocyanate (SAR 1955)
NPRM 05/08/84 (49 FR 19608)
Final Action 10/00/85

Used Oil
NPRM 11/29/86 (50 FR 49164)
Final Action 11/00/86

Wood Preserving (SAR 2174)
NPRM 12/00/86
Final Action 04/00/88

Small Entity: No

Additional Information: SAR No.

RCRA Hotline

FTS: 8-382-3000

Agency Contact: RCRA Hotline, Environmental Protection Agency, Solid Waste and Emergency Response, Washington, DC 20460, **800 424-9346**

RIN: 2050-AB46

2711. HAZARDOUS WASTE EXPORTS

Legal Authority: RCRA as Amended by HSWA 245

CFR Citation: 40 CFR 260; 40 CFR 262; 40 CFR 263; 40 CFR 271

Legal Deadline: Statutory, November 8, 1986

Abstract: The primary purpose of the Exports regulation is for EPA to; formally notify foreign governments of exports of hazardous waste to their country, receive confirmation of approval or disapproval and formally notify the U.S. exporter. A notification of approval by EPA must accompany each waste shipment. Only a few hundred shipments of hazardous waste are exported annually, none by small entities.

Timetable:

Action	Date	FR Cite
NPRM	03/13/86	51 FR 87444
Final Action	08/00/86	

Small Entity: No

Additional Information: SAR No. 2208.

FTS:8-382-2217

Agency Contact: Carolyn Barley, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-563), Washington, DC20460, **202 382-2217**

RIN: 2050-AB13

2712. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: TOXICITY CHARACTERISTIC (MODIFICATION)

Significance: Regulatory Program

Legal Authority: 42 USC 6921 / RCRA 3001

CFR Citation: 40 CFR 261

Legal Deadline: Statutory, November 8, 1986

Abstract: The EPA is proposing to amend its hazardous waste identification regulations by expanding the Toxicity Characteristic to include approximately 38 additional organic toxicants and by introducing a new

extraction procedure to be used in the Toxicity Characteristic. This action will add approximately 38 additional organic toxicants to the Toxicity Characteristic.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	11/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2062.

FTS-8-382-4770.

Analysis: RIA and RFA

Agency Contact: David Friedman, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-4770

RIN: 2050-AA78

2713. HAZARDOUS WASTE MANAGEMENT: MISCELLANEOUS UNITS (SUBPART X)

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 266

Legal Deadline: None

Abstract: General performance requirements will be established for hazardous waste management units which 40 CFR part 264 does not currently address (Subpart X). These types of facilities include deep mines, silos, salt mines, thermal treatment units, and open detonation units.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	12/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1817.

Docket No. 3004.

FTS:8-382-4654.

Agency Contact: Robert Tonetti, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, 202 382-4654

RIN: 2050-AA23

2714. HAZARDOUS WASTE AS FUELS; TECHNICAL STANDARDS(REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004, 3005

CFR Citation: 40 CFR 264

Legal Deadline: Statutory, November 8, 1986

Abstract: Burning of hazardous waste in boilers for the purpose of heat recovery is currently exempt from regulation under RCRA. The Hazardous and Solid Waste Amendments of 1984 require the Agency to develop technical standards for the burning of hazardous waste fuels. This regulation will establish acceptable situations for use of hazardous waste fuel in industrial boilers and certain industrial furnaces. It will also establish prohibitions, operating parameters, and permit procedures.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
Final Action	05/00/87	

Small Entity: No

Additional Information: SAR No. 2078.

FTS-8-382-7917.

Contains previous RIN 2050-AA29.

Analysis: Regulatory Impact Analysis

Agency Contact: Robert Holloway, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565A), Washington, DC 20460, 202 382-7917

RIN: 2050-AA72

2715. LAND DISPOSAL LINER AND LEAK DETECTION REGULATION (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265

Legal Deadline: Statutory, May 8, 1987

Abstract: These amendments to the Agency's interim status and permitting rules may include requirements pertaining to double liner and leachate collection systems for certain units which are currently singularly lined, leak detection systems, leak response and repair construction quality assurance plans, removable coupons and leachate level monitoring. These amendments are considered to assure better design, construction, and operation of hazardous waste land disposal facilities and, thus, enhance protection of human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
Final Action	09/00/87	

Small Entity: No

Additional Information: SAR No. 2080.

FTS-8-382-4654.

Includes previous RINs 2050-AA21, 2050-AA50, and 2050-AA52.

Analysis: Regulatory Impact Analysis

Agency Contact: Robert Tonetti, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-505), Washington, DC 20460, 202 382-4654

RIN: 2050-AA76

2716. FINANCIAL RESPONSIBILITY FOR CORRECTIVE ACTION: CONTINUING RELEASES

Significance: Regulatory Program

Legal Authority: 42 USC 6901 /RCRA 3004, HSWA 206

CFR Citation: 40 CFR 264

Legal Deadline: Statutory, November 8, 1985

Abstract: The current RCRA regulations require owners/operators of hazardous waste management facilities to demonstrate financial responsibility for the costs of closure and post closure (if applicable) activities. The HSWA require that owners/operators seeking a RCRA permit also demonstrate financial responsibility for completing corrective actions for prior releases. EPA plans to write implementing regulations using the financial instruments in the current hazardous waste regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
Final Action	09/00/87	

Small Entity: No

Additional Information: SAR No. 2225.

FTS:8-382-4761

Analysis: Regulatory Flexibility Analysis

Agency Contact: Deborah Wolpe, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC20460, **202 382-4761**

RIN: 2050-AB22

2717. USE OF APPENDIX VIII FOR GROUNDWATER MONITORING (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 3251/RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: The Appendix VIII of 40 CFR Part 26l is a list of hazardous constituents presently referenced in 40 CFR Part 264 for use in groundwater monitoring. This proposed amendment would modify the list for the purposes of this use and includes: 1) codified guidance (Phase I); and 2) revised list of considerations of risks and effectiveness (Phase II).

Timetable:

Action	Date	FR Cite
NPRM (Phase I) Codified Guidance	06/00/86	
NPRM (Phase II) Revised List on Risk & Effectiveness Considerations	12/00/86	
Final Action (Phase I) Codified Guidance	04/00/87	
Final Action (Phase II) Revised List on Risk & Effectiveness Considerations	12/00/87	

Small Entity: No

Additional Information: SAR No. 2229 and 2273

FTS 382-4654

Agency Contact: Dr. Robert W. April, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565E), Washington, DC20460, **202 382-4654**

RIN: 2050-AB27

2718. STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: FINANCIAL RESPONSIBILITY FOR CORRECTIVE ACTION-AS NECESSARY AND DESIRABLE

Legal Authority: 42 USC 6924 / RCRA 3004 /HSWA 208

CFR Citation: 40 CFR 264H; 40 CFR 265H

Legal Deadline: None

Abstract: This rule would require owners and operators of hazardous waste disposal facilities to demonstrate financial responsibility for corrective action. Failures to undertake corrective action by owners or operators will result in increasing degradation of groundwater resources and increased clean-up costs to the public. Firms with low net worth may not be able to obtain or afford other financial assurance mechanisms as they are currently structured in 40 CFR Part 264, Subpart H. The Agency is examining the effects of a national fund and restructured financial assurance instruments.

Timetable:

Action	Date	FR Cite
ANPRM	07/26/82	47 FR 32279
NPRM	07/00/86	
Interim Final Rule	03/00/88	
Final Action	01/00/89	

Small Entity: Yes

Additional Information: SAR No. 1948.

FTS: 8-382-4761.

Analysis: RIA, RFA

Agency Contact: Deborah Wolpe, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562), Washington, DC 20460, **202 382-4761**

RIN: 2050-AB39

2719. PROPOSED CODIFICATION RULE FOR THE 1984 RCRA AMENDMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004

CFR Citation: 40 CFR 260 to 271; 40 CFR 122 to 124

Legal Deadline: Statutory, November 8, 1986

Abstract: The purpose of this rule is to expand and elaborate on specific portions of the Final Codification Rule which was effective on July 15, l985. The Final Codification Rule codified those requirements specified by the 1984 amendments to RCRA which were effective immediately or shortly after enactment. More specifically, this rule addresses such areas as minimum technology requirements for land disposal facilities; corrective action for prior releases at solid waste management units; research, demonstration and development permits and permit modifications and post-closure permits.

Timetable:

Action	Date	FR Cite
NPRM	03/28/86	51 FR 10706
Final Action	11/00/86	

Small Entity: No

Additional Information: SAR No. 2187.

FTS -382-5864.

Analysis: Regulatory Impact Analysis

Agency Contact: David Fagan, Environmental Protection Agency, Solid Waste and Emergency Response, WH-563, Washington, DC 20460, **202 382-4692**

RIN: 2050-AB58

2720. ● RESTRICTION OF LAND DISPOSAL OF CERTAIN HAZARDOUS WASTES: CALIFORNIA LIST

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 268

Legal Deadline: Statutory, July 8, 1987

Abstract: This rule establishes treatment standards and associated effective dates for a group of hazardous wastes known as the California list (i.e., liquid hazardous waste containing PCB's and liquid and solid hazardous wastes containing halogenated organics). This rule will also establish additional pieces of the land disposal restrictions framework.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
Final Action	07/00/87	

Small Entity: Undetermined

Additional Information: SAR NO. 2254

FTS: 8-382-4770

Agency Contact: Susan Bromm, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, D.C. 20460, **202 382-4770**

RIN: 2050-AB65

2721. ● RCRA LOCATION STANDARDS FOR HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264.18

Legal Deadline: None

Abstract: Section 3004(a) of RCRA requires EPA to promulgate additional standards for the location of hazardous waste treatment, storage, and disposal facilities. Two location standards (floodplain and seismic restrictions) already exist at 40 CFR Part 264.18. These additional standards are planned to be proposed in September 1987.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
Final Action	09/00/88	

Small Entity: Yes

Additional Information: SAR No. 2303.

FTS:8-382-4658.

Agency Contact: Glen R. Galen, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565E), Washington, DC 20460, **202 382-4658**

RIN: 2050-AB67

2722. AMENDMENT TO STATE PROGRAM CAPABILITY REQUIREMENTS

Legal Authority: 49 USC 6926 / RCRA 3006

CFR Citation: 40 CFR 271.16

Legal Deadline: None

Abstract: This action will amend 40 CFR 271.16 to require a State either to have administrative penalty authority or to request that EPA use its administrative penalty authority when warranted. The new requirements would apply to States that have received final authorization by operation of the "money target" rule, which will provide that a State has a year (two years of a statute must be changed) to comply with federal regulations promulgated after the State obtained final authorization.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 2158.

FTS: 8-382-4823.

Agency Contact: Anthony M. Montrone, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-527), Washington, DC 20460, **202 382-4823**

RIN: 2050-AB01

2723. GUIDELINES FOR PROCUREMENT OF RE-REFINED OIL

Legal Authority: 42 USC 3251 / RCRA 6002

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: This action establishes the guidelines for the Federal procurement of re-refined waste lubricating oils and hydraulic fluids. This action will encourage the recovery of waste oil and reduce the environmental threat waste oil represents.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	04/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2257.

FTS-382-4502

Agency Contact: William Sanjour, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Environmental Protection Agency, Washington, DC 20460, **202 382-4502**

RIN: 2050-AB53

2724. LEAKING UNDERGROUND STORAGE TANKS: REGULATIONS FOR TANKS

Significance: Regulatory Program

Legal Authority: 42 USC 6993 /RCRA 9003

CFR Citation: 40 CFR Not yet determined

Legal Deadline: Statutory. 02/08/87, 08/08/87, 08/08/88

Abstract: This regulation will establish, under Subtitle I of RCRA, requirements for leak detection, prevention, and closure of all underground storage tanks holding petroleum and other regulated substances. Because of the large size of the regulated community, this rule could impact a significant number of small business entities and a Regulatory Flexibility Analysis would be conducted by EPA. Promulgation of this rule, will, for the first time, establish national requirements for the storage of regulated substances, including, petroleum products in underground tanks. It will not apply to underground tanks storing hazardous wastes, which are currently regulated under Subtitle C of RCRA. These regulations will also include performance standards for new tanks; addressing the design, construction, installation, compatibility and leak detection.

Timetable:

Action	Date	FR Cite
NPRM	02/00/87	
Final Action	02/00/88	

Small Entity: No

Additional Information: SAR No. 2221.

FTS 382-7917

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; RIA and RFA

Agency Contact: David O'Brien, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC20460, **202 382-7917**

RIN: 2050-AB19

2725. REQUIREMENTS FOR AUTHORIZATION OF STATES: UNDERGROUND STORAGE TANK PROGRAMS

Legal Authority: 42 USC 3251 /RCRA 9004 as amended by HSWA

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: The Hazardous and Solid Waste Amendments of 1984 (HSWA) allow EPA to approve State underground storage tank programs to operate in lieu of the Federal program. This rule will establish the requirements for the EPA approval of such State programs.

EPA—RCRA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	02/00/87	
Final Action	02/00/88	

Small Entity: No

Additional Information: SAR No. 2234.

FTS:8-382-2210

Agency Contact: Jim McCormick, Environmental Protection Agency, Solid Waste and Emergency Response, (WH 563), Washington, DC 20460, 202 382-5237

RIN: 2050-AB31

2726. ● CORRECTIVE ACTION REGULATIONS FOR UNDERGROUND STORAGE TANKS

Significance: Regulatory Program

Legal Authority: 40 USC 6991B /RCRA 9003

CFR Citation: 40 CFR Not yet determined

Legal Deadline: Statutory. Petroleum Tanks -- 02/08/87 Chemical Tanks -- 08/08/88

Abstract: This regulation will establish, under Subtitle I of RCRA, requirements for taking corrective action in response to releases from underground storage tanks, and requirements for the reporting of such releases and the corrective action taken. The requirements will apply to corrective action for releases of "regulated substances," including petroleum and those substances defined under Section 101(14) of the Comprehensive Response, Compensation, and Liability Act. The requirements will not apply to underground tanks storing hazardous wastes which are currently regulated under Subtitle C of RCRA.

Timetable:

Action	Date	FR Cite
NPRM	02/00/87	
Final Action	02/00/88	

Small Entity: Yes

Additional Information: SAR NO. 2556

FTS: 8-382-7917

Agency Contact: Penelope Hansen, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565A), Washington, D.C. 20460, 202 382-7917

RIN: 2050-AB61

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Resource Conservation and Recovery Act (RCRA)

Final Rule Stage

2727. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: ACUTE HAZARDOUS WASTE MIXTURE RULE (REVISION)

Legal Authority: 42 USC 6905 / RCRA 1006; 42 USC 6912 / RCRA 2002; 42 USC 6921 / RCRA 3001; 42 USC 6922 / RCRA 3002

CFR Citation: 40 CFR 261.33

Legal Deadline: None

Abstract: 40 CFR 261.33(e) currently includes disposal of commercial chemical products consisting of a single active ingredient. In addition, under the current regulations, all concentrations of the product are regulated. This action expands the definition to cover mixtures of acutely hazardous materials as well as establish deminimus concentration limits.

Timetable:

Action	Date	FR Cite
NPRM	02/13/86	51 FR 5187
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2111.

FTS-8-382-4770.

Agency Contact: David Friedman, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-4770

RIN: 2050-AA85

2728. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: LISTING OF COMMERCIAL CHEMICAL PRODUCTS (REVISION)

Legal Authority: 42 USC 6905 / RCRA 1006; 42 USC 6912 / RCRA 2002; 42 USC 6921 / RCRA 3001; 42 USC 6922 / RCRA 3002

CFR Citation: 40 CFR 261.33

Legal Deadline: None

Abstract: This regulation will add Chemical Abstracts Service (CAS) numbers to all compounds listed in 40 CFR Part 261.33 and Appendix VIII as an aid for identification. This rule also corrects a number of errors that have been noted in these lists. The Agency will not publish a proposed rule for this action only a final rule.

Timetable:

Action	Date	FR Cite
Final Action	03/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2105.

FTS: 8-382-4770.

Agency Contact: David Friedman, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-4770

RIN: 2050-AA87

2729. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: IRON DEXTRAN

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912 / RCRA 2002a; 42 USC 6921 / RCRA 3001; 42 USC 6922 / RCRA 3002

CFR Citation: 20 CFR 261

Legal Deadline: None

Abstract: This action proposes to remove iron dextran from 40 CFR Part 261.33(f) and Appendix VIII as a hazardous substance. This action is in response to a petition the Agency received requesting removal because there is no proof of any hazard to the environment.

Timetable:

Action	Date	FR Cite
NPRM	11/08/85	50 FR 46468
Final Action	08/00/86	

Small Entity: No

Additional Information: SAR 2274

FTS 382-4777

Agency Contact: Agnes Artiz, Environmental Protection Agency, Solid Waste and Emergency Response, Environmental Protection Agency, 401 M street, Washington, DC 20460, **202 382-4777**

RIN: 2050-AB54

2730. PROPOSED REINTERPRETATION OF MINING WASTE EXCLUSION (SMELTING/REFINING)(REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261

Legal Deadline: Judicial, September 30, 1986

Abstract: This action will add the following sentence to 40 CFR Part 261.4 (b)(7): For purposes of this paragraph, solid waste from the processing of ores and minerals only includes muds from facilities refining bauxite, phosphogypsum from phosphoric acid plants and slag from primary metal smelters and phosphorous reduction facilities. Wastes removed from the exclusion will be subject to Subtitle C regulation if they are hazardous. This action also relists certain smelter wastes.

Timetable:

Action	Date	FR Cite
NPRM	10/02/85	50 FR 40292
Final Action	09/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2168.

FTS: 8-382-2791.

Agency Contact: Dr. Dexter Hinckley, Environmental Protection Agency, Solid Waste and Emergency Response, WH-565A, **202 382-2791**

RIN: 2050-AB56

2731. ● STATE AUTHORIZATION CODIFICATION RULE

Legal Authority: 42 USC 6905 / RCRA 1006; 42 USC 6912(A) / RCRA 2002(A); 42 USC 6926 / RCRA 3006

CFR Citation: 40 CFR 271

Legal Deadline: None

Abstract: This rule is the first of a set of companion rules to EPA's final rule published July 15, 1985 (50FR28702), which codified in regulations those requirements specified by HSWA which took effect immediately or shortly after enactment. This rule changes the existing regulations to assist in the implementation of the new statutory provisions pertaining to the authorization of State hazardous waste programs.

Timetable:

Action	Date	FR Cite
NPRM	01/06/86	51 FR 496
Final Action	06/00/86	

Small Entity: No

Additional Information: SAR NO. 2187.

FTS: 8-382-2210.

Agency Contact: Truett V. DeGeare, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-563), Washington, D.C. 20460, **202 382-2210**

RIN: 2050-AB64

2732. STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES: WASTE OIL(REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 6921 to 6925 / RCRA 3001 to 3005; 42 USC 6930 / RCRA 3010

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 266; 40 CFR 270; 40 CFR 271

Legal Deadline: Statutory, November 8, 1986

Abstract: Pursuant to the requirements of the Used Oil Recycling Act (incorporated into RCRA by amendments in 1980 and 1984), the Agency proposed standards to define and control recycled used oil. These standards include controls over the generation, transportation, storage, and reuse of recycled used oil. Certain controls on the burning of used oil will be developed as part of the burning and blending technical standards (RIN: 2050-AB36) discussed elsewhere in this Federal Register.

Timetable:

Action	Date	FR Cite
NPRM	11/29/85	50 FR 49212
Final Action	11/00/86	

Small Entity: Yes

Additional Information: SAR No. 1713. Docket No. 3014.

FTS:8-382-7917.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; RIA, RFA

Agency Contact: Michael Petruska, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, **202 382-7917**

RIN: 2050-AA00

2733. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: TEST METHODS FOR HAZARDOUS WASTE (REVISION)

Legal Authority: 42 USC 6921 to 6925 / RCRA 3001 to 3005

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: This action updates the RCRA manual of approved test methods (test methods for Evaluating Solid Waste, SW-846) with respect to methods for ground water and incinerator monitoring. This action would codify the guidance given to the regulated community by requiring that these methods be used in all aspects of the RCRA program. At present the tests are required, as appropriate, for hazardous waste definition and for incinerator stack monitoring (for example, ground water monitoring and petitions for exclusion from regulation).

Timetable:

Action	Date	FR Cite
NPRM	10/01/84	49 FR 38786
Final Action	06/00/86	

Small Entity: No

Additional Information: SAR No. 2068.

FTS-8-382-4770.

Agency Contact: David Friedman, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, **202 382-4770**

RIN: 2050-AA82

2734. SCHEDULE FOR REVIEWING WASTES FOR POSSIBLE LAND DISPOSAL RESTRICTION

Significance: Regulatory Program

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 268

Legal Deadline: Statutory, November 8, 1986

Abstract: This action would set forth the Agency's schedule for reviewing hazardous wastes to determine if they should be restricted from land disposal. This schedule will identify when the Agency intends to review each hazardous waste listed in 40 CFR Part 261.

Timetable:

Action	Date	FR Cite
ANPRM	02/15/84	49 FR 5854
NPRM	05/31/85	50 FR 23250
Final Action	06/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2166.

FTS: 8-382-4770.

This action was split off from RIN 2050-AA30.

Agency Contact: Susan Bromm, Environmental Protection Agency, Solid Waste and Emergency Response, WH-562B, Washington, DC 20460, 202 382-4770

RIN: 2050-AA97

2735. RESTRICTION OF LAND DISPOSAL OF CERTAIN HAZARDOUS WASTES: SOLVENTS, DIOXINS AND ESTABLISHING THE FRAMEWORK FOR EPA'S LAND DISPOSAL PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004

CFR Citation: 40 CFR 268

Legal Deadline: Statutory, November 8, 1986

Abstract: This rule establishes the framework for EPA's land disposal restrictions program including setting treatment standards for hazardous wastes prior to land disposal, procedures for filing petitions for ban exemptions, criteria for setting effective dates for bans, and procedures for case-by-case effective date extensions. It will also include decisions for solvents wastes (EPA waste codes F001- F005) and dioxin containing wastes (EPA waste codes F 020-F 023 and F 026- F 028)

Timetable:

Action	Date	FR Cite
ANPRM	02/15/84	49 FR 5854
NPRM	01/14/86	51 FR 1602
Final Action	11/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1878.

Docket No. 3001.

FTS:8-382-4770.

Analysis: RIA

Agency Contact: Susan Bromm, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-4770

RIN: 2050-AA30

2736. CONSOLIDATED PERMITS: CLASS PERMITS(REVISION)

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 270

Legal Deadline: None

Abstract: This regulation will amend EPA's hazardous waste management permitting regulations by establishing a class permit application form for use by facilities whose only activity subject to RCRA permitting consists of storing hazardous wastes in containers that have been generated on-site. Promulgation of this rule would expedite the permitting process for this class of facility. This is the first RCRA class permit the Agency will issue.

Timetable:

Action	Date	FR Cite
NPRM	07/20/84	49 FR 29524
Final Action	06/00/86	

Small Entity: No

Additional Information: SAR No. 1844.

Docket No. 3005.

FTS:8-382-7917.

Agency Contact: Irene Horner, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, 202 382-7917

RIN: 2050-AA36

2737. STANDARDS FOR STORAGE OR TREATMENT OF HAZARDOUS WASTE IN TANK SYSTEMS(REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265

Legal Deadline: Judicial, June 30, 1986

Abstract: The storage or treatment of hazardous waste in tanks systems raises considerable concern regarding potential risk to health or the environment posed by migration of the waste. The purpose of this action is to develop a more comprehensive regulatory strategy for the proper management of tank systems for storing or treating hazardous waste.

Timetable:

Action	Date	FR Cite
NPRM	06/26/85	50 FR 26444
Final Action	06/00/86	

Small Entity: Yes

Additional Information: SAR No. 1957.

FTS:8-382-3081.

Analysis: Regulatory Impact Analysis

Agency Contact: William Kline, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, 202 382-3081

RIN: 2050-AA57

2738. STANDARDS FOR OWNERS AND OPERATORS OF WASTE FACILITIES: CLOSURE AND POST-CLOSURE CARE (REVISION)

Legal Authority: 42 USC 6924 /RCRA 3004; 42 USC 6925 /RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265

Legal Deadline: None

Abstract: The Agency proposed revisions to the existing Subpart G and H regulations in accordance with the terms of the American Iron and Steel Institute (AISI) litigation. In addition, the revisions will clarify ambiguous language in the current regulations. Failure to promulgate these revisions directly violates the AISI settlement agreement. Under the AISI settlement agreement, failure to promulgate these revisions may lead to a direct legal challenge of the existing Subpart G and H regulations. Failure to clarify ambiguous language will create problems as the Agency implements those closure and post closure requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/19/85	50 FR 11068
Final Action	04/00/86	

Small Entity: No

Additional Information: SAR No. 2165.

FTS: 8-382-4790.

Agency Contact: Carole Anshales, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-4790

RIN: 2050-AB00

2739. ALTERNATE CONCENTRATION LIMITS (ACL)AND OTHER GROUNDWATER REGULATORY AMENDMENTS (REVISION)

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264

Legal Deadline: None

Abstract: Alternative concentration limits (ACLs) provide a variance for RCRA permits that allows for some leakage of hazardous constituents. The present regulations do not allow for the use of man-made hydrogeologic barriers as part of an ACL demonstration. This regulatory amendment would explicitly allow such use. This action will also evaluate parameters and statistics for detecting ground-water contamination, and other ground- water monitoring and standards issues. This action also evaluates parameters and statistics for detecting ground-water contamination, and other ground-water monitoring and standards issues.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/86	

Small Entity: No

Additional Information: SAR No. 2223 and 2273

FTS-382-4495

Agency Contact: Vernon Myers, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565E), Washington, DC20460, 202 382-4495

RIN: 2050-AB20

2740. STANDARDS APPLICABLE TO OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES; LIABILITY STORAGE

Legal Authority: 42 USC 6901 / RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265

Legal Deadline: None

Abstract: The Agency is considering whether to revise the financial responsibility requirements in 40 CFR Parts 264(i) and (j) and 265. The Agency will request comments on the availability of insurance to satisfy the existing liability coverage requirements for owners and operators of hazardous waste facilities and on methods for the Agency to address potential restrictions in the availability of coverage. EPA is considering whether any revisions to 40 CFR Parts 264 and 265 are necessary in light of the current state of the insurance market. The Agency intends to promulgate regulations allowing the corporate guarantee to be used for third party liabilities and it intends to propose indemnity agreements and letters of credit.

Timetable:

Action	Date	FR Cite
NPRM	08/25/85	50 FR 33902
Interim Final Rule	06/00/86	

Small Entity: No

Additional Information: SAR No. 2273.

FTS-382-4761

Agency Contact: Carlos Lago, Program Analyst, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-4761

RIN: 2050-AB47

2741. CONSOLIDATED PERMITS: MINOR MODIFICATIONS TO EXISTING RCRA PERMITS (REVISION)

Legal Authority: 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 270.42

Legal Deadline: None

Abstract: Existing regulations allow EPA to make specified minor modification to existing RCRA permits without going through the draft permit and public participation procedures required to make more substantial changes to permits. Under the settlement agreement in NRDC v EPA, EPA is proposing an amendment which would expand the kinds of permit modification that qualify as minor modification and thus are exempt from most procedural requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/15/84	49 FR 9850
Final Action	08/00/86	

Small Entity: No

Additional Information: SAR No. 1805.

Docket No. 3005.

FTS:8-382-4500.

Agency Contact: David Fagann, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-563), Washington, DC 20460, 202 382-4740

RIN: 2050-AA37

2742. GUIDELINE FOR FEDERAL PROCUREMENT OF PAPER AND PAPER PRODUCTS CONTAINING RECOVERED MATERIALS

Legal Authority: 42 USC 6962 / RCRA 6002

CFR Citation: 40 CFR 250

Legal Deadline: None

Abstract: This action is a requirement and necessary precedent to the implementation of affirmative recycled paper procurement programs. It would encourage the recovery of post consumer recovered materials and reduce the volume of solid waste.

Timetable:

Action	Date	FR Cite
NPRM	04/09/85	50 FR 14076
Final Action	06/00/86	

Small Entity: No

Additional Information: SAR No. 2011.

FTS: 8-382-4502.

Agency Contact: William Sanjour, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565 A), Washington, DC 20460, 202 382-4502

RIN: 2050-AA68

EPA—RCRA

Final Rule Stage

2743. GUIDELINES FOR RUBBER ASPHALT

Legal Authority: 42 USC 3251 / RCRA 6002

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: This action establishes guidelines for the Federal procurement of asphalt made from rubber from scrap tires. The purpose of this action is to encourage the recovery of scrap tires and reduce the environmental threat they represent.

Timetable:

Action	Date	FR Cite
NPRM	02/20/86	51 FR 6202
Final Action	12/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2259.

FTS-382-4502

Agency Contact: William Sanjour, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, 202 382-4502

RIN: 2050-AB52

2744. INTERPRETIVE RULE FOR THE LUST INTERIM PROHIBITION

Legal Authority: 42 USC 6993 /RCRA as amended by HSWA section 9003(g)

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: This interpretive rule will present EPA's interpretation of the terms of the Interim Prohibition. Terms such as "operational life", will be interpreted in this document. In addition, guidance will be provided on how to comply with the provisions of the Interim Prohibitions. Examples will be provided of design features and systems which are acceptable under the prohibition as well as those that are not acceptable.

Timetable:

Action	Date	FR Cite
Final Interpretative Rule	04/00/86	

Small Entity: No

Additional Information: SAR No. 2222.

FTS:8-475-6673

Agency Contact: Pat Cohn, Environmental Protection Agency, Solid Waste and Emergency Response, (WH 565), Washington, DC 20460, 202 382-2270

RIN: 2050-AB57

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Resource Conservation and Recovery Act (RCRA)

Completed Actions

2745. RCRA SMALL QUANTITY GENERATOR RULE (REVISION)

Significance: Agency Priority

CFR Citation: 40 CFR 261.5

Completed:

Reason	Date	FR Cite
Final Action	03/24/86	51 FR 10146

Small Entity: Yes

Agency Contact: Bernard Stoll 202 382-4761

RIN: 2050-AA59

2746. HAZARDOUS WASTE AS FUELS: ADMINISTRATIVE STANDARDS

CFR Citation: 40 CFR 264

Completed:

Reason	Date	FR Cite
Final Action	11/29/85	50 FR 49164

Small Entity: No

Agency Contact: Karen Walker 202 382-7917

RIN: 2050-AA74

2747. STREAMLINING APPROVAL OF STATE PROGRAM REVISIONS

CFR Citation: 40 CFR 271

Completed:

Reason	Date	FR Cite
Final Action	03/04/86	51 FR 7540

Small Entity: No

Agency Contact: Truett V. DeGeare 202 382-2210

RIN: 2050-AB11

2748. NOTIFICATION FORM FOR UNDERGROUND TANKS

CFR Citation: 40 CFR 280

Completed:

Reason	Date	FR Cite
Final Action	11/08/85	50 FR 46603

Small Entity: No

Agency Contact: Virginia Garelick 202 382-7917

RIN: 2050-AB14

[FR Doc. 86-6640 Filed 04-18-86; 8:45 am]
BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Clean Air Act (CAA)

Prerule Stage

2749. NAAQS: LEAD

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50

Legal Deadline: Statutory, December 1982

Abstract: EPA is reassessing the health and welfare information that has become available since the last revision of the standard.

Timetable:

Action	Date	FR Cite
Begin Review	03/00/82	
End Review	07/00/86	

Small Entity: No

Additional Information: SAR No. 1919.

FTS: 8-629-5655

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060-AA95

2750. NAAQS: OZONE

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50

Legal Deadline: Statutory, June 1983

Abstract: EPA is reassessing the health and welfare information that has become available since the last revision of the standard. EPA plans to publish a proposed rule on 02/00/88.

Timetable:

Action	Date	FR Cite
Begin Review	09/00/80	
End Review	02/00/87	

Small Entity: Yes

Additional Information: SAR No. 1920.

FTS: 8-629-5655.

REVIEW AUTHORITY: CAA 109.

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060-AA96

2751. NSPS: PERCHLOROETHYLENE DRY CLEANING

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart OO

Legal Deadline: None

Abstract: Some new issues have arisen, and EPA is deciding whether to go forward with this rule. Some small perchloroethylene facilities may be affected by this standard.

Timetable:

Action	Date	FR Cite
NPRM	11/25/80	45 FR 78174
Decision on need for standard expected by	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1119.

Docket No. A-79-30.

FTS:8-629-5624.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AA14

2752. NSPS: PRIMARY ALUMINUM REDUCTION PLANTS

Significance: Regulatory Program

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA is reviewing this item to determine whether revisions are warranted. The review will assess performance and costs of primary aluminum reduction plant control systems as well as the experience of the industry and control agencies in implementing the standard. EPA will issue a notice in the Federal Register announcing the results of its review.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/85	
End Review	10/00/86	

Small Entity: No

Additional Information: SAR No. 2264.

FTS: 8-629-5601.

Agency Contact: Kenneth Durkee, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5601**

RIN: 2060-AB36

2753. NSPS: SECONDARY LEAD SMELTERS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA is reviewing the standard to determine whether revisions are warranted. The review will assess performance and costs of secondary lead smelter control systems as well as the experience of the industry and control agencies in implementing the standard. EPA will issue a notice in the Federal Register announcing the results of its review.

Timetable:

Action	Date	FR Cite
Begin Review	11/00/86	
End Review	11/00/87	

Small Entity: Yes

Additional Information: SAR No. 2265.

FTS: 8-629-5601.

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5601**

RIN: 2060-AB39

2754. ● NSPS: PETROLEUM REFINERIES

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA is reviewing the NSPS for petroleum refineries under the Clean Air Act of 1977. The scope of this review is limited to studying the current standard for hydrogen sulfide emissions resulting from combustion of refinery fuel gas.

Timetable:

Action	Date	FR Cite
End Review	04/00/87	

Small Entity: No

Additional Information: SAR NO.2330

FTS:8-629-5595

Agency Contact: Kenneth Durkee, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5595**

RIN: 2060-AB93

2755. NESHAPS: BERYLLIUM

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: EPA is reviewing the health and technological basis and administrative aspects of the national emission standard for beryllium. EPA will issue a notice in the Federal Register announcing the results of the review.

Timetable:

Action	Date	FR Cite
Begin Review	12/00/81	
End Review	00/00/00	

Small Entity: No

Additional Information: SAR No. 2029.

FTS: 8-629-5595.

REVIEW AUTHORITY: EO 12291.

EPA—CAA

Prerule Stage

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5595**

RIN: 2060-AB07

2756. DECISIONS ON REGULATING VARIOUS AIR POLLUTANTS

Significance: Regulatory Program

Legal Authority: 42 USC 1857 et seq / CAA

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: The Agency is reviewing the health effects, sources, emissions to the ambient air, and the public exposure of these pollutants. The Agency will publish the decisions whether these pollutants should be controlled as a specified air pollutant under the Clean Air Act or other regulatory mechanisms in order to protect the public health.

Supplemental Timetable:

Acrylonitrile
Decision on Regulation 06/10/85 (50 FR 24319)
Carbon Tetrachloride
Decision on Regulation 08/13/85 (50 FR 32621)
Chlorobenzenes
Decision on Regulation 08/13/85 (50 FR 32628)
Chlorofluorocarbon-113 (F-113)
Decision on Regulation 06/10/85 (50 FR 24313)
Chloroform
Decision on Regulation 09/27/85 (50 FR 39626)
Chromium
Decision on Regulation 06/10/85 (50 FR 24317)
Epichlorohydrin
Decision on Regulation 06/11/85 (50 FR 24575)
Ethylene Dichloride
Decision on Regulation 10/16/85 (50 FR 41994)
Ethylene Oxide
Decision on Regulation 10/02/85 (50 FR 40286)
Formaldehyde
Decision on Regulation 12/00/86
Hexachlorocyclopentadine
Decision on Regulation 10/01/85 (50 FR 40154)
Manganese
Decision on Regulation 08/13/85 (50 FR 32627)
Methyl Cloroform
Decision on Regulation 06/10/85 (50 FR 24314)
Methylene Chloride (Dichloromethane)
Decision on Regulation 10/17/85 (50 FR 42037)
Nickel
Decision on Regulation 08/00/86
Perchloroethylene (tetrachloroethylene)
Decision on Regulation 12/26/85 (50 FR 52280)
Phenol
Decision on Regulation 04/00/86
Trichloroethylene
Decision on Regulation 12/23/85 (50 FR 52422)
Vinylidene Chloride
Decision on Regulation 08/13/85 (50 FR 32632)
1,3 - Butadiene
Decision on Regulation 10/10/85 (50 FR 41466)

Small Entity: No

Additional Information: SAR No. 2181.

FTS 8-629-5655.

Agency Contact: David Patrick, Chief, Pollutant Assessment Branch, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060-AB56

2757. HYDROCARBON STANDARDS FOR LIGHT-DUTY TRUCKS (REVISION)

Legal Authority: 42 USC 7521 / CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: Through this action, EPA will consider the establishment of more stringent hydrocarbon emission standards for light-duty trucks based upon the belief that very cost-effective hydrocarbon control is available from these vehicles. The new standards would be no more stringent than the existing passenger car standard for lighter light-duty trucks and an equivalently stringent standard for heavier light-duty trucks.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/86	
NPRM	02/00/87	

Small Entity: No

Additional Information: SAR No. 2287

FTS: 8-374-8496.

Agency Contact: J. Anderson, Environmental Protection Agency, Air and Radiation, (ANR-455), 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4496**

RIN: 2060-AB85

2758. FUELS AND FUEL ADDITIVES

Legal Authority: 42 USC 7545 / CAA 211

CFR Citation: 40 CFR 79

Legal Deadline: None

Abstract: These protocols will help determine effects of fuel and fuel additives on public health and emission control devices. They will ensure that motor vehicle fuels and additives will not harm the public health. They will also ensure that they do not damage emission control devices in motor vehicles.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 1328.

FTS:8-374-4339.

Analysis: RIA

Agency Contact: Richard A. Rykowski, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4339**

RIN: 2060-AA59

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Clean Air Act (CAA)

Proposed Rule Stage

2759. ● FUEL ECONOMY AND EMISSIONS TEST PROCEDURES FOR LIGHT-DUTY VEHICLES (REVISED)

Significance: Regulatory Program

Legal Authority: 42 USC 7525 /CAA 86; 15 USC 2001 /CAA 600

CFR Citation: 40 CFR 86; 40 CFR 600

Legal Deadline: None

Abstract: This rule will revise the existing fuel economy and emissions test procedures for Light-duty vehicles. Automotive technology has evolved rapidly in recent years and many vehicles now incorporate design

features which allow the driver to select from several different calibrations which can affect fuel economy and emissions. Consequently, test procedure revisions are necessary to insure that testing continues to be representative of in-use driving.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
Final Action	09/00/87	

Small Entity: No

Additional Information: SAR NO. 2302.

FTS:8-374-8403.

Agency Contact: Joseph P. Whitehead, Environmental Protection Agency, Air and Radiation, (ANR-455), 2565 Plymouth Road, Ann Arbor, Michigan 48105, **313 668-8403**

RIN: 2060-AB90

2760. NAAQS FOR SULFUR OXIDES (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.4

Legal Deadline: Statutory, December 31, 1980

Abstract: EPA has reviewed the scientific criteria used as a basis for establishing ambient air quality standards for sulfur dioxide. The Agency will revise the standards where appropriate to protect public health and welfare.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/79	44 FR 56730
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 1002.

Docket No. OAQPS-79-7.

FTS:8-629-5655.

Analysis: Regulatory Impact Analysis; RIA

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060-AA61

2761. NSPS: SOLVENT DEGREASING(111D)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This action will require States to control organic solvent cleaners to reduce emissions of specific organic solvents designated under a separate NSPS action (SAR 1010). This action may impact any manufacturing operations that employ organic solvent cleaners to remove grease and oils from parts prior to assembly. Some new issues have arisen and EPA is deciding whether to go forward with this rule.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1695.

FTS:8-629-5624.

Analysis: RFA

Agency Contact: Fred L. Porter, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AA33

2762. NSPS: POLYMER AND RESIN MANUFACTURE

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This rule will control volatile organic compound (VOC) emissions in exhaust streams from polymerization processes in the manufacture of organic polymers and resins.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
Final Action	09/00/89	

Small Entity: No

Additional Information: SAR No. 1691.

Docket No. A-82-19.

FTS:8-629-5578.

Affected Sectors: Multiple

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA37

2763. NSPS: SEWAGE TREATMENT PLANTS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA has reviewed this standard and determined that revisions to the monitoring, recordkeeping and reporting requirements are warranted. The review assessed the performance and cost of control systems as well as experience in implementing the existing standard. EPA will issue a notice in the Federal Register announcing the results of its review and proposing revisions to the standard.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
Final Action	10/00/86	

Small Entity: No

Additional Information: SAR No. 2028.

FTS: 8-629-5601.

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5601**

RIN: 2060-AB05

2764. NSPS: INDUSTRIAL BOILERS, S02

Significance: Regulatory Program

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Judicial, June 1986. NPRM June, 1986 Final Rule November, 1987

Abstract: Industrial boilers are a major stationary source of sulfur dioxide. EPA is developing performance standards for industrial boilers to achieve continuous emission reduction. The Agency will base emission standards upon the best available system of control taking costs, environmental impacts and energy requirements into account.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	11/00/87	

Small Entity: No

Additional Information: SAR No. 2075.

FTS: 8-629-5578.

Split from previous RIN 2060-AA22 (NSPS: Industrial Boilers)

Analysis: Regulatory Impact Analysis; RIA

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AB33

2765. NSPS: SOCMI REACTOR PROCESSES

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: The scope of the SOCMI reactor processes NSPS includes all reactor processes (other than air oxidation reactor processes) used to manufacture 173 synthetic organic chemicals produced in quantities of at least 100 million lb/yr. These large-volume chemicals account for about 90 percent of the total domestic chemical production from the SOCMI. Furthermore, production of these large-volume chemicals is expected to have the greatest impact on nationwide VOC emissions, since the magnitude of emissions from reactor process units are generally proportional to chemical production rates.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
Interim Final Rule	09/00/87	
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2164.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AB55

2766. NSPS: POLYMERIC COATING OF SUPPORTING SUBSTRATES

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This regulation would limit volatile organic compounds emissions from new, modified, and reconstructed plants that coat polymeric compounds onto supporting substrates.

Timetable:

Action	Date	FR Cite
ANPRM	08/17/84	49 FR 32868
NPRM	07/00/86	
Final Action	08/00/87	

Small Entity: No

Additional Information: SAR No. 2237.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AB67

2767. NSPS: RESIDENTIAL WOOD COMBUSTION

Significance: Regulatory Program

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 50

Legal Deadline: None

Abstract: This regulation would limit particulate matter emissions from new residential wood combustion units. A study is in progress to assess the performance and costs of technology utilized to control these emissions and to analyze the economic aspects of the industry. The Agency is also pursuing regulatory negotiation with affected parties to help resolve major issues.

Timetable:

Action	Date	FR Cite
ANPRM	08/02/85	50 FR 31504
NPRM	01/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2238.

FTS:8-629-5578.

Agency Contact: Rick Coyler, Environmental Protection Agency, Air and Radiation, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AB68

2768. NSPS: VOC EMISSIONS FROM PETROLEUM REFINERY WASTEWATER SYSTEMS

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This regulation is intended to limit emissions of volatile compounds from new, modified, and reconstructed refinery wastewater systems.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
Final Action	09/00/87	

Small Entity: No

Additional Information: SAR No.1696

FTS: 8-629-5627

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5627

RIN: 2060-AB81

2769. ● NSPS: SMALL BOILERS

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Statutory, June 1989

Abstract: The purpose of this action is to develop new source performance standards for small industrial-commercial-institutional boilers with heat input capacities of 100 millions Btu/hr of less.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	09/00/90	

Small Entity: Yes

Additional Information: SAR NO. 2239

FTS:8-629-5595

Agency Contact: Kenneth Durkee, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5595

RIN: 2060-AB95

2770. NESHAPS: COKE OVEN EMISSIONS FROM BY-PRODUCT COKE OVEN CHARGING, DOOR LEAKS, AND TOPSIDE LEAKS ON WET-COAL CHARGED BATTERIES

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61 G

Legal Deadline: None

Abstract: This regulation will control emissions of organic pollutants designated as hazardous under section 112. It will require improved maintenance and operation to limit visible emissions from wet-coal-charged coke oven batteries. The standards may

apply to charging, and leaks from doors, lids or offtakes for all existing or new sources.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
Final Action	05/00/87	

Small Entity: No

Additional Information: SAR No. 1686.

Docket No. A-79-15.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA48

2771. NESHAPS: ASBESTOS (REVISION)

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: The Agency is analyzing possible changes in the emission standards for asbestos mills and manufacturing operations, and the possible addition of monitoring requirements for these sources. Possible changes in the exemptions for specified demolition and renovation operations in existing standards are also being analyzed. The Agency is considering changes in reporting requirements for demolition and renovation operations.

Timetable:

Action	Date	FR Cite
NPRM	02/00/87	
Final Action	05/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 1714.

FTS 8-629-5601.

Agency Contact: James Crowder, Chief, Standards Support Section, Environmental Protection Agency, Air and Radiation, MD-13, RTP, North Carolina, **919 541-5601**

RIN: 2060-AB51

2772. NESHAPS: CHROMIUM(REVISION)

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: EPA issued a notice of intent to list total chromium or hexavalent chromium under Section 112 (50 FR 24317). We are further assessing the public health risks of chromium compounds. Also, we are investigating emissions of chromium and techniques that are available to control the emissions from 11 identified source categories. If EPA decides that emission standards are warranted, chromium or hexavalent chromium will be listed under Section 112, and EPA will develop proposed standards.

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	
Final Action	12/00/89	

Small Entity: Undetermined

Additional Information: SAR No.2181

FTS: 8-629-5601

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5601**

RIN: 2060-AB83

2773. ● NESHAPS: CADMIUM

Significance: Regulatory Program

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: EPA issued a notice of intent to list cadmium under Section 112 (50 FR 42000). We are investigating emissions of cadmium and techniques that are available to control the emissions from identified source categories. If EPA decides that emission standards are warranted, cadmium will be listed under section 1112, and EPA will develop proposed standards.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR NO. 1869

FTS:8-629-5601

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5601**

RIN: 2060-AB92

2774. EMISSION STANDARDS, TEST PROCEDURES AND CAFE EQUIVALENCY FACTORS FOR METHANOL-FUELED NEW MOTOR VEHICLES

Legal Authority: 42 USC 7521 / CAA 202, EPCA 301; 42 USC 7601; 15 USC 2001

CFR Citation: 40 CFR 86; 40 CFR 600

Legal Deadline: None

Abstract: This rule will develop emission standards and test procedures applicable to methanol-fueled light-duty vehicles, light-duty trucks, heavy-duty engines, and motorcycles. Current regulations apply only to gasoline-fueled and diesel-powered vehicles. The lack of regulations is a hindrance to the development of methanol-fueled vehicles. This rule will also establish a methanol-gasoline equivalency factor for purposes of corporate average fuel economy calculation and vehicle labeling.

Timetable:

Action	Date	FR Cite
ANPRM	04/10/84	49 FR 14244
NPRM	05/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2112.

FTS: 8-374-4227.

Agency Contact: Mike Gold, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4227**

RIN: 2060-AB28

2775. ● CONTROL OF EXCESS EVAPORATIVE EMISSIONS/FUEL VOLATIBILITY

Significance: Regulatory Program

Legal Authority: 42 USC 7521 /CAA 202; 42 USC 7525 /CAA 206; 42 USC 7545 /CAA 211; 42 USC 7601 /CAA 301(a)

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: In-use motor vehicle evaporative hydrocarbon emissions greatly exceed their applicable EPA emissions standards. The primary reason is that the volatility of commercial gasoline is substantially greater than that of the certification test fuel specified by EPA. This rule will consider options to deal with this problem including control of commercial fuel volatility and a change to certification test fuel volatibility.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	
Final Action	11/00/87	

Small Entity: Undetermined

Additional Information: SAR NO.2318

FTS:8-374-8339

Agency Contact: Richard A. Rykowski, Environmental Protection Agency, Air and Radiation, (ANR-455), 2565 Plymouth Road, Ann Arbor, Michigan 48105, **313 668-4339**

RIN: 2060-AB89

2776. SMALL-VOLUME MANUFACTURERS CERTIFICATION PROCEDURE (REVISION)

Legal Authority: 42 USC 7401 / CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: This action will result in rules to provide for certification of emissions compliance for commercial importers and individuals importing vehicles into the United States. By a separate action, the Manufacturers Operations Division is revising its rules for individual vehicle importation. This action is necessary to provide an appropriate mechanism to import vehicles into the United States under certification regulations and assure their compliance with the exhaust emission standards. Current rules for small-volume manufacturers were not intended to apply to conversion of previously manufactured but uncertified configurations. However, increasingly large numbers of manufacturers who import vehicles for resale have applied for EPA certification as an alternative to individual vehicle importation. This will primarily impact small business organizations involved in importing motor vehicles. The likely impact of these changes will be increased costs to these organizations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
Final Action	05/00/87	

Small Entity: Yes

Additional Information: SAR No. 2143.

FTS: 8-374-4450.

Analysis: Regulatory Flexibility Analysis; RFA

Agency Contact: Eldert Bontekoe, Environmental Protection Agency, Air and Radiation, ANR-455, 2625 Plymouth Road, Ann Arbor, MI 48105, **313 668-4450**

RIN: 2060-AB54

2777. EMISSION PERFORMANCE WARRANTY REGULATIONS (REVISION)

Legal Authority: 42 USC 7541(b) / CAA 207(b)

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This rulemaking will address the issue of establishing: (1) test procedures and standards for heavy-duty gasoline vehicles, (2) new standards for light-duty vehicles and light-duty trucks, and (3) alternative dynamometer loadings for the loaded short tests. These amendments are necessary so that owners of heavy-duty vehicles will have emissions warranty protection and additional owners of light-duty vehicles and trucks will be entitled to warranty protection.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
Final Action	01/00/87	

Small Entity: No

Additional Information: SAR No. 2136.

FTS: 8-374-4471.

Agency Contact: Jane Armstrong, Environmental Protection Agency, Air and Radiation, ANR-445, 2625 Plymouth Road, Ann Arbor, MI 48105, **313 668-4471**

RIN: 2060-AB53

2778. VOLUNTARY AFTERMARKET PARTS CERTIFICATION REGULATIONS (REVISION)

Legal Authority: 42 USC 7541 /CAA 207(b)

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: The U.S. Court of Appeals for the D.C. Circuit has directed EPA to amend the aftermarket parts certification regulations. There were four specific areas which the Court directed EPA to revisit. EPA was directed to develop better procedures for determining adequate grounds for manufacturer denial of a warranty claim; reconsider inclusion of specialty parts into the identification system, and improve the procedure for arbitration of warranty cost claims by vehicle manufacturers' against certified parts manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
Final Action	11/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2145

FTS: 8-374-4316

Agency Contact: Mike Sabourin, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, Michigan 48105, (ANR-455), **313 668-4316**

RIN: 2060-AB58

2779. FUEL AND FUEL ADDITIVES: PREVENTATIVE ACTION PROGRAM TO PREVENT SELF-SERVE FUEL SWITCHING

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601(a) /CAA 301(a)

CFR Citation: 40 CFR 80.22; 40 CFR 80.23

Legal Deadline: None

Abstract: This action will develop a "Preventative Action Program" to be used by gasoline retailers to help prevent self-serve fuel switching. Retailers will be afforded an affirmative defense to allegations of "allowing" fuel switching if they have effectively implemented this program. This action would also change the language of the fuel switching regulation to prohibit fuel switching in all vehicles designed to use unleaded gasoline, and not just those that still have an "unleaded only" label or fuel inlet restrictor.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	12/00/86	

Small Entity: No

Additional Information: SAR No. 2215

FTS: 8-382-2633

EPA—CAA — Proposed Rule Stage

Agency Contact: Richard Kozlowski, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, 202 382-2633

RIN: 2060-AB59

2780. ● TREATMENT, STORAGE, AND DISPOSAL FACILITY AREA SOURCE AIR EMISSIONS - RCRA STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004, 3007

CFR Citation: 40 CFR 264, Subparts I,J,K,L,M,N

Legal Deadline: Statutory, May 1987

Abstract: The purpose of this action is to investigate to magnitude of the area (non-combustion) source air emissions from hazardous waste treatment, storage, and disposal facilities and to develop standards for monitoring and control as needed. Pollutants to be considered by such standards would include volatile organic compounds, particulate matter specific toxic substances or a combination, under RCRA is to protect human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	11/00/88	

Small Entity: Undetermined

Additional Information: SAR NO. 2240. FTS:8-629-3671.

Agency Contact: James F. Durham, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5671

RIN: 2060-AB94

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Clean Air Act (CAA) — Final Rule Stage

2781. NAAQS FOR PARTICULATE MATTER (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.6

Legal Deadline: Statutory, December 31, 1980

Abstract: Particulate matter is one of the major pollutants in the ambient air. EPA has reviewed the scientific criteria used as a basis for establishing ambient air quality standards for particulate matter. The Agency proposes to revise the standards to better protect public health and welfare.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/79	44 FR 56730
NPRM	03/20/84	49 FR 10408
Final Action	02/00/87	

Small Entity: No

Additional Information: SAR No. 1003. Docket No. A-79-29. FTS:8-629-5655.

Analysis: Regulatory Impact Analysis; RIA

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, 919 541-5655

RIN: 2060-AA62

2782. NEW SOURCE REVIEW (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 6910 / CAA 110

CFR Citation: 40 CFR 51; 40 CFR 52

Legal Deadline: None

Abstract: This action would revise EPA's new source requirements for new major stationary sources in PSD and Nonattainment areas. EPA is taking this action to implement a settlement agreement with Chemical Manufacturer's Association and other parties who challenged the regulation amendments promulgated on August 7, 1980.

Timetable:

Action	Date	FR Cite
NPRM	08/25/83	49 FR 38742
Final Action	05/00/86	

Small Entity: No

Additional Information: SAR No. 1845. FTS:8-629-5591.

Agency Contact: Kirt Cox, Environmental Protection Agency, Air and Radiation, MD-15, Research Triangle Park, NC 27711, 919 541-5591

RIN: 2060-AA68

2783. AMBIENT AIR QUALITY SURVEILLANCE (REVISION)

Legal Authority: 42 USC 7410 / CAA 110; 42 USC 7601 / CAA 301; 42 USC 7619 / CAA 319

CFR Citation: 40 CFR 58

Legal Deadline: None

Abstract: This action will revise Part 58 to clarify and incorporate changes to the regulations deemed appropriate as a result of the past four years of experience. One of the principal revisions will propose allowing 120 days after the end of each quarter instead of the current 90 days for the submittal of National Air Monitoring System (NAMS) air quality and precision data to EPA. The 90 days were too short a time period to properly validate the air quality data. Another revision will propose to use the 1980 census data and urbanized area boundaries instead of the 1970 values for network design and evaluation purposes.

Timetable:

Action	Date	FR Cite
NPRM	03/08/85	50 FR 9538
Final Action	04/00/86	

Small Entity: No

Additional Information: SAR No. 2102. FTS: 8-629-5651.

Agency Contact: Stanley F. Sleva, Environmental Protection Agency, Air and Radiation, MD-14, Research Triangle Park, NC 27711, 919 541-5651

RIN: 2060-AB47

2784. RESTRUCTURE CFR PARTS 51, 52 (REVISION)

Legal Authority: 42 USC 7410 / CAA 110

CFR Citation: 40 CFR 51; 40 CFR 52

Legal Deadline: None

Abstract: This rule will revise 40 CFR 51, which specifies the requirements for the adoption, preparation, and submittal of state implementation plans. The revisions will delete obsolete provisions, reduce reporting

requirements, and clarify portions of the regulation. Reference to Part 51 within Part 52 will be similarly revised. Certain portions of Part 51 such as the PSD provisions will not be restructured at this time.

Timetable:

Action	Date	FR Cite
NPRM	10/11/83	48 FR 46152
Final Action	08/00/86	

Small Entity: No

Additional Information: SAR No. 1503.

Docket No. A-81-25.

FTS: 8-629-5697.

Agency Contact: Joe Sableski, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5697**

RIN: 2060-AB49

2785. QUALITY ASSURANCE PROCEDURES, APPENDIX F, PROCEDURE 1

Legal Authority: 42 USC 7411 / CAA 111; 42 USC 7414 / CAA; 42 USC 7601 / CAA

CFR Citation: 40 CFR 60, Appendix F

Legal Deadline: None

Abstract: This rule would add quality assurance requirements on gas continuous emission monitoring systems (CEMs) used for compliance. The purpose is to improve data quality and strengthen the basis for decisions made with regard to quality assurance.

Timetable:

Action	Date	FR Cite
NPRM	03/14/84	49 FR 9676
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1741.

Docket No. A-80-29.

FTS:8-629-2415.

Agency Contact: Darryl von Lehmden, Environmental Protection Agency, Air and Radiation, (MD-77), Research Triangle Park, NC 27711, **919 541-2415**

RIN: 2060-AA09

2786. NSPS: STATIONARY INTERNAL COMBUSTION ENGINES

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart FF

Legal Deadline: None

Abstract: These regulations will require the application of best available demonstrated technology to control nitrogen oxide emissions from stationary diesel and dual-fuel internal combustion engines. Some small oil drilling companies and municipal electric generation facilities may be affected by this standard. EPA will issue separate standards for gas and gasoline-fueled stationary I.C. engines later. The Agency is considering exempting engines with a displacement of less than 560 cubic inches per cylinder.

Timetable:

Action	Date	FR Cite
NPRM	07/23/79	44 FR 43152
Final Action	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1008.

Docket No. OAQPS-79-5.

FTS:8-629-5578.

Analysis: RFA

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA11

2787. NSPS: SOLVENT DEGREASING

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart JJ

Legal Deadline: None

Abstract: Some new issues have arisen, and EPA is deciding whether to go forward with this rule.

Timetable:

Action	Date	FR Cite
NPRM	06/11/80	45 FR 39766
Final Action	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1010.

Docket No. OAQPS 78-12.

FTS:8-629-5624.

Analysis: Regulatory Flexibility Analysis; RFA

Agency Contact: Fred L. Porter, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AA12

2788. NSPS: INDUSTRIAL BOILERS--PARTICULATE MATTER AND NOX

Significance: Regulatory Program

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Judicial, November 1986

Abstract: Industrial boilers are a major stationary source of Particulate Matter and Nitrogen Oxide emissions. EPA is developing performance standards for industrial boilers to achieve continuous emission reduction. The Agency will base emission limits upon the best available system of control, taking costs, environmental impacts and energy requirements into account.

Timetable:

Action	Date	FR Cite
NPRM	06/19/84	49 FR 25102
Final Action	11/01/86	

Small Entity: No

Additional Information: SAR No. 2076

Split from previous RIN 2060-AA22 (NSPS: Fossil-Fuel-Fired Industrial Boilers)

Analysis: Regulatory Impact Analysis; RIA

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA22

2789. NSPS: VOLATILE ORGANIC LIQUIDS STORAGE

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart Kb

Legal Deadline: None

Abstract: This standard will control volatile organic compound emissions from the storage of organic liquids. It will affect new, modified or reconstructed VOL storage vessels (including petroleum liquid storage vessels) with capacities of 10,000 gallons or more.

Timetable:

Action	Date	FR Cite
NPRM	07/23/84	49 FR 29698
Final Action	07/00/86	

Small Entity: No

Additional Information: SAR No. 1612.

Docket No. A-80-51.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA23

2790. NSPS: RUBBER PRODUCTS INDUSTRY-TIRE MANUFACTURING

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart BBB

Legal Deadline: None

Abstract: This standard will control VOC (volatile organic compound) emissions from solvent application during undertread/sidewall cementing, tread end cementing, bead cementing and green tire coating in rubber tire manufacturing plants. It will require use of less solvent or installation of a 75% efficient emission reduction system.

Timetable:

Action	Date	FR Cite
NPRM	01/20/83	48 FR 2676
Final Action	07/00/86	

Small Entity: No

Additional Information: SAR No. 1615.

Docket No. A-80-9.

FTS:8-629-5578.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA24

2791. NSPS: SYNTHETIC ORGANIC CHEMICAL INDUSTRY: AIR OXIDATION PROCESS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart III

Legal Deadline: None

Abstract: This regulation will control emissions of volatile organic compounds from the manufacture of synthetic organic chemicals via air oxidation processes.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48932
Final Action	07/00/86	

Small Entity: No

Additional Information: SAR No. 1618.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA30

2792. NSPS: DISTILLATION OPERATIONS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This regulation will control emissions of volatile organic compounds from new, modified, and reconstructed distillation facilities at petroleum refineries and synthetic organic chemical plants.

Timetable:

Action	Date	FR Cite
NPRM	12/30/83	48 FR 57538
Final Action	07/00/86	

Small Entity: No

Additional Information: SAR No. 1733.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA35

2793. NSPS: PETROLEUM REFINERY, FCC REGENERATORS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This standard will require control of sulfur dioxide from fluidized catalytic cracking units.

Timetable:

Action	Date	FR Cite
NPRM	11/08/85	50 FR 46464
Final Action	12/00/86	

Small Entity: No

Additional Information: SAR No. 1736.

FTS:8-629-5624.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AA36

2794. NSPS: KRAFT PULP MILLS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart BB

Legal Deadline: None

Abstract: EPA has reviewed this standard and is proposing to make five changes. These revisions would: (1) Exempt black liquor oxidation systems from the standards; (2) revise the existing total reduced sulfur (TRS) standard for smelt dissolving tanks; (3) revise the units of the TRS standard for smelt dissolving tanks; (4) delete the requirement to monitor the combustion temperature in lime kilns, power boilers, or recovery furnaces; and (5) change the frequency of excess emission reports from quarterly to semi-annually.

Timetable:

Action	Date	FR Cite
NPRM	01/19/84	48 FR 2448
Final Action	07/00/86	

Small Entity: No

Additional Information: SAR No. 1959.

FTS: 8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, N.C. 27711, **919 541-5578**

RIN: 2060-AA97

2795. NSPS: AUTOMOBILE AND LIGHT-DUTY TRUCK COATING OPERATIONS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA is revising the NSPS for automobile and light-duty truck coating operations which was promulgated in December 1980 to reflect additional operational data of the best demonstrated prime coat system. This revision of the standard does not reflect a change in the basis of the prime coat standard, but a better understanding of the performance of the prime coat system upon which the standard was originally based.

Timetable:

Action	Date	FR Cite
NPRM	07/20/82	47 FR 32743
Final Action	00/00/00	

EPA—CAA

Final Rule Stage

Small Entity: No

Additional Information: SAR No. 2044.

FTS: 8-629-5624.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AB22

2796. NSPS: FOSSIL FUEL-FIRED STEAM GENERATORS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111; 42 USC 7601(a)

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: These revisions to the existing NSPS for large fossil fuel-fired steam generators would establish sulfur dioxide compliance, emission monitoring, and reporting requirements on a 30-day rolling average basis.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48960
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2083.

FTS: 8-629-5578.

Analysis: Regulatory Impact Analysis

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AB29

2797. NSPS: CEMENT PLANTS (REVISION)

Legal Authority: 42 USC 7411 /CAA 111; 42 USC 7414 /CAA 114

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA has completed review of this action. As a result, the Agency intends to revise the standards to require installation of continuous opacity monitors on all kilns and clinker coolers subject to the standard after August 17, 1971.

Timetable:

Action	Date	FR Cite
NPRM	09/10/85	50 FR 36956
Final Action	08/00/86	

Small Entity: No

Additional Information: SAR No. 2186

FTS: 8-629-5578

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AB38

2798. NSPS: SURFACE COATING OF PLASTIC PARTS FOR BUSINESS MACHINES

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This action would limit volatile organic compounds emissions from new, modified, and reconstructed plants that coat plastic parts for business machines.

Timetable:

Action	Date	FR Cite
NPRM	01/08/86	51 FR 854
Final Action	01/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2236.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AB66

2799. NSPS: MAGNETIC TAPE MANUFACTURING

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This regulation is intended to limit emissions of volatile organic compounds from new, modified, and reconstructed magnetic tape manufacturing lines.

Timetable:

Action	Date	FR Cite
NPRM	01/22/86	51 FR 2996
Final Action	04/00/87	

Small Entity: No

Additional Information: SAR No.1928

FTS: 8-629-5627.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5627**

RIN: 2060-AB88

2800. DECISION ON REGULATION OF CADMIUM

Legal Authority: 42 USC 7422 / CAA 122

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: EPA is currently reviewing relevant available information on emissions of cadmium into the ambient air that may be either by itself or in combination with cadmium intake from food and drinking water reasonably anticipated to endanger public health. EPA will issue a decision on the necessary regulatory action for public comment before it becomes final.

Timetable:

Action	Date	FR Cite
NPRM	10/16/85	50 FR 42000
Final Action	12/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 1869.

FTS:8-629-5645.

Agency Contact: David Patrick, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5645**

RIN: 2060-AA38

2801. NESHAPS: ARSENIC FROM SMELTERS AND OTHER SOURCES

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61 N; 40 CFR 61 O; 40 CFR 61 P

Legal Deadline: None

Abstract: EPA proposed standards for inorganic arsenic emissions from existing and new primary copper smelters and glass manufacturing plants. In addition, EPA proposed not to develop standards for inorganic arsenic emissions from primary lead smelters, secondary lead smelters, primary zinc smelters, zinc oxide production plants, cotton gins, and arsenic chemical manufacturing plants.

Timetable:

Action	Date	FR Cite
NPRM	07/20/83	48 FR 33112
Final Action	07/00/86	

Small Entity: No

Additional Information: SAR No. 1684.

FTS:8-629-5624.

Agency Contact: Linda Chaput, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5624

RIN: 2060-AA41

2802. NESHAPS: BENZENE IN COKE OVENS/BY-PRODUCTS PLANTS

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: This regulation will control benzene emissions generated by the processing of gaseous and liquid streams at coke by-product plants. The emission sources to be controlled include process equipment, storage vessels, and fugitive emissions. The standards may consist of equipment specifications, work practices, design specifications, and emission limits.

Timetable:

Action	Date	FR Cite
NPRM	06/06/84	49 FR 23528
Final Action	12/00/86	

Small Entity: No

Additional Information: SAR No. 1685.

FTS:8-629-5578.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AA42

2803. NESHAPS: VINYL CHLORIDE (REVISION)

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: EPA has completed its review of the technological basis and administrative aspects of the current standard, which was promulgated in 1976. Conclusions of the review are the basis of (1) proposed administrative and clarifying revisions, (2) announced decisions pertaining to other aspects, and (3) withdrawal of the June 2, 1977, proposed revisions.

Timetable:

Action	Date	FR Cite
NPRM	01/09/85	50 FR 1182
Final Action	08/00/86	

Small Entity: No

Additional Information: SAR No. 1971.

FTS: 8-629-5671

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, N.C., 27711, 919 541-5578

RIN: 2060-AB06

2804. NESHAPS: MERCURY (REVISION)

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: EPA has reviewed this standard and determined that revisions to the monitoring, recordkeeping, and reporting requirements are warranted. The review assessed the technological basis and administrative aspects of the existing standard. EPA has issued a notice in the Federal Register announcing the results of its review and proposing revisions to the standard.

Timetable:

Action	Date	FR Cite
NPRM	12/26/84	49 FR 50146
Final Action	07/00/86	

Small Entity: No

Additional Information: SAR No. 2137.

FTS:8-629-5578.

Agency Contact: Gilbert H. Wood, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AB44

2805. NESHAPS: RADIONUCLIDES: URANIUM MILLS

Significance: Regulatory Program

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: Judicial, May 1, 1986. May 1, 1986

Abstract: EPA is developing standards under Section 112 of the CAA to control emissions of Radon-222 from uranium mill tailings during the period of mill operation prior to closure. Other radioactive releases during operation and all releases after closure are controlled by other EPA standards. Information was solicited through an ANPRM on October 31, 1984. The standard are being developed under court order.

Timetable:

Action	Date	FR Cite
ANPRM	10/31/84	49 FR 43196
NPRM	02/00/86	
Final Action	05/00/86	

Small Entity: No

Additional Information: SAR No. 2217

FTS: 8-557-8977

Analysis: RIA

Agency Contact: Terrence A. McLaughlin, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, 703 557-8977

RIN: 2060-AB57

2806. DISPERSION TECHNIQUES IMPLEMENTED BEFORE ENACTMENT OF THE CLEAN AIR ACT AMENDMENTS OF 1970

Legal Authority: 42 USC 7410 / CAA 123; 42 USC 7601(a); 42 USC 7423

CFR Citation: 40 CFR 51

Legal Deadline: None

Abstract: These regulations set the requirements for an implemented intermittent control system (ICS). If an operator can show that dispersion techniques implemented before December 31, 1970 meet the ICS requirements then the system can be used to reduce emissions in a State Implementation Plan to meet Federal ambient standards. These regulations are optional for States.

Timetable:

Action	Date	FR Cite
NPRM	09/24/84	49 FR 37542
Final Action	04/00/86	

Small Entity: No

Additional Information: SAR No. 1893.

Docket No. A-79-12.

FTS:8-629-5540.

Agency Contact: Bruce Polkowsky, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, 919 541-5540

RIN: 2060-AA49

EPA—CAA

Final Rule Stage

2807. "GUIDELINE ON AIR QUALITY MODELS" (REVISION)

Significance: Regulatory Program

Legal Authority: CAA 165(e)

CFR Citation: 40 CFR 51.24(l); 40 CFR 52.21(m)

Legal Deadline: None

Abstract: This action proposes to revise the "Guideline on Air Quality Models" (issued in April 1978) to reflect changes to the state-of-the-science of modeling and changes to current practice and policies. Revisions to the Guideline were developed in 1980 and public hearings were held. Based on public comments, EPA has conducted studies to resolve some issues. Additional evaluation studies of models, suggested by commenters and performed in accordance with the recommendations of the American Meteorological Society, are underway. Early results of both are now available and should become part of EPA's guidance. The revised guideline should greatly reduce inconsistencies in the development and revision of emission limitations and in the determination of PSD increment consumption. New modeling procedures allow potentially greater accuracy in modeling results and the attainment of clean air goals at less cost.

Timetable:

Action	Date	FR Cite
NPRM	12/07/84	
Final Action	07/00/86	

Small Entity: No

Additional Information: SAR No. 1941.

FTS: 8-629-5561.

Docket No. A-80-46.

Agency Contact: Joseph Tikvart, Environmental Protection Agency, Air and Radiation, MD-14, Research Triangle Park, N.C. 27711, **919 541-5561**

RIN: 2060-AB13

2808. IMPORTATION OF MOTOR VEHICLES AND MOTOR VEHICLE ENGINES (REVISION)

Legal Authority: 42 USC 7522 / CAA 203

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: EPA is considering various options for improving the effectiveness and Administration of EPA's present regulation assessing the importation of nonconforming vehicles. Nonconforming vehicles are ones which have not been demonstrated to conform with Federal emission requirements. The regulatory revision options range from requiring that only certificate holders may import the vehicles (such entitles to bear responsibility for their emission performance) to continuing the approach in the current regulation with various improvements, to elimination of importation of such vehicles (with any minor exceptions). EPA is also considering elimination of any personal use exceptions.

Timetable:

Action	Date	FR Cite
NPRM	07/21/80	45 FR 48812
NPRM - Supplemental	09/09/85	50 FR 36838
Final Action	08/00/86	

Small Entity: Yes

Additional Information: SAR No. 1317.

Docket No. EN-79-9.

FTS:8-382-2499.

Analysis: Regulatory Flexibility Analysis

Agency Contact: Stanley B. Durkee, Environmental Protection Agency, Air and Radiation, (EN-340F), Washington, DC 20460, **202 382-2499**

RIN: 2060-AA54

2809. REMOVAL OF LEAD FROM EPA CERTIFICATION AND TEST FUELS (REVISION)

Legal Authority: 42 USC 7525 /CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: EPA will propose these amendments to require the use of unleaded gasoline in all emissions and fuel economy testing of gasoline fueled light-duty vehicles, light-duty trucks, motorcycles and heavy-duty engines. EPA believes that leaded fuel is no longer needed for new gasoline fueled vehicles or engines. The proposal is consistent with EPA's desire to eliminate the use of leaded fuel in motor vehicles.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	
Final Action	11/00/86	

Small Entity: No

Additional Information: SAR No. 2290.

FTS: 8-374-8340.

Agency Contact: Peter Hutchins, Environmental Protection Agency, Air and Radiation, (ANR-455), 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4340**

RIN: 2060-AB87

2810. FUEL AND FUEL ADDITIVES: GASOLINE LEAD CONTENT (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601(a) /CAA 301(a)

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: EPA is examining information relevant to a total ban on the use of lead in gasoline. The Agency is considering a set of alternatives ranging from no regulatory action to a ban as soon as January 1, 1988. This rule will have an impact on all refineries, including small refineries. A regulatory flexibility analysis will fully consider the effect of this action on small entities.

Timetable:

Action	Date	FR Cite
NPRM	03/07/85	50 FR 9386
Final Action	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 2214.

FTS: 8-382-2633.

Analysis: Regulatory Flexibility Analysis; RIA, RFA

Agency Contact: Richard Kozlowski, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, **202 382-2633**

RIN: 2060-AB60

2811. ● X-RAY TEST PROCEDURES FOR MEASURING LEAD CONTENT IN FUELS

Significance: Regulatory Program

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601 /CAA 301(a)

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: This rule is intended to establish an alternate procedure for measuring the lead content of fuel. This procedure uses x-ray spectometry as a measurement tool.

EPA—CAA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	11/29/85	50 FR 49338
Final Action	07/00/86	

Small Entity: No

Additional Information: SAR NO.2294

FTS:8-382-2660

Agency Contact: Marilyn McCall, Environmental Protection Agency, Air and Radiation, (EN-397), WASHINGTON, D.C. 20460, **202 382-2660**

RIN: 2060-AB91

2812. FUEL ECONOMY TEST PROCEDURES; ADJUSTMENT TO TEST RESULTS TO ACCOUNT FOR TEST PROCEDURE CHANGES (LIGHT-DUTY TRUCKS)

Legal Authority: 42 USC 2001 / EPCA 301

CFR Citation: 40 CFR 600

Legal Deadline: None

Abstract: In January 1982, the United States Court of Appeals for the Sixth Circuit issued an order requiring EPA to initiate rulemaking to establish adjustment factors for the 1980-85 Corporate Average Fuel Economy (CAFE) test results. Adjustments for light-duty vehicles have been finalized. This rule will establish adjustments for light-duty trucks.

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	50 FR 27188
Final Action	03/00/86	

Small Entity: No

Additional Information: SAR No. 2289.

FTS: 8-374-8345.

Agency Contact: Matt Wagner, Environmental Protection Agency, Air and Radiation, (ANR-455), 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-8345**

RIN: 2060-AB86

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Clean Air Act (CAA) — Completed Actions

2813. NSPS: BASIC OXYGEN FURNACES (REVISION)

CFR Citation: 40 CFR 60 N

Completed:

Reason	Date	FR Cite
Final Action	01/02/86	51 FR 150

Small Entity: Yes

Agency Contact: Doug Bell 919 541-5578

RIN: 2060-AA72

2814. NSPS: SULFURIC ACID MANUFACTURE

CFR Citation: 40 CFR 60, Subpart H

Completed:

Reason	Date	FR Cite
End Review	11/00/85	

Small Entity: No

Agency Contact: James Crowder 919 541-5601

RIN: 2060-AB02

2815. NSPS: ON-SHORE PRODUCTION FOR SULFUR DIOXIDE

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	10/01/85	50 FR 40158

Small Entity: No

Agency Contact: Gilbert Wood 919 541-5578

RIN: 2060-AB27

2816. NSPS: ASPHALT CONCRETE PLANTS

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
End Review	01/00/86	

Small Entity: Yes

Agency Contact: Kenneth Durkee 919 541-5596

RIN: 2060-AB41

2817. NSPS: REPORTING REQUIREMENTS FOR OPACITY

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	12/27/85	50 FR 53115

Small Entity: No

Agency Contact: Shirley Tabler 919 541-5578

RIN: 2060-AB42

2818. NSPS: SMALL BOILERS

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
End Review Review completed; see RIN: 2060-AB95	10/00/85	

Small Entity: Undetermined

Agency Contact: Kenneth Durkee 919 541-5595

RIN: 2060-AB69

2819. NSPS: COAL PREPARATION PLANTS

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
End Review	09/00/85	

Small Entity: Undetermined

Agency Contact: James Crowder 919 541-5601

RIN: 2060-AB84

2820. NESHAPS GENERAL PROVISIONS (REVISION)

CFR Citation: 40 CFR 61 A

Completed:

Reason	Date	FR Cite
Final Action	11/07/85	50 FR 46284

Small Entity: No

EPA—CAA

Completed Actions

Agency Contact: Gilbert Wood 919 541-5578

RIN: 2060-AA79

2821. NONCONFORMANCE PENALTIES FOR 1987 AND LATER MODEL YEAR HEAVY-DUTY ENGINES (HDES), HEAVY-DUTY VEHICLES (HDVS), AND LIGHT-DUTY TRUCKS (LDTS) (PHASE II)

CFR Citation: 40 CFR 86

Completed:

Reason	Date	FR Cite
Final Action	12/31/85	50 FR 53454

Small Entity: Undetermined

Agency Contact: Robert Montgomery 202 382-2487

RIN: 2060-AB65

[FR Doc. 86-6640 Filed 04-18-86; 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Superfund (CERCLA)

Proposed Rule Stage

2822. NOTIFICATION OF CONTINUOUS RELEASE OF HAZARDOUS SUBSTANCES

Legal Authority: 42 USC 9602 / CERCLA 102; 42 USC 9603 / CERCLA 103

CFR Citation: 40 CFR 304

Legal Deadline: None

Abstract: Section 103(a) requires that persons notify the National Response Center of releases of hazardous substances. Section 103(f) provides an exemption to these reporting requirements. EPA is developing regulations that will clarify Agency policy regarding notification of continuous releases of designated hazardous substances.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 1642C.

FTS 8-382-3000 RCRA/CERCLA Hotline 800-424-9346

Agency Contact: Barbara Hostage, Environmental Protection Agency, Solid Waste and Emergency Response, WH 548B, Washington, DC 20460, 202 382-2198

RIN: 2050-AA46

2823. ADJUSTMENT OF REPORTABLE QUANTITIES OF HAZARDOUS SUBSTANCES IDENTIFIED AS POTENTIAL CARCINOGENS AND CHRONICALLY TOXIC SUBSTANCES (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 9602 / CERCLA 102; 33 USC 1321 / CWA 311

CFR Citation: 40 CFR 302

Legal Deadline: None

Abstract: EPA has developed proposed determinations of reportable quantities under Section 102 of CERCLA that trigger the notification requirements of Section 103 of CERCLA. This rule will amend the regulation on Determination of Reportable Quantities for Hazardous Substances (40 CFR 302) to adjust the reportable quantities for hazardous substances identified as potential carcinogens and chronically toxic substances. This rule will also amend 40 CFR 117.3 to make these applicable CWA 311 (b).

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
Final Action	05/00/87	

Small Entity: No

Additional Information: SAR No. 2104.

For further information contact the RCRA/Superfund Hotline (800-424-9346); in Metropolitan D.C. (382-3000).

Agency Contact: Jack Kooyoomjian, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548B), Washington, DC 20460, 202 382-4130

RIN: 2050-AA80

2824. ● ADJUSTMENT OF REPORTABLE QUANTITIES OF HAZARDOUS SUBSTANCES (RADIONUCLIDES)

Significance: Regulatory Program

Legal Authority: 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None. Legislation under consideration may impose a 12/31/86 deadline.

Abstract: Section 102 of CERCLA establishes a statutory reportable quantity (RQ) for all designated hazardous substances and directs the EPA Administrator to promulgate regulations establishing RQ's adjusted from the statutory quantity if appropriate. Radionuclides are hazardous substances under CERCLA because they are designated as a hazardous air pollutant under section 112 of the Clean Air Act. Analysis is underway to determine whether the statutory reportable quantity of one pound is suitable. This rulemaking will adjust the reportable quantity for radionuclides.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	
Final Action	01/00/88	

Small Entity: No

Additional Information: SAR NO.2335

RCRA/CERCLA Hotline 800-424-9346

Agency Contact: Barbara Hostage, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548B), Washington, D.C. 20460, 202 382-2198

RIN: 2050-AB60

2825. ● ADJUSTMENT OF REPORTABLE QUANTITIES OF HAZARDOUS SUBSTANCES (ACUTE AIR TOXICANTS)

Significance: Regulatory Program

Legal Authority: 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR 302

Legal Deadline: None

Abstract: As a result of the Agency's publication of the Acute Air Toxicants list and interim guidelines in its November 1985 publication entitled "Chemical Emergency Preparedness Program," those substances that are not on the CERCLA Section 101(14) hazardous substance list (approximately 259 of 402 substances) will be evaluated for reportable quantity (RQ) adjustments pursuant to CERCLA Section 102 authority.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	02/00/88	

Small Entity: No

Additional Information: SAR NO.2336

RCRA/CERCLA Hotline 800-424-9346

Agency Contact: Jack Kooyoomjian, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548B), Washington, D.C. 20460, **202 382-4130**

RIN: 2050-AB62

2826. AMENDMENTS TO THE NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

Significance: Regulatory Program

Legal Authority: 33 USC 1321 / CWA 311; 42 USC 9605 / CERCLA 105

CFR Citation: 40 CFR 300.61

Legal Deadline: None

Abstract: The National Contingency Plan (NCP) is the primary regulation directing government and responsible party response to and cleanup of discharges of oil, and releases of hazardous substances, pollutants and contaminants. EPA anticipates that reauthorization of Superfund, currently being debated in a Congressional Conference Committee, will necessitate further revisions to the NCP. Because of the great differences between the Senate and the House bills, it is inappropriate at this time to speculate upon specific revisions that may be required.

Timetable:

Action	Date	FR Cite
NPRM	02/12/85	50 FR 5862
Final Action	11/20/85	50 FR 47912
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 2065.

FTS-8-382-2182.

Agency Contact: James Lounsbury, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548D), Washington, DC 20460, **202 382-2182**

RIN: 2050-AA75

2827. NATIONAL PRIORITIES LIST (NPL) (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 9605(8)(B) / CERCLA 105(8)(B)

CFR Citation: 40 CFR 300.66

Legal Deadline: Statutory. Annual Update

Abstract: This action revises the National Priorities List in the National Contingency Plan. CERCLA requires that the National Priorities List be revised at least annually. Periodic revisions will allow EPA to include serious releases of hazardous substances identified as a result of site inspection programs and to delete sites that have been cleaned up.

Timetable:

Action	Date	FR Cite
Final Action First NPL Update(final)	09/21/84	49 FR 37070
NPRM Second NPL Update(NPRM)	10/15/84	49 FR 40320
NPRM Third NPL Update (NPRM)	04/10/85	50 FR 14115
NPRM Fourth NPL Update (NPRM)	09/18/85	50 FR 37950
NPRM Fifth NPL Update	04/00/86	
Final Action Fourth NPL Update	04/00/86	
NPRM Seventh NPL Update	08/00/86	
NPRM Sixth NPL Update	08/00/86	
Final Action Second NPL Update(final)	08/00/86	
Final Action Third NPL Update	08/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2077.

FTS: 8-382-8103.

Agency Contact: C. Scott Parrish, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548E), Washington, DC 20460, **202 382-5632**

RIN: 2050-AA79

2828. RESPONSE CLAIMS PROCEDURES

Legal Authority: 42 USC 9612 / CERCLA 112

CFR Citation: 40 CFR 307

Legal Deadline: None

Abstract: This action prescribes the forms and procedures for persons other than the Government to recover response costs incurred in carrying out the National Contingency Plan.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	11/00/86	

Small Entity: No

Additional Information: SAR No. 2160.

FTS: 8-382-4645.

Analysis: Regulatory Impact Analysis

Agency Contact: William Ross, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548E), Washington, DC 20460, **202 382-4645**

RIN: 2050-AA90

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Superfund (CERCLA)

Final Rule Stage

2829. ADJUSTMENTS OF REPORTABLE QUANTITIES OF 105 HAZARDOUS SUBSTANCES (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 9602 / CERCLA 102; 42 USC 9603 / CERCLA 103

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: This rule amends the regulation on Notification of Release of Hazardous Substances and Determination of Reportable Quantities to adjust reportable quantity determinations of 105 substances already listed pursuant to the statutes listed in CERCLA Section 101(14). That section defines any substance listed pursuant to specified statute as hazardous for purposes of CERCLA Section 102 reportable quantity determinations.

Timetable:

Action	Date	FR Cite
NPRM	04/04/85	50 FR 13514
Final Action	07/00/86	

Small Entity: No

Additional Information: SAR No. 2291.

Agency Contact: Jack Kooyoomjian, Environmental Engineer, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548E), Washington, DC 20460, **202 382-4130**

RIN: 2050-AB48

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Superfund (CERCLA)

Completed Actions

2830. DESIGNATION OF ADDITIONAL HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITY ADJUSTMENTS

CFR Citation: 40 CFR 302; 40 CFR Not yet determined

Completed:

Reason	Date	FR Cite
Withdrawn postponed indefinately	02/00/86	

Small Entity: Yes

Agency Contact: Jack Kooyoomjian 202 382-3000

RIN: 2050-AB50

2831. NATURAL RESOURCE CLAIMS PROCEDURE

CFR Citation: 40 CFR 306

Completed:

Reason	Date	FR Cite
Final Action	12/13/85	51 FR 51205

Small Entity: No

Agency Contact: William Ross 202 382-4645

RIN: 2050-AA48

[FR Doc. 86-6640 Filed 04-18-86; 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—General

Proposed Rule Stage

2832. DENIAL OR RESTRICTION OF DISPOSAL SITES (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1344 /CWA 404(c)

CFR Citation: 40 CFR 231

Legal Deadline: None

Abstract: This action will revise EPA's existing 404(c) regulations, in effect since October 9, 1979. It will establish the procedures to be used when EPA is considering the use of Section 404(c) of the CWA to prevent the discharge of dredged or fill material into a defined area of the waters of the United States. Section 404(c) gives the Administrator authority to prohibit or withdraw the specification of a site as a disposal site or to deny or restrict use of a disposal site. Prior to 1983, we have taken only one 404(c) action. Since that time, we have initiated nine such actions. In the preamble to the 404(c) regulations, we indicated that we would do an evaluation of these regulations within four years of the effective date. We delayed this evaluation in order to carefully consider our recent experiences with these regulations. This review is completed, and we plan to revise the regulations to reflect our findings.

Timetable:

Action	Date	FR Cite
NPRM	11/00/86	
Final Action	06/00/87	

Small Entity: No

Additional Information: SAR No. 2196

FTS: 8-382-5043

Agency Contact: Suzanne Schwartz, Environmental Protection Agency, Administration and Resource Management, (A-104), Washington, DC 20460, **202 382-5043**

RIN: 2030-AA05

2833. REGULATIONS FOR THE FEDERAL CLAIMS COLLECTION ACT

Legal Authority: 31 USC 3711

CFR Citation: 40 CFR 13

Legal Deadline: None

Abstract: These regulations will set standards for EPA's debt collection actions under the Federal Claims Collection Act.

EPA—GENERAL

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Interim Final Rule	09/00/86	

Small Entity: No

Additional Information: SAR No. 1825.

FTS: 8-382-4550.

Agency Contact: Raye Spears, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-132G), Washington, DC 20460, **202 382-4550**

RIN: 2020-AA01

2834. CONFIDENTIALITY REGULATIONS: SPECIAL RULES GOVERNING CERTAIN INFORMATION UNDER FIFRA (REVISION)

Legal Authority: 5 USC 552 / Freedom of Information Act ; 7 USC 136h / FIFRA 10

CFR Citation: 40 CFR 2.307

Legal Deadline: None

Abstract: This action would make changes in EPA's procedures for handling business information under FIFRA to reflect amendments to Section 10 of the Act. It would also clarify existing regulations on the treatment of confidential business information under FIFRA.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	
Final Action	02/00/87	

Small Entity: No

Additional Information: SAR No. 2195

FTS: 8-382-5460

Agency Contact: Jane Roemer, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-132G), Washington, DC 20460, **202 382-5460**

RIN: 2020-AA06

2835. CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION OF SUSPENSION OF PERMITS

Legal Authority: 7 USC 136; 42 USC 7545; 42 USC 7601

CFR Citation: 40 CFR 22

Legal Deadline: None

Abstract: This action is designed to make minor amendments to the Agency's Consolidated Rules of Practice. These amendments may include a period for public notice and comment after the filing of administrative consent decrees, changing the recipient of administrative civil penalties to the Financial Management Division, and requiring respondents to provide information on their ability to pay civil penalties. Other amendments will be solicited.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 2216

FTS: 8-475-8783

Agency Contact: Winston Haythe, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-130A), Washington, DC 20460, **202 475-8783**

RIN: 2020-AA08

2836. ● NOTICE REQUIREMENTS FOR CITIZEN SUITS UNDER THE SDWA

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1449

CFR Citation: 40 CFR 135

Legal Deadline: None

Abstract: These regulations will specify on whom the notice of intent to file suit should be served, the manner of service, the addresses of such persons, and the contents of the notice. These regulations are similar to those implementing the notice provisions of the Clean Water Act (CWA) and the Resource Conservation and Recovery Act (RCRA).

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	
Final Action	05/00/87	

Small Entity: Not Applicable

Additional Information: SAR NO. 2307

FTS:8-382-7700

Agency Contact: Kenneth Gray, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-132S), Washington, D.C. 20460, **202 382-7700**

RIN: 2020-AA10

ENVIRONMENTAL PROTECTION AGENCY (EPA)—General

Final Rule Stage

2837. NONDISCRIMINATION ON THE BASIS OF HANDICAP FOR PROGRAMS CONDUCTED BY EPA

Legal Authority: 42 USC 794 / Rehabilitation Act 504

CFR Citation: 40 CFR 12

Legal Deadline: None

Abstract: The proposed regulation will provide for EPA's compliance with Section 504 of the Rehabilitation Act, which prohibits discrimination on the basis of handicap in the Agency's programs and activities. It will make the Agency's offices accessible to handicapped persons, and effect the necessary changes in the Agency's employment practices.

Timetable:

Action	Date	FR Cite
NPRM	05/06/85	50 FR 19136
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2049.

FTS: 8-382-4567.

Agency Contact: Nereid Maxey, Environmental Protection Agency, General Counsel and Enforcement Counsel, Office of Civil Rights, (A-105), Washington, DC 20460, **202 382-4567**

RIN: 2020-AA05

2838. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS RECEIVING FINANCIAL ASSISTANT FROM THE EPA(REVISION)

Legal Authority: 42 USC 6101 /Age Discrimination Act of 1979

EPA—GENERAL

Final Rule Stage

CFR Citation: 40 CFR 7

Legal Deadline: None

Abstract: This action is necessary to add age as a basis for nondiscrimination to EPA's Federally-Assisted Nondiscrimination Regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/01/81	46 FR 2306
Final Action	09/00/86	

Small Entity: No

Additional Information: SAR No. 2218

FTS: 8-382-4567

Agency Contact: Nereid Maxey, Environmental Protection Agency, General Counsel and Enforcement Counsel, Office of Civil Rights, (A-105), Washington, DC 20460, **202 382-4567**

RIN: 2020-AA07

2839. AMENDING NEPA PROCEDURES RELATING TO WASTEWATER CONSTRUCTION GRANTS (REVISION)

Legal Authority: 42 USC 4321 / NEPA

CFR Citation: 40 CFR 6 E

Legal Deadline: None

Abstract: This action will revise EPA's NEPA implementation procedures relating to wastewater treatment construction grants. It will make them consistent with the amendments for simplifying the construction grants regulations (see SAR No. 1722) and the 1981 Municipal Wastewater Treatment Construction Grant Amendments (P.L. No. 97-117).It will also make minor changes to the NEPA procedures that apply to other EPA programs.

Timetable:

Action	Date	FR Cite
NPRM	01/07/83	48 FR 1012
Interim Final Rule	06/25/85	50 FR 26310
Final Action	05/00/86	

Small Entity: No

Additional Information: SAR No. 1835.

FTS:8-382-5910.

Agency Contact: John Gerba, Environmental Protection Agency, Office of the Administrator, (A-104), Washington, DC 20460, **202 382-5910**

RIN: 2090-AA04

2840. EMISSIONS TRADING POLICY (REVISION)

Legal Authority: 42 USC 7503 / CAA 110

CFR Citation: Not applicable

Legal Deadline: None

Abstract: EPA is refining the emissions trading policy governing the use of the bubble, emission offsets, netting, and emission reduction banking. This final policy and accompanying Technical Issues Document will provide states with a framework for incorporating emissions trading activities into their state implementation plans. Through the use of emissions trading industry can substitute more controls where costs are low for less control where costs are high. The final policy will clarify requirements and procedures based on experience under the 1982 interim policy -- particularly regarding baselines and modeling for bubbles, as well as bubbles in nonattainment areas with inadequate demonstrations.

Timetable:

Action	Date	FR Cite
Proposed Policy	04/07/82	47 FR 15076
Reproposed Policy	08/31/83	48 FR 39580
Final Policy	08/00/86	

Small Entity: No

Additional Information: SAR No. 1605.

Docket No. G-81-2.

FTS:8-382-2727.

Agency Contact: Barry Elman, Environmental Protection Agency, Policy Planning and Evaluation, (PM-223), Washington, DC 20460, **202 382-2727**

RIN: 2010-AA08

2841. SECTION 404 STATE PROGRAM REGULATIONS (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1344 / CWA 404

CFR Citation: 40 CFR 124; 40 CFR 232; 40 CFR 233

Legal Deadline: None

Abstract: Under Section 404(g) of the Clean Water Act, EPA is responsible for approving and overseeing assumption of the 404 "dredge and fill" program by States. In response to comments from the States, EPA is revising its State program regulations (formerly part of the Consolidated Permit Regulations), to provide increased incentives and simplified procedures for State assumption of the Section 404 program.

Timetable:

Action	Date	FR Cite
NPRM	10/02/84	49 FR 39012
Final Action	04/00/86	

Small Entity: No

Additional Information: SAR No. 1973.

FTS: 8-382-5043.

Agency Contact: Suzanne Schwartz, Environmental Protection Agency, Office of the Administrator, (A-104), Washington, DC 20460, **202 382-5043**

RIN: 2030-AA00

ENVIRONMENTAL PROTECTION AGENCY (EPA)—General

Completed Actions

2842. PUBLIC INFORMATION AND CONFIDENTIALITY REGULATIONS (REVISION)

CFR Citation: 40 CFR 2

Completed:

Reason	Date	FR Cite
Final Action	12/18/85	50 FR 51654

Small Entity: No

Agency Contact: Jane Roemer 202 382-5460

RIN: 2020-AA03

2843. PUBLIC INFORMATION REGULATIONS: COLLECTION OF FEES

CFR Citation: 40 CFR 2

Completed:

Reason	Date	FR Cite
Final Action	12/18/85	50 FR 51654

Small Entity: No

Agency Contact: Jane Roemer 202 382-5460

RIN: 2020-AA09

[FR Doc. 86-0640 Filed 04-18-86; 8:4' am]

BILLING CODE 6560-50-T

Federal Register

Monday
April 21, 1986

Part XXI

Equal Employment Opportunity Commission

Semiannual Regulatory Agenda

EEOC

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Semiannual Regulatory Agenda

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Equal Employment Opportunity Commission is publishing its semiannual regulatory agenda pursuant to Executive Order No. 12291, 3 CFR Part 127 (1981 Compilation) and the Regulatory Flexibility Act, 5 U.S.C. Chapter 6. The agenda contains all regulations which are scheduled for review or development during the next twelve months.

FOR FURTHER INFORMATION CONTACT: Richard V. Roscio, Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20507; telephone (202) 634-6592.

SUPPLEMENTARY INFORMATION: The Commission has identified sixteen current and projected rulemakings for inclusion in the agenda. Also listed are five regulatory items which are under review. No new items have been added to the agenda as current and projected rulemaking since the last semiannual agenda was published.

Signed in Washington, D.C. this 27th day of February, 1986.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2844	Uniform Guidelines on Employee Selection Procedures	3046-AA00
2845	Equal Employment Opportunity in the Federal Government; Individual and Class EEO Complaints Processing	3046-AA11
2846	Equal Employment in the Federal Government; Processing of Complaints File under the Equal Pay Act	3046-AA16
2847	Procedures for Administrative Exemptions under Section 9 of the Age Discrimination in Employment Act	3046-AA22
2848	Equal Employment Opportunity in the Federal Government: Handicap	3046-AA23
2849	Uniform Guidelines on Employee Selection Procedures	3046-AA24

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2850	The Equal Pay Act Interpretations	3046-AA07
2851	Equal Employment Opportunity in the Federal Government; EEO Appeals	3046-AA17
2852	Interpretative Bulletin on Employee Benefit Plans	3046-AA18

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2853	Equal Employment Opportunity in the Federal Government; Remedial Relief under Section 717	3046-AA06
2854	Coordination of Federal Equal Employment Opportunity Programs	3046-AA10
2855	Federal Agencies' Affirmative Programs of Equal Employment Opportunity	3046-AA12
2856	Equal Employment in the Federal Government; Allegations of Reprisal	3046-AA13
2857	Equal Employment Opportunity in the Federal Government; Mixed Case Complaints	3046-AA14
2858	Equal Employment Opportunity in the Federal Government; Administrative Appeals on Grievances where Allegation of Discrimination Has Been Raised	3046-AA15
2859	Coverage of Apprenticeship Programs under the Age Discrimination in Employment Act	3046-AA21
2860	Administrative Exemption Allowing for Waivers Under the ADEA	3046-AA28

EEOC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
2861	Recordkeeping Regulations	3046-AA03
2862	Collection of Applicant Data for Affirmative Action Purposes	3046-AA05
2863	Substantive Regulations on Health Insurance Benefits for Employees Age 65 to 69	3046-AA19

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) — Prerule Stage

2844. UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Significance: Regulatory Program

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1607

Legal Deadline: None

Abstract: UGESP Recordkeeping Provisions. On March 15, 1983, the Commission voted to review those portions of the recordkeeping provisions of the Guidelines which relate to the maintenance of data necessary to determine adverse impact. Pursuant to that vote, the Commission published in the Federal Register a notice seeking public comment in general and on several specific questions about UGESP recordkeeping. 48 Fed. Reg. 34766 (Aug. 1, 1983). Approximately 45 comments were received. The Commission is currently reviewing the comments and is considering further action. On June 12, 1984, the Commission voted to prepare an NPRM concerning certain UGESP recordkeeping requirements. Prior to publication for comment, co-signatories to UGESP will engage in discussion of recommended changes and other affected agencies will be consulted under E.O. 12067.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: This is included in the Regulatory Program of the United States under the overall RIN 3046-AA25.

Agency Contact: Jeffrey Zuckerman, Chief of Staff, Office of the Chairman, Equal Employment Opportunity Commission, **202 634-6700**

RIN: 3046-AA00

2845. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; INDIVIDUAL AND CLASS EEO COMPLAINTS PROCESSING

Significance: Regulatory Program

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Legal Deadline: None

Abstract: Comprehensive revision of regulations for processing individual and class EEO complaints in the Federal sector. Under development.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: This is included in the Regulatory Program of the United States under overall RIN 3246-AA26.

Agency Contact: Nicholas M. Inzeo, Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, **202 634-6592**

RIN: 3046-AA11

2846. EQUAL EMPLOYMENT IN THE FEDERAL GOVERNMENT; PROCESSING OF COMPLAINTS FILE UNDER THE EQUAL PAY ACT

Legal Authority: 29 USC 206(d) et seq Equal Pay Act of 1963; 29 USC 204(f) Fair Labor Standards Act of 1938, as amended; 29 USC 206(d) Fair Labor Standards Act of 1938, as amended

CFR Citation: 29 CFR 1613

Legal Deadline: None

Abstract: Development of procedural regulations for processing Federal sector complaints filed under the Equal Pay Act. Under development.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: This is included in the Regulatory Program of the United States under overall RIN 3046-AA26.

Agency Contact: Nicholas M. Inzeo,

Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, **202 634-6592**

RIN: 3046-AA16

2847. PROCEDURES FOR ADMINISTRATIVE EXEMPTIONS UNDER SECTION 9 OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT

Legal Authority: 29 USC 628 Age Discrimination in Employment Act

CFR Citation: 29 CFR 1627.15

Legal Deadline: None

Abstract: The purpose of the proposed amendment to 29 CFR 1627.15 is to give those covered by the ADEA more specific information about what they should do if they do wish to seek an exemption from any or all of the ADEA's prohibitions. The advantage is that the establishment of a specific procedure will facilitate the processing of exemption requests.

Timetable:

Action	Date	FR Cite
Submission of Staff Recommendations to Commission	03/00/84	

Next Action Undetermined

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Richard V. Roscio, Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, **202 634-6592**

RIN: 3046-AA22

2848. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT: HANDICAP

Significance: Regulatory Program

Legal Authority: 29 USC 701 et seq Rehabilitation Act of 1973, as amended

CFR Citation: 29 CFR 1613.701 et seq

Legal Deadline: None

Abstract: The Commission is considering alternative ways of resolving various interpretative issues involving the definition of handicapped persons used in its section 501 regulations. One alternative would be to amend the definitions in the regulation itself. The purpose of these revisions would be to clarify the scope of the definitions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Richard D. Komer, Special Assistant to the Chairman, Office of the Chairman, Equal Employment Opportunity Commission, **202 634-6700**

RIN: 3046-AA23

2849. UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Significance: Regulatory Program

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1607

Legal Deadline: None

Abstract: On March 15, 1983, the Commission voted to review the recordkeeping portions of the Guidelines. During that review process, several questions arose which pertained to the substantive, non-recordkeeping provisions of the Guidelines. Consequently, the Commission decided to review the substantive portions of the Guidelines. The major substantive areas under review are: 1) the purpose of the Guidelines and whether there is still a need for the Guidelines; 2) the theory of adverse impact and the method of determining when such impact is significant; and 3) how to establish test validity. When the review is completed, the Commission will decide whether any regulatory revisions are needed.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
End Review	03/00/86	

Small Entity: No

Additional Information: This action resulted from splitting previous entry RIN 3046-AA00 Uniform Guidelines on Employee Selection Procedures.

It is included in the Regulatory Program of the United States under overall RIN 3046-AA25.

Agency Contact: Jeffrey Zuckerman, Chief of Staff, Office of the Chairman, Equal Employment Opportunity Commission, **202 634-6700**

RIN: 3046-AA24

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) Proposed Rule Stage

2850. THE EQUAL PAY ACT INTERPRETATIONS

Significance: Regulatory Program

Legal Authority: 29 USC 206(d) et seq Equal Pay Act of 1963; 29 USC 201 et seq Fair Labor Standards Act of 1938, as amended; 29 USC 255 Portal-to-Portal Act of 1947

CFR Citation: 29 CFR 1620.1 to 1620.18

Legal Deadline: None

Abstract: The Commission proposes interpretations with respect to the enforcement of the Equal Pay Act. These interpretations would replace those issued by the Department of Labor which appear at 29 CFR Part 800.

EEOC

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM - Previous Comment Period for Prev. NPRM ended	09/01/81 11/02/81	46 FR 43848

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Interagency Coordination will occur under E.O. 12067 before final publication in Federal Register.

Government Levels Affected: Local, State, Federal

Agency Contact: Nicholas M. Inzeo, Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-6592

RIN: 3046-AA07

2851. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; EEO APPEALS

Legal Authority: 42 USC 2000e-16 Sec 717 of Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act; 5 USC 7121 Civil Service Reform Act of 1978

CFR Citation: 29 CFR 1613

Legal Deadline: None

Abstract: The proposed notice of rule making is intended to address the processing of federal sector EEO appeals on the questions of finality, requests to reopen, compliance with, enforcement of, and clarity of Commission decisions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: This is included in the Regulatory Program of the United States under overall RIN 3046-AA26.

Agency Contact: Ronald G. Copeland, Deputy Director, Office of Review and Appeals, Equal Employment Opportunity Commission, 703 756-6076

RIN: 3046-AA17

2852. INTERPRETATIVE BULLETIN ON EMPLOYEE BENEFIT PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 628 The Age Discrimination in Employment Act of 1967

CFR Citation: 29 CFR 1625.10

Legal Deadline: None

Abstract: Comprehensive review of interpretations dealing with costs and benefits under employee benefit plans. The Commission is focusing particularly on interpretations on post normal retirement age pension accruals.

Timetable:

Action	Date	FR Cite
Publication of Request for Comments	09/15/83	
Completion of Regulatory Impact Analysis	04/00/86	
NPRM	06/30/86	

Small Entity: Yes

Additional Information: The Commission is in the process of coordinating proposed rules with affected federal agencies under E.O. 12067.

Agency Contact: Richard V. Roscio, Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-6592

RIN: 3046-AA18

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Final Rule Stage

2853. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; REMEDIAL RELIEF UNDER SECTION 717

Legal Authority: 42 USC 2000e-16 Section 717 of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1613

Legal Deadline: None

Abstract: Proposed amendments provide that an agency or the Commission may award a complainant reasonable attorney's fees and costs and backpay when an allegation of discrimination prohibited by Section 717 is resolved in favor of the complainant. Final regulations have been approved by the Commission and are in interagency coordination pursuant to Executive Order 12067. Changes to the Final regulations as a result of the interagency coordination are now being drafted.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/09/80	45 FR 24130
Interim Regulations effective	04/11/80	
Final Action	09/00/86	

Small Entity: No

Agency Contact: Nicholas M. Inzeo, Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-6592

RIN: 3046-AA06

2854. COORDINATION OF FEDERAL EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Legal Authority: EO 12067 Sec 1-303; EO 12067 Sec 1-304

CFR Citation: 29 CFR 1690

Legal Deadline: None

Abstract: These amendments to 29 CFR 1690 will implement an agreement reached by EEOC and the Department of Justice with the Office of Management and Budget which clarified the sequence to be followed when agencies are required to seek prepublication clearance of equal employment opportunity rules from EEOC under E.O. 12067, DOJ under E.O. 12250, and from OMB under E.O. 12291 and the Paperwork Reduction Act. In addition to clearance by the EEOC

under E.O. 12067, equal employment opportunity rules issued under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, or any other provision of Federal statutory law which prohibits discrimination under any program or activity receiving Federal financial assistance, require clearance from DOJ under E.O. 12250.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Elizabeth M. Thornton, Associate Legal Counsel, Coordination and, Guidance Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-7643

RIN: 3046-AA10

2855. FEDERAL AGENCIES' AFFIRMATIVE PROGRAMS OF EQUAL EMPLOYMENT OPPORTUNITY

Significance: Regulatory Program

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Legal Deadline: None

Abstract: Revision of regulations and management directive on affirmative action in the Federal sector. Under development.

Timetable:

Action	Date	FR Cite
Final Action on management directive	12/00/86	

Small Entity: No

Agency Contact: Douglas J. Bielan, Director, Public Sector Programs, Office of Program Operations, Equal Employment Opportunity Commission, 202 634-6753

RIN: 3046-AA12

2856. EQUAL EMPLOYMENT IN THE FEDERAL GOVERNMENT; ALLEGATIONS OF REPRISAL

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Legal Deadline: None

Abstract: Development of procedural regulations for the Federal sector requiring that all allegations of reprisal discrimination be processed as regular complaints. Staff draft transmitted to Federal agencies for comments, Sept. 1982.

Timetable:

Action	Date	FR Cite
Draft transmitted to agencies	09/00/82	
Interim Final Rule	05/02/83	48 FR 19705
Final Action	09/00/86	

Small Entity: No

Agency Contact: Douglas J. Bielan, Director, Public Sector Programs, Office of Program Operations, Equal Employment Opportunity Commission, 202 634-6753

RIN: 3046-AA13

2857. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; MIXED CASE COMPLAINTS

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Legal Deadline: None

Abstract: Development of procedural regulations for processing complaints of discrimination about personnel actions which are appealable to the Merit Systems Protection Board (mixed case complaints). Final Rule under development.

Timetable:

Action	Date	FR Cite
Draft transmitted to agencies	09/00/82	
Interim Final Rule	05/02/83	
Final Action	09/00/86	

Small Entity: No

Agency Contact: Douglas J. Bielan, Director, Public Sector Programs, Office of Program Operations, Equal Employment Opportunity Commission, 202 634-6753

RIN: 3046-AA14

2858. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; ADMINISTRATIVE APPEALS ON GRIEVANCES WHERE ALLEGATION OF DISCRIMINATION HAS BEEN RAISED

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Legal Deadline: None

Abstract: Development of procedural regulations for administratively appealing decisions on grievances where an allegation of discrimination has been raised. Staff draft transmitted to Federal agencies for comments, Sept. 1982.

Timetable:

Action	Date	FR Cite
Draft transmitted to agencies	09/21/82	
Interim Final Rule	05/02/83	48 FR 19707
Final Action	09/00/86	

Small Entity: No

Agency Contact: Douglas J. Bielan, Director, Public Sector Programs, Office of Program Operations, Equal Employment Opportunity Commission, 202 634-6753

RIN: 3046-AA15

2859. COVERAGE OF APPRENTICESHIP PROGRAMS UNDER THE AGE DISCRIMINATION IN EMPLOYMENT ACT

Legal Authority: 29 USC 628 Age Discrimination in Employment Act of 1967

CFR Citation: 29 CFR 1625.13; 29 CFR 1625.21

Legal Deadline: None

Abstract: The Department of Labor on January 9, 1969, published an interpretative guideline which provided that apprenticeship programs were not covered by the ADEA. On July 1, 1979, the Commission assumed responsibility and authority for enforcement of the

EEOC

Final Rule Stage

ADEA. On September 29, 1981, the Commission republished the Department of Labor's guideline, 29 CFR 1625.13. After an exhaustive review of the ADEA and its legislative history, the Commission proposes to rescind 29 CFR 1625.13, as it presently exists, and promulgate a substantive rule providing that apprenticeship programs are covered by the ADEA. The extension of ADEA coverage to apprenticeship programs is consistent with the purpose of the Act. It will allow those forty years of age and older the same opportunities to participate in apprenticeship programs as are currently enjoyed by younger individuals.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Richard V. Roscio, Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-6592

RIN: 3046-AA21

2860. ADMINISTRATIVE EXEMPTION ALLOWING FOR WAIVERS UNDER THE ADEA

Legal Authority: 29 USC 621 et seq Age Discrimination in Employment Act of 1967

CFR Citation: 29 CFR 1627.16(C)

Legal Deadline: None

Abstract: The Commission proposes to adopt a rule allowing non-EEOC supervised waivers and releases of private rights as an exemption to the provisions of Section 7 of the ADEA for any waiver of rights or release from liability by an employer or job applicant under the ADEA that is voluntary and knowing.

Timetable:

Action	Date	FR Cite
NPRM	10/07/85	50 FR 40807
Comment period completed	12/06/85	
Final Action	09/00/86	

Small Entity: No

Agency Contact: Richard V. Roscio, Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-6592

RIN: 3046-AA28

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Completed Actions

2861. RECORDKEEPING REGULATIONS

CFR Citation: 29 CFR 1602

Completed:

Reason	Date	FR Cite
No further action currently expected	02/03/86	

Small Entity: Yes

Agency Contact: Nicholas M. Inzeo 202 634-6592

RIN: 3046-AA03

2862. COLLECTION OF APPLICANT DATA FOR AFFIRMATIVE ACTION PURPOSES

CFR Citation: 29 CFR 1613.706

Completed:

Reason	Date	FR Cite
No further action currently expected	02/03/86	

Small Entity: No

Agency Contact: Clayton G. Boyd 202 634-6753

RIN: 3046-AA05

2863. SUBSTANTIVE REGULATIONS ON HEALTH INSURANCE BENEFITS FOR EMPLOYEES AGE 65 TO 69

CFR Citation: 29 CFR 1625

Completed:

Reason	Date	FR Cite
No further action currently expected	02/03/86	

Small Entity: No

Agency Contact: Nicholas M Inzeo 202 634-6592

RIN: 3046-AA19

[FR Doc. 86-6298 Filed 04-18-86; 8:45 am]

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federal register

Monday
April 21, 1986

Part XXII

Federal Emergency Management Agency

Semiannual Regulatory Agenda

FEMA

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Ch. I

Semiannual Agenda

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Semiannual agenda.

SUMMARY: Pursuant to section 5 of Executive Order 12291 ("Federal Regulations") the Federal Emergency Management Agency is publishing its semiannual agenda for FEMA. The agenda lists regulations that will be under development or review during the period April 1, 1986 to April 1, 1987.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 840, 500 C Street, S.W., Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: For general information, contact William L. Harding, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 646-4096. For additional information about a specific regulation, contact the person listed as the contact point in the agenda.

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulations," directs each Executive agency to adopt procedures to improve existing and future regulations. Publication of an agenda of significant regulations is called for at least semiannually in order to give the public adequate notice of agency rulemaking activities; also publication of a regulatory flexibility agenda concerning rules likely to have a significant impact on a substantial number of small entities must be published in accordance with 5 U.S.C. 601 et seq.

In fulfillment of requirements imposed by the Executive Order and 5 U.S.C. 601, et seq., this agenda describes current and projected regulations, and regulations which will be under review during the period April 1, 1986 to April 1, 1987. This agenda also contains information on regulations on which action was completed since the last FEMA semiannual agenda published October 29, 1985 at 50 FR 44718.

Public comment on the agenda, including that by State and local governments, is invited and should be submitted to the Rules Docket Clerk.

The agenda is not limited to major or significant rules and contains as much information as possible concerning all FEMA regulations to be published in the next 12 months except for routine flood elevation determinations, listing of eligible communities under the National Flood Insurance Program, listing of suspended communities and similar designations.

DATED: February 25, 1986.

Spence W. Perry,

Acting General Counsel.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2864	Preservation of the Mobilization Base Through the Placement of Procurement and Facilities in Labor Surplus Areas	3067-AA32
2865	Policy Guidance and Delegation of Authorities for Use of Priorities and Allocations to Maximize Domestic Energy Supplies	3067-AA33
2866	Use of Priorities and Allocation Authority for Federal Supply Classification (FSC) Common Use Items (DMO-12)	3067-AA34
2867	General Policies for Strategic and Critical Materials Stockpiling (DMO-11)	3067-AA35
2868	Policy on Use of Government-Owned Industrial Plant Equipment by Private Industry (DMO-10A)	3067-AA36
2869	Policy Guidance for a National Emergency Blood Program	3067-AA37
2870	Emergency Health and Medical Occupations	3067-AA38
2871	National Security Policy Governing Scientific and Engineering Manpower (DMO-5)	3067-AA43
2872	Guidance on Priority Use of Resources in Immediate Post Attack Period (DMO-4)	3067-AA44
2873	Defense Production Priorities and Allocations Authority	3067-AA45
2874	Maintenance of the Mobilization Base	3067-AA46
2875	Dispersion and Protective Construction: Policy, Criteria Responsibilities (DMO-1)	3067-AA47
2876	Review and Approval of State and Local Emergency Response Plans	3067-AA76
2877	Radiological Emergency Planning and Preparedness	3067-AA77
2878	Flood Insurance Rating System Changes	3067-AA98
2879	National Earthquake Hazards Reduction Program (NEHRP)	3067-AA99

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2880	Nondiscrimination in Federally-Assisted Programs	3067-AA00
2881	Part 205 - Federal Disaster Assistance (PL 93-288, Subpart M - Hazard Mitigation)	3067-AA13
2882	Nondiscrimination on the Basis of Handicap in FEMA	3067-AA42
2883	Federal Disaster Assistance Sub-Part E Public Assistance	3067-AA53
2884	Procedures for Flood Insurance Map Changes	3067-AA58
2885	Criteria for Recognition of Flood Protection Structures on Flood Insurance Maps	3067-AA63
2886	Individual and Family Grant Program	3067-AA64
2887	State Assistance Programs for Training and Education in Comprehensive Emergency Management	3067-AA70

FEMA

Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2888	Temporary Relocation Assistance - Superfund	3067-AA72
2889	National Flood Insurance Program Changes	3067-AA79
2890	State Cost Share Criteria for Superfund Relocations	3067-AA83
2891	Permanent Relocation Assistance	3067-AA84
2892	Disaster Assistance: the Declaration Process	3067-AA85
2893	Audit of State and Local Governments	3067-AA88
2894	Project Administration	3067-AA89
2895	Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments	3067-AA90
2896	Community Disaster Loans	3067-AA95
2897	Nation Flood Insurance Program Changes	3067-AA96
2898	Flood Insurance Rate Changes	3067-AA97

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2899	Duplication of Benefits	3067-AA65
2900	Temporary Housing Assistance	3067-AA86
2901	Reimbursement of Other Federal Agencies	3067-AA92
2902	Civil Defense: State and Local Emergency Management Assistance (EMA)	3067-AA94

Completed Actions

Sequence Number	Title	Regulation Identifier Number
2903	Contributions for Civil Defense Equipment	3067-AA48
2904	Flood Insurance Policy Coverage and Rate Changes	3067-AA62
2905	Civil Defense: State and Local Emergency Management Assistance Programs (EMA)	3067-AA66
2906	Radiological Protection Program	3067-AA67
2907	Population Protection Planning Program	3067-AA68
2908	Uniform Relocation Assistance	3067-AA69
2909	Fire Suppression Assistance	3067-AA93

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Prerule Stage

2864. PRESERVATION OF THE MOBILIZATION BASE THROUGH THE PLACEMENT OF PROCUREMENT AND FACILITIES IN LABOR SURPLUS AREAS

Legal Authority: EO 10480; EO 12148

CFR Citation: 44 CFR 331

Legal Deadline: None

Abstract: This part sets policy and makes assignments with respect to award of contracts, etc. in labor surplus areas for purposes of preserving the mobilization base.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA32

2865. POLICY GUIDANCE AND DELEGATION OF AUTHORITIES FOR USE OF PRIORITIES AND ALLOCATIONS TO MAXIMIZE DOMESTIC ENERGY SUPPLIES

Legal Authority: 50 USC 2061 et seq; PL 94-163, Sec 104

CFR Citation: 44 CFR 330

Legal Deadline: None

Abstract: This regulation establishes policy guidance on determination and use of priorities and allocations for materials and equipment to maximize

domestic energy supplies pursuant to section 101(c) of the Defense Production Act.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA33

2866. USE OF PRIORITIES AND ALLOCATION AUTHORITY FOR FEDERAL SUPPLY CLASSIFICATION (FSC) COMMON USE ITEMS (DMO-12)

Legal Authority: 50 USC App 2061 et seq; EO 10480

CFR Citation: 44 CFR 329

Legal Deadline: None

Abstract: This part provides policy guidance concerning the use of priorities and allocations authority in Title I of Defense Production Act for the procurement of common use items in the Federal Supply Classification.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA34

2867. GENERAL POLICIES FOR STRATEGIC AND CRITICAL MATERIALS STOCKPILING (DMO-11)

Legal Authority: 50 USC 98 et seq

CFR Citation: 44 CFR 328

Legal Deadline: None

Abstract: This part sets forth policies for the administration of strategic and critical materials stockpiling under the Strategic and Critical Materials Stock Piling Act.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA35

2868. POLICY ON USE OF GOVERNMENT-OWNED INDUSTRIAL PLANT EQUIPMENT BY PRIVATE INDUSTRY (DMO-10A)

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 327

Legal Deadline: None

Abstract: This part establishes policy on use by private industry of Government-owned industrial plant equipment to maintain a reserve of such equipment for emergency preparedness.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA36

2869. POLICY GUIDANCE FOR A NATIONAL EMERGENCY BLOOD PROGRAM

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 326

Legal Deadline: None

Abstract: This regulation prescribes objectives, policies and responsibilities of the National Emergency Blood Program.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA37

2870. EMERGENCY HEALTH AND MEDICAL OCCUPATIONS

Legal Authority: 50 USC App 2061; EO 11490

CFR Citation: 44 CFR 325

Legal Deadline: None

Abstract: This regulation lists emergency health and medical occupations in support of functions under Executive Order Assigning Emergency Preparedness Functions.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA38

2871. NATIONAL SECURITY POLICY GOVERNING SCIENTIFIC AND ENGINEERING MANPOWER (DMO-5)

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 324

Legal Deadline: None

Abstract: This part provides policy on the training and utilization of the scientific and engineering workforce as it affects national security.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA43

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Prerule Stage

2872. GUIDANCE ON PRIORITY USE OF RESOURCES IN IMMEDIATE POST ATTACK PERIOD (DMO-4)

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 323

Legal Deadline: None

Abstract: This regulation states policy on use of resources in a post attack period and provides general guidance for Federal, State and local governments on activities to be accorded priority in use of resources, and lists items essential to national survival.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA44

2873. DEFENSE PRODUCTION PRIORITIES AND ALLOCATIONS AUTHORITY

Legal Authority: 50 USC App 2061 et seq; EO 10480

CFR Citation: 44 CFR 322

Legal Deadline: None

Abstract: This regulation establishes policy guidance and delegates authority with respect to priorities and allocation functions in the Defense Production Act.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA45

2874. MAINTENANCE OF THE MOBILIZATION BASE

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 321

Legal Deadline: None

Abstract: This regulation deals with policies concerning the mobilization base for Department of Defense, Department of Energy, and Maritime Administration and includes procedures relating to selection and maintenance of the base.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA46

2875. DISPERSION AND PROTECTIVE CONSTRUCTION: POLICY, CRITERIA RESPONSIBILITIES (DMO-1)

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 320

Legal Deadline: None

Abstract: This regulation establishes policy and criteria to encourage dispersal of facilities important to the national security and that these be located so as to reduce the risk of damage in event of attack.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA47

2876. REVIEW AND APPROVAL OF STATE AND LOCAL EMERGENCY RESPONSE PLANS

Legal Authority: 50 USC 5131; 50 USC 5201; 50 USC App 2253(g); EO 12148

CFR Citation: 44 CFR 350

Legal Deadline: None

Abstract: Review existing regulation governing policies and procedures for review and approval of State and local emergency plans and preparedness for the offsite effects of a radiological emergency which might occur at a commercial nuclear power plant.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/86	
End Review	05/31/86	

Small Entity: No

Agency Contact: Marshall Sanders, Chief, Program Development Branch, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-4131

RIN: 3067-AA76

2877. RADIOLOGICAL EMERGENCY PLANNING AND PREPAREDNESS

Legal Authority: EO 12148; EO 12241

CFR Citation: 44 CFR 351

Legal Deadline: None

Abstract: Review of regulation which sets out Federal agency roles and assigns tasks regarding Federal assistance to State and local government in their radiological emergency planning and preparedness activities application to radiological accidents at commercial nuclear power facilities.

Timetable:

Action	Date	FR Cite
Begin Review	03/12/86	
End Review	05/14/86	

Small Entity: No

Agency Contact: Marshall Sanders, Chief, Program Development Branch, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-4131

RIN: 3067-AA77

2878. ● FLOOD INSURANCE RATING SYSTEM CHANGES

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 41 CFR 61

Legal Deadline: None

Abstract: National Flood Insurance Program premium rating system changes under consideration include community rating, elevation rating outside special flood hazard areas and also for the emergency program, a coastal shoreline rating system, and an additional charge for machinery and

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equipment below the base flood elevation and in the open.

Timetable:

Action	Date	FR Cite
ANPRM	04/04/86	
ANPRM Comment Period End	07/07/86	
NPRM	11/30/86	
NPRM Comment Period End	01/30/87	
Final Action	08/01/87	
Final Action Effective	10/01/87	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrator, FIA, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3419

RIN: 3067-AA98

2879. ● NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM (NEHRP)

Legal Authority: 42 USC 7701 et seq

CFR Citation: 44 CFR 370

Legal Deadline: None

Abstract: In accordance with the Earthquake Hazards Reduction Act of 1977, as amended, this regulation will assign Federal agency responsibilities for implementation of the National Earthquake Hazards Reduction Program.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	
ANPRM Comment Period End	00/00/00	

Small Entity: Not Applicable

Government Levels Affected: Local, State, Federal

Agency Contact: Richard W. Krimm, Assistant Associate Director, Office of Natural & Technological Hazards Program, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2871

RIN: 3067-AA99

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Proposed Rule Stage

2880. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

Legal Authority: 42 USC 2000d-1; 29 USC 794; 20 USC 1682; 42 USC 6103; 42 USC 5151; Reorganization Plan No. 3 of 1978; EO 12127; EO 12148

CFR Citation: 44 CFR 7

Legal Deadline: None

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975 and section 311 of the Disaster Relief Act of 1974. A draft regulation is undergoing interagency review. The Notice of proposed rulemaking will be issued as soon as interagency clearances are obtained.

Timetable:

Action	Date	FR Cite
NPRM	10/01/86	
NPRM Comment Period End	12/01/86	
Interim Final Rule	01/15/87	
Final Action	02/15/87	

Small Entity: No

Agency Contact: John J. Brosnahan, Director, Office of Equal Opportunity, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-4121

RIN: 3067-AA00

2881. PART 205 - FEDERAL DISASTER ASSISTANCE (PL 93-288, SUBPART M - HAZARD MITIGATION)

Legal Authority: 42 USC 5201

CFR Citation: 44 CFR 205.400

Legal Deadline: None

Abstract: The proposed rule revision clarifies the hazard mitigation provisions of the Disaster Relief Act of 1974 by specifying general plan requirements and guidelines as well as other procedural requirements. The Hazard Mitigation Requirement is intended to serve as an aid to State and local governments in developing an overall mitigation program to minimize the costs of natural disasters.

Timetable:

Action	Date	FR Cite
NPRM	03/28/86	
NPRM Comment Period End	05/28/86	
Final Action	08/09/86	

Small Entity: No

Agency Contact: Laurence W. Zensinger, Acting Chief, Hazard Mitigation Branch, Federal Emergency Management Agency, Disaster Assistance Programs, Room 713, 500 C Street, SW, Washington, DC 20472, 202 646-3681

RIN: 3067-AA13

2882. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEMA

Legal Authority: 29 USC 794

CFR Citation: 44 CFR 16

Legal Deadline: None

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of section 504 of the Rehabilitation Act of 1973, as amended in 1978 to include activities conducted directly by Federal agencies. A draft regulation has been prepared and submitted to the Department of Justice and the Equal Employment Opportunity Commission for review.

Timetable:

Action	Date	FR Cite
NPRM	10/01/86	
NPRM Comment Period End	12/01/86	
Interim Final Rule	01/15/87	
Final Action	02/15/87	

Small Entity: No

Agency Contact: John J. Brosnahan, Director, Office of Equal Opportunity, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-4121**

RIN: 3067-AA42

2883. FEDERAL DISASTER ASSISTANCE SUB-PART E PUBLIC ASSISTANCE

Legal Authority: 42 USC 5201

CFR Citation: 44 CFR 205.70 et seq

Legal Deadline: None

Abstract: This proposed rule makes changes in the FEMA disaster assistance regulations implementing the Disaster Relief Act of 1974 (PL 93-288). Changes are made in the eligibility of costs of public assistance to State and local governments. This is being done in recognition of the commitment to the disaster effort now being made by applicants in the form of cost sharing of eligible costs.

Timetable:

Action	Date	FR Cite
NPRM	02/03/84	49 FR 4222
NPRM Comment Period End	06/04/84	
NPRM Comment Period Begin	09/30/85	
NPRM	03/28/86	
NPRM Comment Period End	05/27/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Charles B. Stuart, General Engineer, Public Assist. Division, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3691**

RIN: 3067-AA53

2884. PROCEDURES FOR FLOOD INSURANCE MAP CHANGES

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 65; 44 CFR 70

Legal Deadline: None

Abstract: Certain procedures for map changes need to be clarified and set forth as rules. These procedures are for revising maps under 44 CFR 65 and 44 CFR 70 and for permitting communities to revise regulatory floodways.

Timetable:

Action	Date	FR Cite
NPRM	03/03/86	
NPRM Comment Period End	05/02/86	
Final Action	08/29/86	
Final Action Effective	10/01/86	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrator, FIA, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3419**

RIN: 3067-AA58

2885. CRITERIA FOR RECOGNITION OF FLOOD PROTECTION STRUCTURES ON FLOOD INSURANCE MAPS

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 65

Legal Deadline: None

Abstract: The regulation will establish criteria defining when FEMA will credit flood protection structures with reducing the size of the Special Flood Hazard Area shown, or to be shown, on FEMA flood maps. The criteria will include design, operation and maintenance standards and requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/03/86	
NPRM Comment Period End	05/02/86	
Final Action	08/29/86	
Final Action Effective	10/01/86	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrator, FIA, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3419**

RIN: 3067-AA63

2886. INDIVIDUAL AND FAMILY GRANT PROGRAM

Legal Authority: 42 USC 5178; 42 USC 5201

CFR Citation: 44 CFR 205.54

Legal Deadline: None

Abstract: The proposed revisions will address the problems of timeliness of grant assistance, introduce methods for speeding up the administrative processes used by FEMA and the States, and hopefully result in a more efficiently administered program.

Timetable:

Action	Date	FR Cite
NPRM	03/15/86	
NPRM Comment Period End	05/15/86	
Final Action	07/15/86	
Final Action Effective	08/15/86	

Small Entity: Not Applicable

Agency Contact: Agnes C. Mravcak, Federal Emergency Management Agency, Room 710, 500 C Street, SW, Washington, DC 20472, **202 646-3660**

RIN: 3067-AA64

2887. STATE ASSISTANCE PROGRAMS FOR TRAINING AND EDUCATION IN COMPREHENSIVE EMERGENCY MANAGEMENT

Legal Authority: Reorganization Plan No. 3, 1978; EO 12127; EO 12148

CFR Citation: 44 CFR 360

Legal Deadline: None

Abstract: This regulation revises existing regulation governing the State Assistance Program for Training and Education in Comprehensive Emergency Management to reflect program and administrative changes occurring since issuance of the regulation in 1981.

Timetable:

Action	Date	FR Cite
NPRM	05/01/86	
NPRM Comment Period End	07/01/86	

Small Entity: No

Agency Contact: Joseph L. LeFleur, Superintendent, Emergency Mgmt. Institute, Federal Emergency Management Agency, Emmitsburg, MD 21727, **301 447-6771**

RIN: 3067-AA70

2888. TEMPORARY RELOCATION ASSISTANCE - SUPERFUND

Legal Authority: 42 USC 9601 et seq

CFR Citation: 44 CFR 220

Legal Deadline: None

FEMA **Proposed Rule Stage**

Abstract: This part prescribes policy and program guidance to be followed when implementing temporary relocation assistance under the Comprehensive Environmental Response, Compensation and Liability Act, 1980 (CERCLA) Superfund.

Timetable:

Action	Date	FR Cite
NPRM	06/01/86	
NPRM Comment Period End	08/01/86	

Small Entity: No

Agency Contact: Kathleen M. Brody, Emergency Management Specialist, Federal Emergency Management Agency, Room 701, 500 C Street, SW, Washington, DC 20472, 202 646-3804

RIN: 3067-AA72

2889. NATIONAL FLOOD INSURANCE PROGRAM CHANGES

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 60; 44 CFR 61; 44 CFR 73; 44 CFR 76

Legal Deadline: None

Abstract: Possible changes to the insurance contract include mobile home changes. The floodplain management provisions of the NFIP dealing with mobile homes may also be revised, along with other floodplain management changes, including possible changes involving standards for application of sec. 1316 of the National Flood Insurance Act of 1968, additional guidance on community probation and suspension, placement of mechanical and utility equipment, use of best available data, requirements for elevation certificates in unnumbered A-zones, floodproofing, variances, functionally dependent uses, residential basements, openings in elevated building enclosures, and deletion of 44 CFR 76 (State Assistance Program regulations).

Timetable:

Action	Date	FR Cite
NPRM	03/03/86	
NPRM Comment Period End	05/02/86	
Final Action	08/29/86	
Final Action Effective	10/01/86	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3419

RIN: 3067-AA79

2890. STATE COST SHARE CRITERIA FOR SUPERFUND RELOCATIONS

Legal Authority: 42 USC 9601 et seq

CFR Citation: 42 CFR 222

Legal Deadline: None

Abstract: This part provides basic guidance with regard to the State's allowable costs associated with the administration of temporary and permanent relocation activities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
NPRM Comment Period End	06/00/86	

Small Entity: No

Agency Contact: Karen Forbes, Emergency Management Specialist, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3807

RIN: 3067-AA83

2891. PERMANENT RELOCATION ASSISTANCE

Legal Authority: 42 USC 9601 et seq

CFR Citation: 44 CFR 221

Legal Deadline: None

Abstract: This part prescribes the policies to be followed by the Federal Emergency Management Agency or any State or local government when implementing permanent relocation under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), also known as Superfund.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
NPRM Comment Period End	09/00/86	
Final Action	11/00/86	

Small Entity: No

Agency Contact: Kathleen Brody, Emergency Management Specialist, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3804

RIN: 3067-AA84

2892. DISASTER ASSISTANCE: THE DECLARATION PROCESS

Legal Authority: 42 USC 5201

CFR Citation: 44 CFR 205, Subpart C

Legal Deadline: None

Abstract: This document describes several proposed regulation changes, most of which are intended to implement the requirement in the Disaster Relief Act of 1974 that Federal disaster assistance be supplemental to the efforts and resources of State and local governments. The policy would require that for each major disaster and emergency the Governor of the affected State make a commitment, on behalf of the State and local governmental and eligible private nonprofit entities to assume a portion of otherwise eligible "public assistance" costs as a part of the non-Federal effort to respond to Presidentially-declared major disasters or emergencies. This proposed rule change includes the establishment of a declaration decision-making system that would incorporate the use of "capability indicators" upon which a public assistance recommendation for a declaration could be made. This proposed rule also includes changes to the current FEMA regulations relating to FEMA policy on preliminary damage assessments, the Consolidated List of Debarred, Suspended, and Ineligible contractors, and the FEMA-State Agreement with regard to certain Indian tribes and Alaskan Native villages.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Sewall H. E. Johnson, Emergency Management Officer, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3616

RIN: 3067-AA85

2893. AUDIT OF STATE AND LOCAL GOVERNMENTS

Legal Authority: PL 98-502

CFR Citation: 44 CFR 14

Legal Deadline: None

Abstract: This regulation will implement for FEMA the Single Audit Act.

Timetable:

Action	Date	FR Cite
NPRM	03/31/86	
NPRM Comment Period End	05/31/86	

Small Entity: No

Agency Contact: Jane Altenhofen, Supervisory Auditor Office of Inspector General, Federal Emergency Management Agency, Office of Inspector General, 500 C Street, SW, Washington, DC 20472, **202 646-3905**

RIN: 3067-AA88

2894. PROJECT ADMINISTRATION

Legal Authority: 42 USC 5201

CFR Citation: 44 CFR 205, Subpart H

Legal Deadline: None

Abstract: Project Administration under Disaster Relief Act. This regulation updates and revises the existing regulation. Interim changes were made in August 1985.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Bruce Baughman, Program Officer, Federal Emergency Management Agency, Office of Disaster Assistance Programs, 500 C Street, SW, Washington, DC 20472, **202 646-3680**

RIN: 3067-AA89

2895. ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: Reorganization Plan No. 3 of 1978; EO 12148

CFR Citation: 44 CFR 13

Legal Deadline: None

Abstract: This part will establish uniform administrative rules for Federal grants and cooperative agreements to State and local governments and federally recognized Indian Tribal governments. These will be common regulations issued with other government agencies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Arthur Curry, Chief, Policy Division, Off. of Comptroller, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3718**

RIN: 3067-AA90

2896. ● COMMUNITY DISASTER LOANS

Legal Authority: 42 USC 5201

CFR Citation: 44 CFR 205, Subpart F

Legal Deadline: None

Abstract: To provide FEMA policies and procedures for administering the Community Disaster Loan Program under section 414, PL 93-288.

Timetable:

Action	Date	FR Cite
NPRM	06/20/86	
NPRM Comment Period End	08/20/86	

Small Entity: No

Government Levels Affected: Local

Agency Contact: Gene Morath, Program Officer, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3683**

RIN: 3067-AA95

2897. ● NATION FLOOD INSURANCE PROGRAM CHANGES

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 60; 44 CFR 77

Legal Deadline: None

Abstract: Possible changes to the Flood Plain Management provisions of the NFIP include changes to the definition of substantial improvement, guidance on construction in alluvial fan areas, requirements for pile embedment for V-Zone structures, further guidance on community compliance with NFIP criteria, and technical amendments to regulations on acquisition of flood-damaged property under section 1362 of the National Flood Insurance Act of 1968.

Timetable:

Action	Date	FR Cite
NPRM	11/30/86	
NPRM Comment Period End	01/30/87	
Final Action	08/01/87	
Final Action Effective	10/01/87	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrator, FIA, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3419**

RIN: 3067-AA96

2898. ● FLOOD INSURANCE RATE CHANGES

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 61

Legal Deadline: None

Abstract: The proposed rule would increase the chargeable subsidized premium rates, which apply to all structures in communities participating in the emergency program of the National Flood Insurance Program and to certain structures in communities in the regular program.

Timetable:

Action	Date	FR Cite
NPRM	03/28/86	
NPRM Comment Period End	05/27/86	
Final Action	08/29/86	
Final Action Effective	10/01/86	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrater, FIA, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3419**

RIN: 3067-AA97

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Final Rule Stage

2899. DUPLICATION OF BENEFITS

Legal Authority: 42 USC 5155; 42 USC 5201

CFR Citation: 44 CFR 205.10

Legal Deadline: None

Abstract: This regulation will address the prevention of and remedies for duplication of benefits between disaster assistance programs under the Disaster Relief Act and other available assistance (insurance, other legislative authorities).

Timetable:

Action	Date	FR Cite
NPRM	05/22/85	50 FR 21085
NPRM Comment Period End	07/22/85	
Final Action	03/28/86	
Final Action Effective	04/28/86	

Small Entity: Not Applicable

Agency Contact: Donna M. Dannels, Federal Emergency Management Agency, Room 710, 500 C Street, SW, Washington, DC 20472, **202 646-3662**

RIN: 3067-AA65

2900. TEMPORARY HOUSING ASSISTANCE

Legal Authority: 42 USC 5174

CFR Citation: 44 CFR 205.52

Legal Deadline: None

Abstract: The revised rule, to be published as proposed, will implement the program changes made since the publication of the current program regulations, as well as clarify several areas which caused inconsistency in delivery of assistance.

Timetable:

Action	Date	FR Cite
NPRM	12/06/85	50 FR 49959
NPRM Comment Period End	02/04/86	
Final Action	04/30/86	
Final Action Effective	05/30/86	

Small Entity: No

Agency Contact: Sarah L. Wise, Emergency Management Specialist, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3657**

RIN: 3067-AA86

2901. REIMBURSEMENT OF OTHER FEDERAL AGENCIES

Legal Authority: 42 USC 5201

CFR Citation: 44 CFR 205, Subpart I

Legal Deadline: None

Abstract: This updates the existing regulation which specifies procedures for obtaining or authorizing the provision of services or use of resources of other Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	08/21/85	50 FR 33783
NPRM Comment Period End	10/21/85	
Final Action	09/30/86	

Small Entity: No

Agency Contact: John F. Guere, Emergency Management Specialist, Federal Emergency Management Agency, Office of Disaster Assistance Programs, 500 C Street, SW, Washington, DC 20472, **202 646-8675**

RIN: 3067-AA92

2902. CIVIL DEFENSE: STATE AND LOCAL EMERGENCY MANAGEMENT ASSISTANCE (EMA)

Legal Authority: Reorg. Plan No. 3 of 1978; 50 USC App. 2253 Sec 401 Fed. Civil Def. Act of 1950 as amended; EO 12148

CFR Citation: 44 CFR 302, (Revision)

Legal Deadline: None

Abstract: 44 CFR 302 is being revised to: (1) rename and redefine operational plans as emergency operational plans (EOP's) and to add the requirement for EOP's to conform with two FEMA guides, and (2) to permit States to submit primary annual submission documents in amounts not to exceed their tentative allocation amounts and for those documents to be approved as final annual submissions under certain prescribed conditions. There will be no additional costs incurred. The benefit is the enhancement of the civil defense readiness of the Nation.

Timetable:

Action	Date	FR Cite
NPRM	07/05/85	50 FR 27627
NPRM Comment Period End	09/03/85	
Final Action	03/01/86	
Final Action Effective	04/01/86	

Small Entity: No

Additional Information: This rulemaking results from review under 3067-AA66 - Civil Defense State and Local Emergency Management Assistance Program (EMA).

Agency Contact: John McKay, Chief, Federal Emergency Management Agency, Emergency Mgmt. Systems Development Division, 500 C Street, SW, Washington, DC 20472, **202 646-3509**

RIN: 3067-AA94

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Completed Actions

2903. CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

CFR Citation: 44 CFR 301

Completed:

Reason	Date	FR Cite
Withdrawn	02/01/86	

Small Entity: No

Agency Contact: Joseph Mealy 202 646-3104

RIN: 3067-AA48

2904. FLOOD INSURANCE POLICY COVERAGE AND RATE CHANGES

CFR Citation: 44 CFR 61; 44 CFR 64; 44 CFR 66; 44 CFR 70; 44 CFR 75

Completed:

Reason	Date	FR Cite
Withdrawn	11/01/85	

Small Entity: No

FEMA

Completed Actions

Agency Contact: Donald L. Collins 202 646-3419

RIN: 3067-AA62

2905. CIVIL DEFENSE: STATE AND LOCAL EMERGENCY MANAGEMENT ASSISTANCE PROGRAMS (EMA)

CFR Citation: 44 CFR 302, (Revision)

Completed:

Reason	Date	FR Cite
Withdrawn	02/01/86	

Small Entity: No

Agency Contact: John McKay 202 646-3509

RIN: 3067-AA66

2906. RADIOLOGICAL PROTECTION PROGRAM

CFR Citation: 44 CFR Chapter I, Subchapter E

Completed:

Reason	Date	FR Cite
Withdrawn	02/01/86	

Small Entity: Not Applicable

Agency Contact: George C. Meyer 202 646-3498

RIN: 3067-AA67

2907. POPULATION PROTECTION PLANNING PROGRAM

CFR Citation: 44 CFR 313

Completed:

Reason	Date	FR Cite
Withdrawn	02/01/86	

Small Entity: Not Applicable

Agency Contact: John E. Bokel 202 646-3500

RIN: 3067-AA68

2908. UNIFORM RELOCATION ASSISTANCE

CFR Citation: 44 CFR 25

Completed:

Reason	Date	FR Cite
Final Action	02/27/86	51 FR 7020
Final Action Effective	05/27/86	

Small Entity: No

Agency Contact: John L. Scheibel 202 646-4100

RIN: 3067-AA69

2909. FIRE SUPPRESSION ASSISTANCE

CFR Citation: 44 CFR 205, Subpart G

Completed:

Reason	Date	FR Cite
Final Action	12/11/85	
Final Action Effective	01/10/86	50 FR 50618

Small Entity: No

Agency Contact: Gene Morath 202 646-3683

RIN: 3067-AA93

[FR Doc. 86-5782 Filed 04-18-86; 8:45 am]

BILLING CODE 6718-01-T

Federal Register

Monday
April 21, 1986

Part XXIII

Federal Mediation and Conciliation Service

Semiannual Regulatory Agenda

FMCS

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Semiannual agenda required by the Regulatory Flexibility Act of 1980.

SUMMARY: The Federal Mediation and Conciliation Service is redrafting one regulation subject to the Regulatory Flexibility Act during the six month period from April 1986 to October 1986. That regulation is Arbitration Policy and Practice.

FOR FURTHER INFORMATION CONTACT: Daniel P. Dozier, Counsel, Federal Mediation and Conciliation Service, 2100 K Street, N.W., Washington, D.C. 20427, (202) 653-5305.

DATED: March 14, 1986.

Duane M. Buckmaster,

Deputy Director.

FEDERAL MEDIATION AND CONCILIATION SERVICE (FMCS) — Prerule Stage

2910. REVIEW OF EXISTING ARBITRATION REGULATION

Significance: Agency Priority

Legal Authority: 29 USC 172; 5 USC 552; 29 USC 173

CFR Citation: 29 CFR 1404

Legal Deadline: None

Abstract: The Federal Mediation and Conciliation Service is in the process of redrafting its existing Arbitration Services regulation at 29 CFR Part 1404. The Service will have completed its initial draft by October 1986. A proposed rule will be published soon thereafter and public comments solicited.

Timetable:

Action	Date	FR Cite
End Review	09/00/86	
NPRM	10/01/86	

Small Entity: No

Agency Contact: Daniel P. Dozier, Counsel, Federal Mediation and Conciliation Service, 2100 K Street NW, Washington, DC 20427, 202 653-5305

RIN: 3076-AA01

[FR Doc. 86-6299 Filed 04-18-86; 8:45 am]

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Federal Register

Monday
April 21, 1986

Part XXIV

General Services Administration

Semiannual Regulatory Agenda

GSA

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 101, 105, and 201

48 CFR Ch. 5

Unified Agenda of Federal Regulations

AGENCY: General Services Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those actions that were completed since October 1985. This agenda was developed under the guidelines in OMB Bulletin No. 86-4, dated December 23, 1985. GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: Rodney Lantier, Chief, Directives and Reports Management Branch (202) 566-0666.

SUPPLEMENTARY INFORMATION: GSA has one priority regulation designated by the Agency. None of the regulations will have an effect on small businesses or other entities. None of the regulations listed are considered major under Executive Order 12291, Federal Regulations.

DATED: February 14, 1986.

Terence C. Golden,

Administrator of General Services.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2911	Federal Property Management Regulations; Revises the Reporting Requirements for Real Property	3090-AB31
2912	Donation of Personal Property	3090-AA23
2913	Donation of Abandoned and Forfeited Personal Property	3090-AA24
2914	Payment of Substitute Documents	3090-AC36
2915	Revision of Acquisition and Management Provisions regarding the Changing Telecommunication Marketplace, including the Detariffing of Customer Premises Equipment (84.06A)	3090-AB08

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2916	Utilization and Disposal of Personal Property	3090-AA45
2917	General Services Administration Acquisition Regulation (GSAR)- Small Business Technical Advisors	3090-AB39
2918	General Services Administration Acquisition Regulation Change Part 519	3090-AB76
2919	Debarment/Suspension of Contractors from Purchases of Federal Personal Property	3090-AC35
2920	Buy American Act - Construction Materials (GSAR 5-131)	3090-AC37
2921	Price Adjustment Clause (GSAR 5-98)	3090-AC39
2922	Miscellaneous Forms - GSA Form 2877, 353, and 3471 (GSAR 5-132)	3090-AC40
2923	Department of Defense Reservist/Retiree Military Emergency Travel Warrant	3090-AA05
2924	Abandonment or Destruction of Personal Property	3090-AA28
2925	Instructions for Numbering Standard Form 121, Report of Excess Personal Property. Project 86.14A	3090-AC25
2926	Implementation of Federal Information Processing Standards(FIPS) and Federal Telecommunications Standards (FED-STDS) Project 86.17A	3090-AC26
2927	Enforcement of Nondiscrimination on the Basis of Handicap in Federally Conducted Programs	3090-AC48
2928	Nondiscrimination on the Basis of Race, Color, National Origin, and where applicable, sex	3090-AC49

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2929	Management of Buildings and Grounds	3090-AA69
2930	Supply Sources and Related Programs	3090-AA89
2931	General Services Administration Acquisition Regulation Change Subpart 46.7	3090-AB82
2932	General Services Administration Acquisition Regulation, Change Receipt of Proposals and Quotations	3090-AB83
2933	General Services Administration Acquisition Regulation Change Part 501	3090-AB86
2934	Payment Due Date Clauses for Construction and Building Contracts (GSAR 5-84)	3090-AC45
2935	Collection of Claims Owed the United States	3090-AB45
2936	Revision of Public Voucher for Transportation Charges, Standard Form 1113	3090-AB69
2937	Revision of Voucher and Schedule of Payments Standard Form 1166 Instructions	3090-AB97

GSA

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2938	Audit Procedures for Commercial Bills of Lading- Cost-Reimbursement-Type Contracts	3090-AC20
2939	Revision of Standard Form 1203 - US Government Bill of Lading - Privately Owned Personal Property	3090-AC21
2940	National Defense Stockpile Disposal Regulations	3090-AA40
2941	Negotiated Sales to Public Agencies	3090-AB09
2942	Disposals to Public Agencies	3090-AB55
2943	Property for Correctional Facilities	3090-AB72
2944	Submission of Reports of Excess Real Property	3090-AC12
2945	Acquisition and Use of Excess Personal Property	3090-AA30
2946	Utilization, Donation, Sale, Abandonment or Destruction of Hazardous Materials	3090-AA42
2947	Transportation and Traffic Management	3090-AA73
2948	Cost Effective Procurement of Personal Property	3090-AA95
2949	Motor Equipment Management	3090-AB00
2950	Interagency Fleet Management Systems	3090-AB02
2951	Change to Federal Travel Regulations (FTR), FPMR 101-7 Supplement (Unassigned)	3090-AC00
2952	Change to Federal Travel Regulations (FTR), FPMR 101-7 Supplement (unassigned)	3090-AC01
2953	Revision of Standard Form 121, Annual Report of Utilization and Disposal of Excess and Surplus Personal Property	3090-AC03
2954	Additional Criteria for Exchange or Sale	3090-AC05
2955	Change to Federal Travel Regulations (FTR) FPMR 101-7 Supplement 20	3090-AC22
2956	Change to Federal Travel Regulations (FTR) FPMR 101-7 Supplement (unassigned)	3090-AC23
2957	Change to Federal Travel Regulations (FTR), FPMR 101-7, Supplement 18	3090-AC38
2958	Change to Federal Travel Regulation (FTR), FPMR 101-7 Supplement (unassigned)	3090-AC42
2959	Change to Federal Travel Regulations (FTR), FPMR 101-7, Supplement (unassigned)	3090-AC43
2960	FIRMR Implementation of the ADP Dispute Resolution Section of the Competition in Contracting Act of 1984 - Project 84.63	3090-AB64
2961	Implementation of Federal Information Processing Standards (FIPS) Federal Telecommunications Standards (FED-STDS) and Joint FIPS/FED-STDS in the FPMR. Project 85-20A	3090-AC13
2962	Federal Advisory Committee Management	3090-AA62
2963	Federal Employee Parking	3090-AA68

Completed Actions

Sequence Number	Title	Regulation Identifier Number
2964	General Services Administration Acquisition Regulation, Change Part 515	3090-AB84
2965	General Services Administration Acquisition Regulation, Change Part 516	3090-AB96
2966	Protests to the General Accounting Office (GAO)	3090-AC14
2967	Source Selection	3090-AC16
2968	Restrictions on Procurement of Hand and Measuring Tools AC-85-3, Supplement 1	3090-AC27
2969	Threshold for Application of Trade Agreements Act Acquisition Circular (AC-85-5)	3090-AC28
2970	Increase in Imprest Fund and Certified Invoice Thresholds Acquisition Circular AC-86-1	3090-AC29
2971	Repeal of Daily Overtime Requirement - Acquisition Circular (AC-86-2)	3090-AC30
2972	Miscellaneous Revisions to implement the Competition in Contracting Act of 1984 (GSAR Change 16)	3090-AC31
2973	Purchase Under the Trade Agreements Act of 1979 (GSAR Change 17)	3090-AC32
2974	Basis of Award - Construction Contract (GSAR change 19)	3090-AC33
2975	Termination for Convenience of Government and Termination Liabilities (GSAR Change 20)	3090-AC34
2976	Revised GSA Forms (GSAR Change 22)	3090-AC41
2977	Prompt Payment Discounts and Payment Terms (GSAR Change 21)	3090-AC44
2978	Interest Assessment on Overcharges (Receivables)	3090-AA74
2979	Administrative Offset and Interest Assessment on Delinquent Refunds for Totally Unused Tickets	3090-AB12
2980	Revision of Standard Form 1170 and General Services Administration Form 7958	3090-AB68
2981	Subpart 101-47.8 - Identification of Unneeded Federal Real Property and Subpart 101-47.49 -- Illustrations	3090-AC11
2982	Change to Federal Travel Regulations (FTR), FPMR 101-7 Supplement 15	3090-AB99
2983	Instructions for Preparing Standard Form 120	3090-AC04
2984	Change to Federal Travel Regulations (FTR) FPMR 101-7 Supplement 16	3090-AC24
2985	Exemption of ADP Procurement Authority based on the Defense Authorization Act of 1982 - Project 82.23T	3090-AA16
2986	Obsolescence, of Federal ADP Equip. Project 82.06A	3090-AA19
2987	Agency Planning - Project 84.32A	3090-AB58

GENERAL SERVICES ADMINISTRATION (GSA)

Prerule Stage

OFFICE OF THE COMPTROLLER

2911. FEDERAL PROPERTY MANAGEMENT REGULATIONS; REVISES THE REPORTING REQUIREMENTS FOR REAL PROPERTY

Legal Authority: EO 12411

CFR Citation: 41 CFR 101-3

Legal Deadline: None

Abstract: This regulation revises FPMR 101-3 with changes and additions to the data elements currently collected as part of the World-Wide Real Property Inventory System. It also displays the revised forms to be used when supplying this information. These changes are necessary to monitor government-wide space reduction initiatives mandated by Executive Order 12411 - Government Work Space Management Reforms and Temporary Regulation D-70-Work Space Management Plans.

The General Services Administration has determined this is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and the consequence of this rule; has determined that the potential benefits to society from this rule outweigh the potential (cont)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ABSTRACT CONT: costs and has maximized the net benefits.

Agency Contact: Jerome Jackson, Chief, Reports and Cash Management Branch, General Services Administration, Reports and Cash Management Branch (BCPR), Washington, DC 20405, 202 566-1260

RIN: 3090-AB31

FEDERAL SUPPLY AND SERVICES

2912. DONATION OF PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-44.000; 41 CFR 101-44.001; 41 CFR 101-44.105; 41 CFR 101-44.106; 41 CFR 101-44.108; 41 CFR 101-44.112; 41 CFR 101-44.118; 41 CFR 101-44.120; 41 CFR 101-44.200; 41 CFR 101-44.204; 41 CFR 101-44.205; 41 CFR 101-44.207; 41 CFR 101-44.208; 41 CFR 101-44.4701; 41 CFR 101-44.4901-123; ...

Legal Deadline: None

Abstract: This rule updates GSA's policies and procedures concerning the Federal surplus personal property donation program. It would: (1) prescribe new and revised definitions; (2) implement Title IX of the Education Amendments of 1972; (3) change procedures for donating aircraft, drugs, biologicals, and reagents; (4) clarify cannibalization procedures; (5) add additional terms to the State agency distribution documents; (6) clarify that conditional title, not unrestricted title, passes to a donee at the time it takes possession of the property; (7) prohibit reimbursement to State agencies for certain sales expenses; (8) change reporting requirements; (9) establish an informal appeals procedure; and (10) revise eligibility criteria for educational activities. This amendment is necessary to comply with the provisions of Title IX of the Education Amendments of 1972, section 502(a) of Public Law 94-241, and the Congressional Reports Elimination Act of 1980 (Public Law 96-470). Its intent is to increase the efficiency and effectiveness of the donation program. There should be no significant costs to the public as a result of this regulatory action. It has been determined that potential benefits to (cont)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ABSTRACT CONT: society from this rule will outweigh the potential costs.

Agency Contact: Stanley M.Duda, Director, General Services Administration, Property Management Division (FBP), Washington, DC 20406, 703 557-0807

RIN: 3090-AA23

2913. DONATION OF ABANDONED AND FORFEITED PERSONAL PROPERTY

Legal Authority: 26 USC 5688(a)

CFR Citation: 41 CFR 101-48.2

Legal Deadline: None

Abstract: This rule would emphasize that all forfeited distilled spirits, wine, or malt beverages donated to eleemosynary institutions are to be used only by their inpatients for medicinal purposes. Allegations of misuse of these donated spirits have created a need for this regulation. There should be no significant costs to the public as a result of this rule. It has been determined that potential benefits to society from this rule will outweigh potential costs.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Stanley M. Duda, Director, General Services Administration, Property Management Division (FBP), Washington, DC 20406, 703 557-0807

RIN: 3090-AA24

2914. ● PAYMENT OF SUBSTITUTE DOCUMENTS

Legal Authority: 31 USC 3726; 40 USC 486(C)

GSA

Prerule Stage

CFR Citation: 41 CFR 101-41

Legal Deadline: None

Abstract: This proposed rule will enable Government Finance Centers to delay payments on substitute documents, without incurring interest payments under the Prompt Payment Act, until verification that prior payment has not been made. Finance offices have reported a increase in duplicate payments due to recent changes concerning payment of substitute documents.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/86	

Small Entity: No

Agency Contact: Betty Brown, Transportation Specialist, General Services Administration, Regulations & Procedures Section (FWCP/R), Federal Supply Services, Washington, DC 20405, 202 786-3011

RIN: 3090-AC36

OFFICE OF INFORMATION RESOURCES MANAGEMENT

2915. REVISION OF ACQUISITION AND MANAGEMENT PROVISIONS REGARDING THE CHANGING TELECOMMUNICATION MARKETPLACE, INCLUDING THE DETARIFFING OF CUSTOMER PREMISES EQUIPMENT (84.06A)

Significance: Regulatory Program

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 201 to 21; 41 CFR 201 to 38; 41 CFR 201 to 39; 41 CFR 201 to 40

Legal Deadline: None

Abstract: This project revises FIRMR Provisions relating to Federal Telecommunications acquisition and management. It will include changes brought about by the Federal Communications Commission Computer II inquiry and the divestiture of AT&T. This regulation will update GSA policies and provisions impacting Government-wide telecommunication management and will specifically address the need for requirements definition and analysis for local and intercity service. It will revise "major change" requirements and state what GSA needs from agencies if GSA is expected to provide services or if GSA is reviewing service for individual agency acquisitions. All obsolete provisions will be eliminated.

Timetable:

Action	Date	FR Cite
Final Action	02/00/86	
Draft Paper Telecommunications Policy Development Plan	04/15/86	
NPRM - FIRMR Amendment Telecommunications Regulatory Updates	06/15/86	
Draft Paper Telecommunications Issues	10/15/86	
Final Action FIRMR rule Telecommunications Regulatory Updates	01/15/87	

Small Entity: No

Agency Contact: John F. Stewart, Supervisory Communications Specialist, General Services Administration, Policy Branch (KMPP), Information Resources Management Service, Washington, DC 20405, 202 566-0194

RIN: 3090-AB08

GENERAL SERVICES ADMINISTRATION (GSA)

Proposed Rule Stage

ACQUISITION POLICY

2916. UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-42; 41 CFR 101-43; 41 CFR 101-44; 41 CFR 101-45; 41 CFR 101-46; 41 CFR 101-48

Legal Deadline: None

Abstract: Parts 42-46 and Part 48 prescribe policies and procedures for the utilization and disposal of personal property by Federal agencies. A number of executive agencies have indicated that these parts need to be revised to update, improve, clarify, and streamline these regulations. GSA officials and representatives from the major executive agencies are developing a draft revision of these parts to meet their requirements more adequately.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Emily Karam, Director of Regulatory Review, General Services Administration, Office of Acquisition Policy (V), Washington, DC 20405, 202 566-1177

RIN: 3090-AA45

2917. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR)- SMALL BUSINESS TECHNICAL ADVISORS

Legal Authority: 40 USC 486(c) (Sec 205(c), 63 Stat. 390)

CFR Citation: 48 CFR 519

Legal Deadline: None

Abstract: The GSAR will be amended to delete mandatory annual review requirements of class set aside determinations and to reflect the function of the GSA Small Business Technical Advisors.

Timetable:

Action	Date	FR Cite
Final Action	02/00/86	
Next Action Undetermined		

Small Entity: Not Applicable

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4026, Washington, DC 20405, 202 523-3822

RIN: 3090-AB39

2918. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE PART 519

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 519

Legal Deadline: None

Abstract: To issue a GSAR amendment in Part 519, Small Business and Small Disadvantaged Business Concerns, regarding the subcontracting plan reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/10/85	50 FR 14122
NPRM Comment Period End	05/10/85	50 FR 14122
Final Action	02/00/86	

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4026, Washington, DC 20405, 202 523-3822

RIN: 3090-AB76

2919. ● DEBARMENT/SUSPENSION OF CONTRACTORS FROM PURCHASES OF FEDERAL PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 105-67

Legal Deadline: None

Abstract: This change to the General Services Administration Property Management Regulation (GSPMR) would add Part 105-67 to implement the October 9, 1985, amendment to the Federal Property Management Regulation (FPMR) which applies the Governmentwide policies, procedures and requirements of Subpart 9.4 of the Federal Acquisition Regulation (FAR) on suspension, debarment and ineligibility to contractors who purchase Federal personal property

Timetable:

Action	Date	FR Cite
NPRM	12/26/85	50 FR 52806
NPRM Comment Period End	01/27/86	50 FR 52806

Next Action Undetermined

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090-AC35

2920. ● BUY AMERICAN ACT - CONSTRUCTION MATERIALS (GSAR 5-131)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 525; 48 CFR 552

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation (GSAR) will be amended to add sections that will address the method of evaluation of offers based on the use of non-domestic construction materials in construction contracts.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action Effective	07/00/86	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Washington, DC 20405, 202 523-3822

RIN: 3090-AC37

2921. ● PRICE ADJUSTMENT CLAUSE (GSAR 5-98)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 522; 48 CFR 552

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation (GSAR) will be amended to revise the contract clause at 552.219-71, Allocation of Orders-Partially Set-Aside items, to clarify when the splitting of orders will begin if the set-aside portion is awarded to a contractor other than the one receiving the award on the corresponding non-set-aside portion. The clause at 552.222-43, Fair Labor Standards Act and Service Contract Act Price Adjustment (Multiyear and option contracts), will be revised to clarify the applicability of the ceiling to price adjustments when no Service Contract Act wage determination is issued to make inclusion of the price adjustment clauses optional in service contracts that do not exceed the small purchase limitation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action Effective	07/00/86	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090-AC39

2922. ● MISCELLANEOUS FORMS - GSA FORM 2877, 353, AND 3471 (GSAR 5-132)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 509; 48 CFR 513; 48 CFR 514; 48 CFR 553

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation (GSAR) will be amended to provide for use of the GSA Form 353, Plant Facilities Report; GSA Form 2877, Non-Depot Item Requisition Order/Receiving/Payment Record, and GSA Form 3471, Abstract of Offers. The GSA Federal Supply Service has obtained an exception to use the GSA Form 353 in lieu of the Standard Forms 1403 thru 1406. The GSA Public Buildings Service has obtained an exception to use the GSA Form 3471 in lieu of the SF. 1409.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action Effective	08/00/86	

Small Entity: No

Government Levels Affected: Federal

GSA

Proposed Rule Stage

Agency Contact: Majorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, nw, Washington, DC 20405, **202 523-3822**

RIN: 3090-AC40

OFFICE OF THE COMPTROLLER

2923. DEPARTMENT OF DEFENSE RESERVIST/RETIREE MILITARY EMERGENCY TRAVEL WARRANT

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None

Abstract: The Department of Defense will use travel warrants to obtain transportation for selected Military Reservists and Retirees who are ordered to active duty. Implementation of the travel warrant program will provide a simple and efficient system to procure transportation and pay for services furnished, and will impose no additional burden on the Government or the public since the warrant will be used instead of GTR's.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Additional Information: RIN 3090-AA05. The Selective Service System National Emergency Travel Warrant part of this rule making was published 10/11/84 49 FR 39918.

Agency Contact: John W. Sandfort, Chief, General Services Administration, Regulations, Procedures, and Review Branch, (FWCP), Washington, DC 20405, **202 786-3014**

RIN: 3090-AA05

FEDERAL SUPPLY AND SERVICES

2924. ABANDONMENT OR DESTRUCTION OF PERSONAL PROPERTY

Legal Authority: 40 USC 483(h)

CFR Citation: 41 CFR 101-45.9, (Revision)

Legal Deadline: None

Abstract: This revision clarifies procedures for agencies' use in the abandonment and destruction of property.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: The revision to Subchapter H of the Federal Property Management Regulations by the Interagency Subcommittee on Regulatory Review includes the subject revision to abandonment or destruction of personal property. The General Services Administration's Proponent of this amendment to subchapter H is the Office of Acquisition Policy (V).

Agency Contact: John Hansley, Property Marketing Specialist, General Services Administration, Federal Supply Servicely and Services, Sales Branch (FBP-S), Washington, DC 20406, **703 557-0814**

RIN: 3090-AA28

OFFICE OF INFORMATION RESOURCES MANAGEMENT

2925. ● INSTRUCTIONS FOR NUMBERING STANDARD FORM 121, REPORT OF EXCESS PERSONAL PROPERTY. PROJECT 86.14A

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 201 to 33

Legal Deadline: None

Abstract: This regulation adds detailed instructions for preparing the SF 120, Report of Excess Personal Property, for automatic data processing equipment. This regulation will enhance the efficiency in processing excess and exchange/sale of automatic data processing equipment.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Agency Contact: Mary B. Anderson, Computer Specialist, General Services Administration, Policy Branch (KMPP), Information Resources Management Service, Washington DC 20405, **202 566-0194**

RIN: 3090-AC25

2926. ● IMPLEMENTATION OF FEDERAL INFORMATION PROCESSING STANDARDS(FIPS) AND FEDERAL TELECOMMUNICATIONS STANDARDS (FED-STDS) PROJECT 86.17A

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 201 to 8

Legal Deadline: None

Abstract: This regulation implements provisions for a number of Federal Information Processing Standards and Federal Telecommunications standards by providing associated standard terminology that shall be used in solicitation and requirements documents as applicable. The general terminology for governmentwide use brings to the attention of potential offers on specific solicitation the requirement for compliance with pertinent standard(s). The intended effect of this regulation is to enhance economy and efficiency in the acquisition of automatic data processing/ telecommunications equipment and services.

See also additional information.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Additional Information: This issuance implements:

Two revised FIPS PUBS - 68-1 on minimal BASIC and 69-1 on FORTRAN;

Nine new FIPS PUBS - 109 on Pascal, 112 on password usage, 113 on data authentication, 114, 115, 116, 117, and 118 on flexible disk cartridge items, and 119 on Ada; and

Two FED-STDS - 1031 on data terminal/data disk interface and 1033 on data communications user-oriented parameters.

Agency Contact: Mary B. Anderson, Computer Specialist, General Services Administration, Policy Branch (KMPP), Information Resources Management Service, Washington, DC 20405, **202 566-0194**

RIN: 3090-AC26

GSA — Proposed Rule Stage

OFFICE OF ORGANIZATION AND PERSONNEL

2927. ● ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

Legal Authority: PL 95-602, Sec 119; 92 Statute 2982

CFR Citation: 41 CFR 105-8

Legal Deadline: None

Abstract: The General Services Administration proposes this regulation to implement the above cited laws. These statutes prohibit discrimination on the basis of handicap as it applies to any programs or activities conducted by GSA.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: This proposed rule has been circulated internally and externally for comments. Comments have been received from the Equal Employment Opportunity Commission. We are still waiting for the Department of Justice's approval and comment on the regulation.

Government Levels Affected: Federal

Agency Contact: Thomas E. Henderson, Equal Employment Specialist, General Services Administration, General Services Administration, 18th and F Streets, NW, Washington, DC 20405, **202 566-1368**

RIN: 3090-AC48

2928. ● NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, AND WHERE APPLICABLE, SEX

Legal Authority: 40 USC 476; 42 USC 2000d-1; 20 USC 1681

CFR Citation: 41 CFR 101-8.2

Legal Deadline: None

Abstract: The General Services Administration proposes this regulation to implement all of the above cited Federal laws. These statutes prohibit discrimination, in whole or in part, so that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program activity receiving Federal assistance from the General Services Administration. In addition, the objectives of the regulation are to streamline certain administrative procedural requirements by consolidating prohibitions of discrimination into one regulation and to make requirements clear and convenient for applicants and recipients to comply with, as well as making the regulation manageable for GSA to administer.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: This proposed rule is being reviewed by the Department of Justice. The Equal Employment Opportunity Commission has also requested a second review of the regulation before publishing as a proposed rule. All internal and other external comments have been reconciled.

Government Levels Affected: Federal

Agency Contact: Thomas E. Henderson, EEO Specialist, General Services Administration, General Services Administration, 18th and F Streets, NW, Washington, DC 20405, 202 **566-1368**

RIN: 3090-AC49

GENERAL SERVICES ADMINISTRATION (GSA) — Final Rule Stage

ACQUISITION POLICY

2929. MANAGEMENT OF BUILDINGS AND GROUNDS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-20

Legal Deadline: None

Abstract: Part 101-20 prescribes policies and procedures for the management, operation, protection, and maintenance of Government-owned and leased buildings and grounds required by the Federal agencies to undertake their assigned missions. A number of executive agencies have indicated that this part needs to be revised to update, improve, clarify, and streamline these regulations. GSA officials and representatives from the major executive agencies are developing a draft revision of this part to meet their requirements more adequately.

Timetable:

Action	Date	FR Cite
Final Action	09/00/86	

Small Entity: No

Agency Contact: Emily Karam, Director of Regulatory Review, General Services Administration, Office of Acquisition Policy (V), Washington, DC 20405, **202 566-1177**

RIN: 3090-AA69

2930. SUPPLY SOURCES AND RELATED PROGRAMS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-26

Legal Deadline: None

Abstract: Part 101-26 prescribes policies and procedures for the procurement of personal property and nonpersonal services by Federal agencies from established Government supply sources. A number of executive agencies have indicated that this part needs to be revised to update, improve, clarify and streamline these regulations. GSA officials and representatives from the major executive agencies are developing a draft revision of this part to meet their requirements more adequately.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/31/83	

Next Action Undetermined

Small Entity: No

Agency Contact: Emily Karam, Director of Regulatory Review, General Services Administration, Office of Acquisition Policy (V), Washington, DC 20405, **202 566-1177**

RIN: 3090-AA89

2931. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE SUBPART 46.7

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 546

Legal Deadline: None

Abstract: GSA to issue a GSAR amendment to implement and supplement the FAR Subpart 46.7 by providing agency policies and procedures on the use of Warranties.

Timetable:

Action	Date	FR Cite
Final Action	06/00/86	

Small Entity: Not Applicable

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4026, Washington, DC 20405, **202 523-3822**

RIN: 3090-AB82

2932. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, CHANGE RECEIPT OF PROPOSALS AND QUOTATIONS

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 515; 48 CFR 552

Legal Deadline: None

Abstract: GSA to issue a GSAR amendment which will (1) revise Section 515.411, Receipt of Proposals and Quotations, to require the use of the appropriate Business Service Center for receipt and safeguarding of proposals or quotations (except small purchases) unless an exemption is obtained; (2) amend Part 515 to establish a special Late Proposals provision for Multiple Award Federal Supply Schedules that will preclude an offeror from adding additional items to an offer after the time set for submission of offer; and (3) revise clause 552.210-78, Charges for Packaging and Packing.

Timetable:

Action	Date	FR Cite
Final Action	06/00/86	

Small Entity: Not Applicable

Agency Contact: Margorie Ashby, Management Analyst Analyst, General Services Administration, GSA Acquistion Policy and Regulations, 18th & F Sts., NW Room 4026, Washington, DC 20405, **202 523-3822**

RIN: 3090-AB83

2933. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE PART 501

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 501

Legal Deadline: None

Abstract: To issue a GSAR amendment to implement the requirements of the Competition Enhancement Act of 1984 (Pub. L. 98-577) regarding publicizing proposed regulations in Part 501, General Services Administration Acquisition Regulations System.

Timetable:

Action	Date	FR Cite
Final Action	04/00/86	

Small Entity: Not Applicable

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, **202 523-3822**

RIN: 3090-AB86

2934. ● PAYMENT DUE DATE CLAUSES FOR CONSTRUCTION AND BUILDING CONTRACTS (GSAR 5-84)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 532; 48 CFR 552

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation (GSAR) will permanently incorporate the contents of Acquisition Circular AC-85-1 on payment due dates for construction contracts into the regulation. The proposed change will also establish an alternate "Discount" provision and an alternate "Payment Due Date" clause for use in recurring building service contracts. In addition, the "Payment Due Date" clause for architect-engineer and other professional or technical service contracts has been revised to establish an approval period for purposes of determining due dates for payment.

Timetable:

Action	Date	FR Cite
NPRM	11/25/85	50 FR 48447
NPRM Comment Period End	12/26/85	50 FR 48447
Final Action	04/00/86	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, **202 523-3822**

RIN: 3090-AC45

OFFICE OF THE COMPTROLLER

2935. COLLECTION OF CLAIMS OWED THE UNITED STATES

Legal Authority: PL 97-365, Sec 10

CFR Citation: 41 CFR 105-55, (New)

Legal Deadline: None

Abstract: The regulations will implement the Debt Collection Act of 1982 within the General Services Administration. The regulations are required by Section 10 of the Act and by means of these regulations GSA will be better equipped to pursue claims owed to the Government arising out of GSA activities. Although the benefit will be improved claims collections, there is no way to precisely quantify the costs or benefits at this time.

Timetable:

Action	Date	FR Cite
NPRM	07/26/84	49 FR 30080
NPRM Comment Period End	08/27/84	49 FR 30080

Next Action Undetermined

Small Entity: No

Agency Contact: David C. Fisher, Jr., Chief Counsel - Administration, General Services Administration, Office of General Counsel, General Law Division, 18th & F Sts., NW, Washington, DC 20405, **202 566-1460**

RIN: 3090-AB45

GSA

Final Rule Stage

2936. REVISION OF PUBLIC VOUCHER FOR TRANSPORTATION CHARGES, STANDARD FORM 1113

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None

Abstract: This rule revises Public Voucher for Transportation Charges, Standard Form 1113, to eliminate various information blocks because certain agency fiscal control numbers are no longer required. This change will reduce the amount of time agencies spend in processing these documents.

Timetable:

Action	Date	FR Cite
Final Action	05/00/86	

Small Entity: No

Agency Contact: Betty Brown, Transportation Specialist, General Services Administration, Regulations and Procedures Section (FWCP/R), Washington, DC 20405, 202 786-3011

RIN: 3090-AB69

2937. REVISION OF VOUCHER AND SCHEDULE OF PAYMENTS STANDARD FORM 1166 INSTRUCTIONS

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None

Abstract: This rule provides explicit instructions for handling voucher schedules to minimize payment accounting problems and ensure that proper payment information accompanies payment checks to carriers.

Timetable:

Action	Date	FR Cite
NPRM	04/25/85	50 FR 16316
Final Action	05/00/86	

Small Entity: No

Agency Contact: John W. Sandfort, Chief, General Services Administration, Regulations, Procedures and Review Branch, (FWCP), Washington, DC 20405, 202 786-3014

RIN: 3090-AB97

2938. AUDIT PROCEDURES FOR COMMERCIAL BILLS OF LADING-COST-REIMBURSEMENT-TYPE CONTRACTS

Legal Authority: 31 USC 3726; 40 USC 486 (c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None

Abstract: This rule requires contractors doing business with the United States Government to submit cost reimbursement-type contract commercial bills of lading to GSA for audit.

Timetable:

Action	Date	FR Cite
NPRM	07/05/85	50 FR 27625
Final Action	05/00/86	

Small Entity: No

Agency Contact: John W. Sandfort, Chief, Regulations, Procedures & Review, General Services Administration, FWCP, Washington, DC 20405, 202 786-3014

RIN: 3090-AC20

2939. REVISION OF STANDARD FORM 1203 - US GOVERNMENT BILL OF LADING - PRIVATELY OWNED PERSONAL PROPERTY

Legal Authority: 31 USC 3726; 40 USC 486 (c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None

Abstract: This amendment will reduce the number of parts in the Standard Form 1203, US Government Bill of Lading-Privately Owned Personal Property set from nine to six. The increased use of state of the art printers that can print only six copies necessitates this change.

Timetable:

Action	Date	FR Cite
NPRM	07/05/85	50 FR 27626
Final Action	05/00/86	

Small Entity: No

Agency Contact: John W. Sandfort, Chief, Regulations, Procedures & Review, General Services Administration, FWCP, Washington, DC 20405, 202 786-3014

RIN: 3090-AC21

FEDERAL PROPERTY RESOURCES SERVICE

2940. NATIONAL DEFENSE STOCKPILE DISPOSAL REGULATIONS

Legal Authority: 50 USC 98 et seq Strat. & Crit. Materials Stock Piling Act; EO 12155

CFR Citation: 41 CFR 101-14.4

Legal Deadline: None

Abstract: These regulations indicate the procedures for disposing of strategic and critical materials that are excess to National Defense Stockpile needs and have been authorized for disposal by Congress, pursuant to the Stock Piling Act of 1979 50 USC 98 et seq. These regulations will be responsive to public sector, intergovernment and intragovernment comments reflecting on the lack of published regulations governing GSA's stockpile disposal policies and procedures.

Timetable:

Action	Date	FR Cite
Final Action	05/01/86	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1983

Government Levels Affected: Federal

Agency Contact: J. Wayne Kulig, Assistant Commissioner, General Services Administration, Office of National Defense Stockpile (DN), Washington, DC 20405, 202 535-7671

RIN: 3090-AA40

2941. NEGOTIATED SALES TO PUBLIC AGENCIES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.304-9

Legal Deadline: None

Abstract: In order to eliminate the possibility of windfall profits and establish uniformity of the terms and conditions in all such negotiated sales of real property, GSA proposes to include a requirement for an excess profits clause in all negotiated sales to public bodies. The excess profits clause will run with the land for a period of three years.

Timetable:

Action	Date	FR Cite
NPRM	07/12/84	
NPRM Comment Period End	08/13/84	49 FR 28420

Action	Date	FR Cite
Final Action	04/00/86	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: James H. Pitts, Director, General Services Administration, Special Programs Division (DRP), Washington, DC 20405, 202 535-7067

RIN: 3090-AB09

2942. DISPOSALS TO PUBLIC AGENCIES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.303-2; 41 CFR 101-47.303-2(b)(1)(2)(3) and (4); 41 CFR 101-47.303-2(d); 41 CFR 101-47.303-2(e) and (e)(1); 41 CFR 101-47.303-2(b); 41 CFR 101-47.303-2(g); 41 CFR 101-47.4906; 41 CFR 101-47.4906-2

Legal Deadline: None

Abstract: Executive Order 12372 superseded OMB Circular A-95 and established new procedures for intergovernmental consultation on certain Federal programs and activities. The E.O. places certain requirements on GSA to notify and respond to state review process comments or recommendations concerning real property disposals to public agencies.

Timetable:

Action	Date	FR Cite
Final Action	04/00/86	

Small Entity: No

Government Levels Affected: State

Agency Contact: James H. Pitts, Director, Special Programs Division (DRP), General Services Administration, 18th & F Sts., NW, Washington, DC 20405, 202 535-7067

RIN: 3090-AB55

2943. PROPERTY FOR CORRECTIONAL FACILITIES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.308-9

Legal Deadline: None

Abstract: In order to implement Section 701 of P.L. 98-473 to transfer or convey to the several states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision or instrumentality thereof surplus real and related personal property determined by the Attorney General to be required for correctional facility use. Transfers or conveyance under this authority shall be made by the Administrator without monetary consideration to the United States.

Timetable:

Action	Date	FR Cite
Final Action	09/00/86	

Small Entity: Undetermined

Government Levels Affected: Local, State

Agency Contact: James H. Pitts, Director, General Services Administration, Special Programs Division, Washington, DC 20405, 202 535-7067

RIN: 3090-AB72

2944. SUBMISSION OF REPORTS OF EXCESS REAL PROPERTY

Legal Authority: 40 USC 486 (c)

CFR Citation: 41 CFR 101-47.202-3(c)

Legal Deadline: None

Abstract: All reports of excess from the military services shall bear the certification "this property has been screened against the known needs of the holding agency".

Timetable:

Action	Date	FR Cite
Final Action	05/00/86	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: James H. Pitts, Director, Special Programs Division, General Services Administration, 18th & F Streets, NW, Washington, DC 20405, 202 535-7067

RIN: 3090-AC12

FEDERAL SUPPLY AND SERVICES

2945. ACQUISITION AND USE OF EXCESS PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-43

Legal Deadline: None

Abstract: A number of miscellaneous changes will be made to clarify procedures for the acquisition and use of excess personal property by federal agencies and other authorized recipients.

Timetable:

Action	Date	FR Cite
Final Action	06/01/86	

Small Entity: No

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Property Management Division (FBP), Washington, DC 20406, 703 557-0807

RIN: 3090-AA30

2946. UTILIZATION, DONATION, SALE, ABANDONMENT OR DESTRUCTION OF HAZARDOUS MATERIALS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-43; 41 CFR 101-44; 41 CFR 101-45; 41 CFR 101-46; 41 CFR 101-48; 41 CFR 101-49

Legal Deadline: None

Abstract: Revisions and additions to existing rules are proposed to establish a separate regulatory section concerning the utilization, donation, sale, abandonment or destruction of hazardous materials.

Timetable:

Action	Date	FR Cite
End Review	12/01/84	
Final Action	11/01/86	

Small Entity: No

Additional Information: Proposals are to be circulated among Federal agencies on an information basis before rulemaking consideration.

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Property Management Division (FBP), Washington, DC 20406, 703 557-0807

RIN: 3090-AA42

2947. TRANSPORTATION AND TRAFFIC MANAGEMENT

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-40, Amendment G

Legal Deadline: None

Abstract: The revision to 41 CFR 101-40 will update policy and procedures that apply to the management of

transportation matters affecting the Federal civilian executive agencies.

Timetable:

Action	Date	FR Cite
Final Action	03/00/86	

Small Entity: No

Agency Contact: John B. Millington, Supervisory Traffic Management Specialist, General Services Administration, Regulations and Policy Division (FFY) (FTA), Federal Supply and Service, Washington, DC 20406, 703 557-1256

RIN: 3090-AA73

2948. COST EFFECTIVE PROCUREMENT OF PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-26.100-2; 41 CFR 101-26.102; 41 CFR 101-26.3; 41 CFR 101-26.4; 41 CFR 101-26.5; 41 CFR 101-26.39; 41 CFR 101-40; 41 CFR 101-43; 41 CFR 101-45

Legal Deadline: None

Abstract: In considering cost effectiveness, the effects of Gram-Rudman will be evaluated with respect to resource impact both on GSA and other Federal agencies. The potential effects of delegating procurement and/or logistics support authority to any agency will be carefully balanced against the Government's need for quality products and services at the lowest cost (price and other factors considered), delivered in a timely manner. Heads of potentially affected agencies will be consulted and made a part of the decision-making process before a determination is made by GSA to redelegate to an agency any functions assigned by law to the Administrator of General Services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/18/85	51 FR 1793
Final Action	06/30/87	

Small Entity: No

Agency Contact: Donna M. Stright, Director, Regulations and Policy Division, General Services Administration, Regulations and Policy Division (FFY), Office of Policy and Agency Liaison, Washington, DC 20406, 703 557-1253

RIN: 3090-AA95

2949. MOTOR EQUIPMENT MANAGEMENT

Legal Authority: 40 USC 491; 40 USC 486(c)

CFR Citation: 41 CFR 101-38

Legal Deadline: None

Abstract: The revision to 41 CFR 101-38 updates policy and procedures that apply to the management of the Federal Motor Vehicle Fleet affecting the Federal executive agencies and incorporates certain paragraphs from 101-25, 101-26, and 101-39 that apply to the Federal fleet.

Timetable:

Action	Date	FR Cite
NPRM	04/11/85	50 FR 14260
NPRM Comment Period End	06/10/85	50 FR 14260
Final Action	03/00/86	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John B. Millington, Supervisory Traffic Management Specialist, General Services Administration, Regulations and Policy Division (FFY), Washington, DC 20406, 703 557-1256

RIN: 3090-AB00

2950. INTERAGENCY FLEET MANAGEMENT SYSTEMS

Legal Authority: 40 USC 491; 40 USC 486(c)

CFR Citation: 41 CFR 101-39

Legal Deadline: None

Abstract: The revision to 41 CFR 101-39 updates policy and procedures that apply to the operation and management of Interagency Fleet Management Systems.

Timetable:

Action	Date	FR Cite
NPRM	04/11/85	50 FR 14260
NPRM Comment Period End	06/10/85	50 FR 14260
Final Action	03/00/86	

Small Entity: No

Agency Contact: John B. Millington, Supervisory Traffic Management Specialist, General Services Administration, Regulations and Policy Division (FFY), Washington, DC 20406, 703 557-1256

RIN: 3090-AB02

2951. CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7 SUPPLEMENT (UNASSIGNED)

Legal Authority: 40 USC 486(c); 5 USC 5707

CFR Citation: 41 CFR 101-7

Legal Deadline: None

Abstract: FTR Change transmitted by GSA Bulletin FPMR A-40, Supplement (unassigned). This FTR change will implement those provisions of OMB Circular A-126 which pertain to use of Government aircraft for official travel. Also included will be revised policies and procedures for use of rental cars in lieu of Government-contract rental vehicles under GSA Federal Supply Schedule Contracts.

Timetable:

Action	Date	FR Cite
Final Action	06/00/86	

Small Entity: No

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Regulations and Policy Division (FFY), Federal Supply Service, Washington, DC 20406, 703 557-1253

RIN: 3090-AC00

2952. CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7 SUPPLEMENT (UNASSIGNED)

Legal Authority: 40 USC 486(c); 5 USC 5724c; EO 11609; EO 12466

CFR Citation: 41 CFR 101-7

Legal Deadline: None

Abstract: FTR change transmitted by GSA Bulletin FPMR A-40, Supplement (unassigned). FTR change will implement Presidential regulatory authority governing agency authority to contract with third party relocation companies to provide relocation services for transferred employees. Will replace guidelines issued by GSA and published in the Federal Register, August 27, 1984 (49 FR 33937-33940).

GSA

Final Rule Stage

(Transmitted by GSA Bulletin FPMR A-40, Supplement 11.)

Timetable:

Action	Date	FR Cite
Final Action	06/00/86	

Small Entity: No

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Regulations and Policy Division (FFY), Federal Supply Service, Washington, DC 20406, 703 557-1253

RIN: 3090-AC01

2953. REVISION OF STANDARD FORM 121, ANNUAL REPORT OF UTILIZATION AND DISPOSAL OF EXCESS AND SURPLUS PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-43

Legal Deadline: None

Abstract: This proposed regulation provides for miscellaneous revisions to the Standard Form 121, Annual Report of Utilization and Disposal of Excess and Surplus Personal Property. Instructions for preparing the form have been revised to reflect the changes in the form.

Timetable:

Action	Date	FR Cite
Final Action	05/01/86	

Small Entity: No

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Property Management Division (FBF), Washington, DC 20406, 703 557-0807

RIN: 3090-AC03

2954. ADDITIONAL CRITERIA FOR EXCHANGE OR SALE

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-46

Legal Deadline: None

Abstract: This proposed regulation would introduce a definition of replacement, expand the one year use requirement for exchange/sale property, and introduce a special authorization for Federal museums to exchange historical items.

Timetable:

Action	Date	FR Cite
Final Action	12/01/86	

Small Entity: No

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Property Management (FBP), Washington, DC 20406, 703 557-0807

RIN: 3090-AC05

2955. CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR) FPMR 101-7 SUPPLEMENT 20

Significance: Agency Priority

Legal Authority: 40 USC 486 (c); 5 USC 5707

CFR Citation: 41 CFR 101-7

Legal Deadline: Statutory, July 1, 1986

Abstract: FTR change transmitted by GSA Bulletin FPMR A-40, Supplement 20. FTR change implements provisions of Pub. L. 99-234 enacted January 2, 1986. This supplement change to the FTR will implement:

a. New lodgings-plus per diem payment system to cover subsistence expenses for all domestic travel of Federal civilian employees and maximum reimbursement rates established administratively by GSA. (Replaces $50 and $75 statutory ceilings and the HRGA travel reimbursement concept upon implementation.)

b. Authority for reimbursement of emergency travel expenses during official travel and for necessary living accommodations for law enforcement employees and/or their families in life threatening situations from employee's assigned duties,

c. Relocation entitlements for USPS employees transferring to other Federal agencies.

(cont)

Timetable:

Action	Date	FR Cite
Final Action	05/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT:

d. A statutory reporting requirement to collect certain travel, transportation, and relocation payments data from agencies spending over $5 million annually on these payments. (Note: These provisions may be implemented in a separate regulation.)

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Regulations and Policy Division (FFY), Federal Supply Service, Washington, DC 20406, 703 557-1253

RIN: 3090-AC22

2956. CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR) FPMR 101-7 SUPPLEMENT (UNASSIGNED)

Legal Authority: 40 USC 486 (c); 5 USC 5724b; EO 11609; EO 12466

CFR Citation: 41 CFR 101-7

Legal Deadline: None

Abstract: FTR change transmitted by GSA Bulletin FPMR A-40, Supplement (unassigned). FTR change implements new tables for determining the Federal and State marginal tax rate for use in calculating the relocation income tax (RIT) allowance covering relocation expense reimbursements received during the 1985 tax year.

Timetable:

Action	Date	FR Cite
Final Action	02/00/86	

Next Action Undetermined

Small Entity: No

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Travel & Transportation Regulations, Division, Washington, DC 20406, 703 557-1253

RIN: 3090-AC23

2957. ● CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7, SUPPLEMENT 18

Legal Authority: 40 USC 486(c); 5 USC 5707

CFR Citation: 41 CFR 101-7

Legal Deadline: None

Abstract: FTR change transmitted by GSA Bulletin FPMR A-40, (Supplement 18). FTR change implements an increase in the mileage rate from 20.5 cents per mile to 21 cents per mile for use of privately owned automobiles when such use is advantageous to the Government.

GSA — Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Action	04/00/86	

Small Entity: No

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Regulations and Policy Division (FFY), Federal Supply Service, Washington, DC 20406, 703 557-1253

RIN: 3090-AC38

2958. ● CHANGE TO FEDERAL TRAVEL REGULATION (FTR), FPMR 101-7 SUPPLEMENT (UNASSIGNED)

Legal Authority: 40 USC 486(c); 5 USC 572(b); EO 11609; EO 12466

CFR Citation: 41 CFR 101-7

Legal Deadline: None

Abstract: FTR change transmitted by GSA Bulletin FPMR A-40, Supplement (unassigned). FTR change implements new tables for determining the Federal and State marginal tax rate for use in calculating the relocation income tax (RIT) allowance covering relocation expense reimbursements received during the 1986 tax year.

Timetable:

Action	Date	FR Cite
Final Action	12/00/86	

Small Entity: No

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Regulations and Policy Division (FFY), Federal Supply Service, Washington, DC 20406, 703 557-1253

RIN: 3090-AC42

2959. ● CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7. SUPPLEMENT (UNASSIGNED)

Legal Authority: 40 USC 486(c); 5 USC 5724(a)(4); EO 11609; EO 12466

CFR Citation: 41 CFR 101-7

Legal Deadline: None

Abstract: FTR change transmitted by GSA Bulletin FPMR A-40, Supplement (unassigned). FTR change will implement amendments to Chapter 2, Part 6, regarding reimbursement of the loan origination fee incurred when buying a residence at the new official station and to adjust according to CPI change the maximum dollar amounts for reimbursement of allowable real estate sale and purchase expenses incident to a change of official station.

Timetable:

Action	Date	FR Cite
Final Action	08/00/86	

Small Entity: No

Additional Information: Provisions related to loan origination fees were previously included under RIN 3090-AC24

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Regulations and Policy Division (FFY), Federal Supply Service, Washington, DC 20406, 703 557-1253

RIN: 3090-AC43

OFFICE OF INFORMATION RESOURCES MANAGEMENT

2960. FIRMR IMPLEMENTATION OF THE ADP DISPUTE RESOLUTION SECTION OF THE COMPETITION IN CONTRACTING ACT OF 1984 - PROJECT 84.63

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 201-32

Legal Deadline: None

Abstract: This project will add coverage to the FIRMR to address Federal agency responsibilities under the ADP dispute resolution section of Public Law 98-369, the competition in Contracting Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	10/24/85	50 FR 43258
NPRM Comment Period End	12/23/85	50 FR 43258
Final Action	04/00/86	

Small Entity: No

Additional Information: This regulatory proposal was delayed pending issuance of GSBCA and FAR implementing regulations.

Agency Contact: William R. Loy, Procurement Analyst, General Services Administration, Policy Branch(KMPP), Information, Resources Management Services, Washington, DC 20405, 202 566-0194

RIN: 3090-AB64

2961. IMPLEMENTATION OF FEDERAL INFORMATION PROCESSING STANDARDS (FIPS) FEDERAL TELECOMMUNICATIONS STANDARDS (FED-STDS) AND JOINT FIPS/FED-STDS IN THE FPMR. PROJECT 85-20A

Legal Authority: 40 USC 486 (c)

CFR Citation: 41 CFR 201-8

Legal Deadline: None

Abstract: This regulation updates implementation provisions for a number of Federal Information Processing Standards, Federal Telecommunications Standards to provide associated standard terminology that shall be used in solicitation documents, including requirements documents, where the standard is applicable. The standard terminology for Governmentwide use brings to the attention of potential offerors on specific solicitations the requirement for compliance with the pertinent standard or standards. The intended effect of this regulation is to enhance economy and efficiency in the acquisition of automatic data processing/telecommunications equipment and services.

Timetable:

Action	Date	FR Cite
NPRM	08/27/85	50 FR 34723
NPRM Comment Period End	09/26/85	50 FR 34723
Final Action	04/00/86	

Small Entity: No

Additional Information: This issuance implements:

(1) Four revised FIPS PUBS - 1-1 and 1-2 on information exchange, 8-5 on statistical area and 33-1 on handprinting OCR;

(2) Three new FIPS PUBS - 107 on local area networks, 108 on alphanumeric computer output, and 111 on storage module interfaces;and

(3) Three new FED-STDS - 1015 on analog to digital conversion of voice, 1026 and 1028 on interpretability and security with data encryption.

Agency Contact: Phillip R. Patton, Procurement Analyst, General Services Administration, Policy Branch (KMPP), Information Resources Management Service, Washington,DC 20405, 202 566-0194

RIN: 3090-AC13

GSA

Final Rule Stage

OFFICE OF ORGANIZATION AND PERSONNEL

2962. FEDERAL ADVISORY COMMITTEE MANAGEMENT

Significance: Agency Priority

Legal Authority: EO 12024

CFR Citation: 41 CFR 101-6.10; 41 CFR 101-11.12

Legal Deadline: None

Abstract: This regulation provides administrative and interpretive guidelines and management controls for Federal agencies concerning the implementation of the Federal Advisory Committee Act (FACA), as amended. It fulfills GSA's responsibilities under FACA and Executive Order 12024 and replaces OMB Circular A-63.

Timetable:

Action	Date	FR Cite
ANPRM	11/22/79	44 FR 66852
NPRM - Previous	08/21/80	45 FR 55769
Interim Final Rule	04/28/83	48 FR 19324

Next Action Undetermined

Small Entity: No

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Ronald L. Martinson, Special Assistant, General Services Administration, Committee Management Secretariat, Washington, DC 20405, 202 523-1343

RIN: 3090-AA62

PUBLIC BUILDINGS SERVICE

2963. FEDERAL EMPLOYEE PARKING

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-20

Legal Deadline: None

Abstract: This regulation will revise procedures for the assignment of parking spaces at federally controlled facilities.

Timetable:

Action	Date	FR Cite
Temporary Regulation D-69	04/15/83	48 FR 16272
Final Action	03/31/86	
Extend D-69 expiration date	03/31/87	49 FR 9724

Small Entity: No

Agency Contact: Judy A. Kraft, Acting Director, General Services Administration, Assignment Division (PRS), Washington, DC 20405, 202 566-0059

RIN: 3090-AA68

GENERAL SERVICES ADMINISTRATION (GSA)

Completed Actions

2964. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, CHANGE PART 515

CFR Citation: 48 CFR 515

Completed:

Reason	Date	FR Cite
Withdrawn	07/01/85	

Small Entity: Not Applicable

Agency Contact: Margorie Ashby 202 523-3822

RIN: 3090-AB84

2965. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, CHANGE PART 516

CFR Citation: 48 CFR 516

Completed:

Reason	Date	FR Cite
Final Action	10/29/85	50 FR 43713

Small Entity: Not Applicable

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AB96

2966. PROTESTS TO THE GENERAL ACCOUNTING OFFICE (GAO)

CFR Citation: 48 CFR 533

Completed:

Reason	Date	FR Cite
Final Action	07/01/85	50 FR 26998

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC14

2967. SOURCE SELECTION

CFR Citation: 48 CFR 515.612

Completed:

Reason	Date	FR Cite
Withdrawn	07/01/85	

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC16

2968. ●RESTRICTIONS ON PROCUREMENT OF HAND AND MEASURING TOOLS AC-85-3, SUPPLEMENT 1

CFR Citation: 48 CFR 525; 48 CFR 525

Completed:

Reason	Date	FR Cite
Final Action	10/25/85	50 FR 43395
Final Action Effective	10/18/85	

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC27

2969. ●THRESHOLD FOR APPLICATION OF TRADE AGREEMENTS ACT ACQUISITION CIRCULAR (AC-85-5)

CFR Citation: 48 CFR 525

Completed:

Reason	Date	FR Cite
Final Action	12/26/85	50 FR 2780
Final Action Effective	01/01/86	

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC28

2970. ●INCREASE IN IMPREST FUND AND CERTIFIED INVOICE THRESHOLDS ACQUISITION CIRCULAR AC-86-1

CFR Citation: 48 CFR 513

Completed:

Reason	Date	FR Cite
Final Action	01/15/86	

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC29

2971. ●REPEAL OF DAILY OVERTIME REQUIREMENT - ACQUISITION CIRCULAR (AC-86-2)

CFR Citation: 48 CFR 522; 48 CFR 522

Completed:

Reason	Date	FR Cite
Final Action	01/15/86	

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC30

2972. ●MISCELLANEOUS REVISIONS TO IMPLEMENT THE COMPETITION IN CONTRACTING ACT OF 1984 (GSAR CHANGE 16)

CFR Citation: 48 CFR 501; 48 CFR 502; 48 CFR 504; 48 CFR 505; 48 CFR 506; 48 CFR 507; 48 CFR 509; 48 CFR 510; 48 CFR 514; 48 CFR 515; 48 CFR 525; 48 CFR 536; 48 CFR 549

Completed:

Reason	Date	FR Cite
Final Action	09/05/85	50 FR 36082
Final Action Effective	08/16/85	

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC31

2973. ●PURCHASE UNDER THE TRADE AGREEMENTS ACT OF 1979 (GSAR CHANGE 17)

CFR Citation: 48 CFR 525

Completed:

Reason	Date	FR Cite
Final Action	09/19/85	50 FR 38005
Final Action Effective	09/11/85	

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC32

2974. ●BASIS OF AWARD - CONSTRUCTION CONTRACT (GSAR CHANGE 19)

CFR Citation: 48 CFR 536; 48 CFR 552

Completed:

Reason	Date	FR Cite
Final Action	12/09/85	50 FR 50170
Final Action Effective	11/27/85	

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC33

2975. ●TERMINATION FOR CONVENIENCE OF GOVERNMENT AND TERMINATION LIABILITIES (GSAR CHANGE 20)

CFR Citation: 48 CFR 549; 48 CFR 552

Completed:

Reason	Date	FR Cite
Final Action	01/03/86	51 FR 194
Final Action Effective	11/27/85	

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC34

2976. ●REVISED GSA FORMS (GSAR CHANGE 22)

CFR Citation: 48 CFR 513; 48 CFR 553

Completed:

Reason	Date	FR Cite
Final Action	12/17/85	50 FR 51394
Final Action Effective	12/06/85	

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC41

2977. ●PROMPT PAYMENT DISCOUNTS AND PAYMENT TERMS (GSAR CHANGE 21)

CFR Citation: 48 CFR 514

Completed:

Reason	Date	FR Cite
Final Action	12/09/85	50 FR 50169
Final Action Effective	11/27/85	

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC44

2978. INTEREST ASSESSMENT ON OVERCHARGES (RECEIVABLES)

CFR Citation: 41 CFR 101-41

Completed:

Reason	Date	FR Cite
Final Action	12/05/85	50 FR 49845

Small Entity: No

Agency Contact: John W. Sandfort 202 786-3014

RIN: 3090-AA74

2979. ADMINISTRATIVE OFFSET AND INTEREST ASSESSMENT ON DELINQUENT REFUNDS FOR TOTALLY UNUSED TICKETS

CFR Citation: 41 CFR 101-41

Completed:

Reason	Date	FR Cite
Final Action	12/05/85	50 FR 49845

Small Entity: No

Agency Contact: John W. Sandfort 202 786-3014

RIN: 3090-AB12

2980. REVISION OF STANDARD FORM 1170 AND GENERAL SERVICES ADMINISTRATION FORM 7958

CFR Citation: 41 CFR 101-41

Completed:

Reason	Date	FR Cite
Final Action	12/05/85	50 FR 49845

Small Entity: No

Agency Contact: John W. Sandfort 202 786-3014

RIN: 3090-AB68

GSA

Completed Actions

2981. SUBPART 101-47.8 - IDENTIFICATION OF UNNEEDED FEDERAL REAL PROPERTY AND SUBPART 101-47.49 -- ILLUSTRATIONS

CFR Citation: 41 CFR 101-47.800; 41 CFR 101-47.802; 41 CFR 101-47.4914

Completed:

Reason	Date	FR Cite
Final Action	01/03/86	51 FR 193

Small Entity: No

Agency Contact: James H. Pitts 202 535-7067

RIN: 3090-AC11

2982. CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7 SUPPLEMENT 15

CFR Citation: 41 CFR 101-7

Completed:

Reason	Date	FR Cite
Final Action	10/28/85	50 FR 43607
Final Action Effective	11/03/85	50 FR 43607

Small Entity: No

Agency Contact: Audrey E. Rish 703 557-1253

RIN: 3090-AB99

2983. INSTRUCTIONS FOR PREPARING STANDARD FORM 120

CFR Citation: 41 CFR 101-43

Completed:

Reason	Date	FR Cite
Final Action	08/02/85	50 FR 31370

Small Entity: No

Agency Contact: Nr. Stanley M. Duda 703 557-0807

RIN: 3090-AC04

2984. CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR) FPMR 101-7 SUPPLEMENT 16

CFR Citation: 41 CFR 101-7

Completed:

Reason	Date	FR Cite
Final Action	01/14/86	51 FR 1560
Final Action Effective	10/01/85	51 FR 1560

Small Entity: No

Agency Contact: Audrey E. Rish 202 557-1253

RIN: 3090-AC24

2985. EXEMPTION OF ADP PROCUREMENT AUTHORITY BASED ON THE DEFENSE AUTHORIZATION ACT OF 1982 - PROJECT 82.23T

CFR Citation: 41 CFR 201-1; 41 CFR 201-32

Completed:

Reason	Date	FR Cite
Withdrawn	11/18/85	

Small Entity: No

Agency Contact: Roger W. Walker 202 566-0194

RIN: 3090-AA16

2986. OBSOLESCENCE, OF FEDERAL ADP EQUIP. PROJECT 82.06A

Significance: Regulatory Program

CFR Citation: 41 CFR 201-11; 41 CFR 201-30; 41 CFR 201-32; 41 CFR 201-33; 41 CFR 201-2; 41 CFR 201-23; 41 CFR 201-24

Completed:

Reason	Date	FR Cite
Final Action	03/24/86	51 FR 9957

Small Entity: No

Agency Contact: Phillip R. Patton 202 566-0194

RIN: 3090-AA19

2987. AGENCY PLANNING - PROJECT 84.32A

CFR Citation: 41 CFR 201-16; 41 CFR 201-17

Completed:

Reason	Date	FR Cite
Withdrawn - Analysis indicated value added can not be developed now.	11/18/85	

Small Entity: No

Agency Contact: Phillip R. Patton 202 566-0194

RIN: 3090-AB58

[FR Doc. 86-5783 Filed 04-18-86; 8:45 am]

BILLING CODE 6820-81-T

federal register

Monday
April 21, 1986

Part XXV

United States International Development Cooperation Agency/Agency for International Development

Semiannual Regulatory Agenda

IDCA

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Ch. II

Federal Regulations; Agency Regulatory Agenda Semiannual Summary

AGENCY: Agency for International Development, IDCA.

ACTION: Agency regulations agenda.

SUMMARY: The Agency for International Development (A.I.D.) is publishing this Agenda as required by section 5(a) of Executive Order 12291, Federal Regulation (46 FR 13193, February 19, 1981) and by the Regulatory Flexibility Act (Pub. L. 96-354, September 30, 1980). This agenda reports the status of those regulations currently under review and gives A.I.D.'s plan for the issuance of proposed regulations during the next twelve months. It is expected that the information provided in this agenda will enable the public to be more aware of and more effectively participate in A.I.D.'s rulemaking process.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the agenda or the review list, in general, contact: Mr. Fred D. Allen, Office of Information Resources Management, Agency for International Development, Washington, D.C. 20523, Telephone (202) 632-3378.

Specific: For further information about any particular item on the agenda, contact the individual listed as the contact for that item.

Regulatory Flexibility Act (RFA)

The Agency does not have any rulemaking activity that falls within the requirements of RFA and does not anticipate any during the next reporting period.

Ain H. Kivimae,

Acting Assistant to the Administrator for Management.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY/AGENCY FOR INTERNATIONAL DEVELOPMENT (IDCA) — Prerule Stage

2988. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT -- EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Legal Authority: 22 USC 2402

CFR Citation: 22 CFR 209

Legal Deadline: None

Abstract: The regulation will address the problem of discrimination on the basis of race, color, or national origin in any program or activity receiving assistance from the Agency for International Development. The regulation provides that no person in the United States on the ground of race, color or national origin, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance from AID. The regulation provides procedures for 1) assuring that such discrimination does not occur and 2) effecting compliance. The Agency is not considering any alternatives for addressing the problem. There will be some minor costs in administering the regulation; there are potential benefits to individuals who might otherwise be discriminated against.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Nancy Frame, United States International Development Cooperation Agency/Agency for International Development, Office of the General Counsel, Washington, DC 20523, **202 647-8218**

RIN: 0412-AA01

2989. PUBLIC INFORMATION

Legal Authority: PL 89-487; 5 USC 552

CFR Citation: 22 CFR 212

Legal Deadline: None

Abstract: The regulation is being reviewed within the Agency to determine whether a modification is necessary. Further action will be determined by congressional determination on the future requirements of the Act.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: **Mr. Rhea Johnson,** United States International Development Cooperation Agency/Agency for International Development, Bureau for External Affairs, Washington, DC 20523, **202 647-9614**

RIN: 0412-AA02

2990. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITTING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 20 USC 1681 to 1683; 20 USC 1686

CFR Citation: 22 CFR 219, (New)

Legal Deadline: None

Abstract: This regulation will address the problem of discrimination on the basis of sex in education programs and activities receiving or benefitting from financial assistance from the Agency for International Development. The regulation is intended to implement title IX of the Education Amendments of 1972, as amended. The regulation provides procedures for 1) assuring that such discrimination does not occur and 2) effecting compliance. The Agency is not considering any alternatives for addressing the problem. There will be some minor costs in administering the regulation; there are potential benefits to individuals who might otherwise be discriminated against.

Timetable:

IDCA

Prerule Stage

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Nancy D. Frame, Assistant General Counsel, United States International Development Cooperation Agency/Agency for International Development, Office of the General Counsel, A.I.D., Washington, DC 20523, 202 647-8218

RIN: 0412-AA04

2991. TRANSFER OF FOOD COMMODITIES FOR USE IN DISASTER RELIEF AND ECONOMIC DEVELOPMENT AND OTHER ASSISTANCE

Legal Authority: 7 USC 1705; 7 USC 1721 to 1723; 7 USC 1693

CFR Citation: 22 CFR 211

Legal Deadline: None

Abstract: This regulation prescribes the terms and conditions governing the transfer of agricultural commodities to foreign governments, U.S. voluntary agencies, or intergovernmental organizations. The regulation is being reviewed to assess its current procedures and requirements with an intent to improve its effectiveness and efficiency. There will be internal administrative and operational costs. There are potential benefits to aid-receiving countries.

Timetable:

Action	Date	FR Cite
Begin Review	12/15/83	
End Review	00/00/00	

Small Entity: No

Agency Contact: Jessie C. Vogler, Program Officer, United States International Development Cooperation Agency/Agency for International Development, Office of Food For Peace, Bureau For Food, For Peace and Voluntary Assistance, Washington, DC 20523, 703 235-9193

RIN: 0412-AA06

2992. PER DIEM PAYMENTS TO AND ON BEHALF OF PARTICIPANTS IN NONMILITARY ECONOMIC DEVELOPMENT TRAINING PROGRAMS

Legal Authority: 22 USC 2396

CFR Citation: 22 CFR 205

Legal Deadline: None

Abstract: This regulation prescribes the terms and conditions governing the payments to and on behalf of participants in nonmilitary economic development training programs.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Richard F. Calhoun, Asst. Director for Resources & Support, United States International Development Cooperation Agency/Agency for International Development, Office of Participant Training Bureau for Science and Technology, Washington, DC 20523, 703 235-1984

RIN: 0412-AA07

2993. AGENCY FOR INTERNATIONAL DEVELOPMENT ACQUISITION REGULATION (AIDAR)

Legal Authority: 22 USC 2381; 22 USC 2396 (a)(3); EO 12163

CFR Citation: 48 CFR 7, Appendix D

Legal Deadline: None

Abstract: The proposed revisions will update the Agency's coverage on contracting with U.S. citizens and U.S. resident aliens for personal services abroad; the coverage supplements FAR Part 37 -- Services contracting (48 CFR 37).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: John F. Owens, Procurement Executive, United States International Development Cooperation Agency/Agency for International Development, M/AAA/SER, Washington, DC 20523, 703 235-1895

RIN: 0412-AA12

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY/AGENCY FOR INTERNATIONAL DEVELOPMENT (IDCA)

Proposed Rule Stage

2994. REGULATION FOR IMPLEMENTATION OF PRIVACY ACT OF 1974

Legal Authority: PL 93-579; 5 USC 552a

CFR Citation: 22 CFR 215

Legal Deadline: None

Abstract: The regulation is in the clearance process within the Agency and will be published for public comment.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Mr. Rhea Johnson, United States International Development Cooperation Agency/Agency for International Development, Bureau for External Affairs, Washington, DC 20523, 202 647-9614

RIN: 0412-AA03

2995. DONATION OF DAIRY

IDCA — Proposed Rule Stage

PRODUCTS TO ASSIST NEEDY PERSONS OVERSEAS (416 PROGRAM)

Legal Authority: 7 USC 1431; PL 97-253, Sec 110

CFR Citation: 22 CFR 210, (New)

Legal Deadline: None

Abstract: This regulation sets forth provisions of the Agency for International Development (A.I.D.), acting as an Agent for the USDA/Commodity Credit Corporation (CCC), to carry out part of the responsibilities for selecting, approving, administering and implementing the Section 416 program of the Agricultural Act of 1949, as amended. This program will assist needy persons overseas and reduce surplus stocks of dairy and wheat products in CCC inventory. The donation of commodities under this new authority will be coordinated with, but not replace, assistance provided under the Agricultural Trade Development and Assistance Act of 1954, as amended, Pub. L. 83-480. The Agency is not considering any alternatives for addressing the problem. There are some minor costs in administering the regulation. The potential benefits will go to needy persons overseas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/24/84	49 FR 22024

Next Action Undetermined

Small Entity: No

Agency Contact: Jessie C. Vogler, Program Officer, United States International Development Cooperation Agency/Agency for International Development, Office of Food for Peace, Bureau for Food for Peace and Voluntary Assistance, Washington, DC 20523, **703 235-9193**

RIN: 0412-AA05

2996. ● COLLECTIONS OF CLAIMS

Legal Authority: 22 USC 2381

CFR Citation: 22 CFR 213

Legal Deadline: None

Abstract: These regulations prescribe the procedures to be used by the Agency for International Development ("AID") in the collection of claims owed to AID and to the United States. It supplements the Federal Claims Collections Standards, 4 CFR Parts 101-105. The regulations are being amended to add procedures for salary offset.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Jan W. Miller, United States International Development Cooperation Agency/Agency for International Development, Office of the General Counsel, Washington, DC 20523, **202 647-9434**

RIN: 0412-AA09

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY/AGENCY FOR INTERNATIONAL DEVELOPMENT (IDCA) — Completed Actions

2997. DEBARMENT, SUSPENSION AND INELIGIBILITY

Legal Authority: 22 USC 2381

CFR Citation: 22 CFR 208

Legal Deadline: None

Abstract: These regulations currently apply to debarment and suspension of AID-financed suppliers of commodities and commodity-related services. The amendment expands the coverage to include direct AID agreements (e.g. grants and cooperative agreements) and all AID-financed agreements (e.g., host country contracts).

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	05/20/85	50 FR 15884
Final Action	10/01/85	50 FR 39995
Final Action Effective	10/01/85	50 FR 39995

Small Entity: No

Agency Contact: Jan W. Miller, United States International Development Cooperation Agency/Agency for International Development, Office of the General Counsel, Washington, DC 20523, **202 647-3348**

RIN: 0412-AA08

2998. COLLECTION OF CLAIMS

Legal Authority: 22 USC 2381

CFR Citation: 22 CFR 213

Legal Deadline: None

Abstract: These regulations prescribe the procedures to be used by the Agency for International Development ("AID") in the collection of claims owed to AID and to the United States. It supplements the Federal Claims Collections Standards, 4 CFR Parts 101-105. This part sets forth procedures for a) collections, including administrative offset, of claims owed the United States, b) interest, penalties and administrative charges; c) disclosure to consumer reporting agencies and contracts with collection agencies.

Timetable:

Action	Date	FR Cite
NPRM	06/02/85	
NPRM Comment Period End	07/23/85	50 FR 25720
Final Action	09/23/85	50 FR 38521
Final Action Effective	09/23/85	50 FR 38521

Small Entity: No

Additional Information: Being sent to OMB for clearance prior to issuing as final rule.

Agency Contact: Jan W. Miller, United States International Development Cooperation Agency/Agency for International Development, Office of the General Counsel, Washington, DC 20523, **202 647-9434**

RIN: 0412-AA09

2999. AGENCY FOR INTERNATIONAL DEVELOPMENT ACQUISITION REGULATION (AIDAR)

Legal Authority: 22 USC 2381; EO 12163; PL 98-577

CFR Citation: 48 CFR 701; 48 CFR 727; 48 CFR 723

IDCA

Completed Actions

Legal Deadline: None

Abstract: The proposed revisions will implement Federal Acquisition Circular 84-6, concerning the Small Business and Federal Procurement Enhancement Act of 1984, and supplemented by FAR Case 85-39 (50 FR 32871, dated August 15, 1985).

Timetable:

Action	Date	FR Cite
Withdrawn no further actions to be taken	02/03/86	

Small Entity: No

Agency Contact: John F. Owens, Procurement Executive, United States International Development Cooperation Agency/Agency for International Development, M/AAA/SER, Washington, DC 20523, **703 235-1895**

RIN: 0412-AA10

[FR Doc. 86-5784 Filed 04-18-86; 8:45 am]

BILLING CODE 6116-01-T

Federal Register

Monday
April 21, 1986

Part XXVI

Merit Systems Protection Board

Semiannual Regulatory Agenda

MSPB

MERIT SYSTEMS PROTECTION BOARD

5 CFR Ch. II

Regulatory Agenda

AGENCY: Merit Systems Protection Board.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Merit Systems Protection Board regulations are scheduled for review or development from April 1986 through March 1987. This agenda carries out the MSPB's responsibility to publish a semiannual agenda under E.O. 12291, Federal Regulation, and the Regulatory Flexibility Act [5 U.S.C. Chapter 6].

Regulatory action in addition to the items listed is not precluded.

FOR FURTHER INFORMATION CONTACT: Paul D. Mahoney, Assistant Managing Director for Management, (202) 653-8900.

DATED: January 29, 1986.

Merit Systems Protection Board.

Herbert E. Ellingwood,

Chairman.

MERIT SYSTEMS PROTECTION BOARD (MSPB) — Prerule Stage

3000. HEARING PROCEDURES FOR APPELLATE CASES

Legal Authority: 5 USC 1205(g); 5 USC 7701

CFR Citation: 5 CFR 1201.1 to 1201.222

Legal Deadline: None

Abstract: The proposed changes in these regulations are the result of a comprehensive review of the Board's experience with processing and adjudicating cases since January 1979. The proposed changes are intended to clarify existing rules and to improve the operating efficiency and effectiveness of the Board and the parties who practice before the Board.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/86	
ANPRM Comment Period End	03/00/86	
Final Action	06/00/86	
Final Action Effective	06/00/86	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Paul D. Mahoney, Assistant Managing Director for Management, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, 202 653-8900

RIN: 3124-AA00

MERIT SYSTEMS PROTECTION BOARD (MSPB) — Proposed Rule Stage

3001. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS CONDUCTED BY THE MERIT SYSTEMS PROTECTION BOARD

Legal Authority: 29 USC 791

CFR Citation: 5 CFR 1207.1 to 1207.99, (New)

Legal Deadline: None

Abstract: To effectuate Section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, amending Section 504 of P.L. 95-602.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
NPRM Comment Period End	06/00/86	
Final Action	10/00/86	
Final Action Effective	10/00/86	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: John H. Taylor, Director, Office of Equal Employment, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, 202 653-6180

RIN: 3124-AA01

[FR Doc. 86-4524 Filed 04-18-86; 8:45 am]

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federal register

Monday
April 21, 1986

Part XXVII

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

NASA

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration.

ACTION: Regulatory agenda.

SUMMARY: This regulatory agenda describes the proposed regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of a knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

ADDRESS: Director, Logistics Management and Information Programs Division (Code NI), Office of Management, NASA Headquarters, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, 202/453-2922.

SUPPLEMENTARY INFORMATION: OMB Bulletin 86-4, "Regulatory Program of the United States Government" (April 1, 1986--March 31, 1987) and "Unified Agenda of Federal Regulations" for April 1986, Executive Order 12291, "Federal Regulation," and NASA Management Instruction 1410.10E, "Federal Register: Delegation of Authority and Requirements for Publication of NASA Documents," require a regulatory agenda of proposed regulations under development and review be published in the **Federal Register** each April and October.

Richard L. Daniels,

Acting Director, Logistics Management and Information Programs Division.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3002	General Provisions Regarding Flight of Reimbursable Payloads Aboard the Space Shuttle	2700-AA14
3003	NASA Seal, Insignia, Logotype Insignia, Program and Astronaut Badges, and Flags	2700-AA15
3004	Nondiscrimination on the Basis of Handicap	2700-AA24
3005	Standards of Conduct	2700-AA30
3006	Security Adjudication Procedures	2700-AA31
3007	Major System Acquisitions	2700-AA38
3008	Source Evaluation Board Manual	2700-AA39
3009	Data and Copyrights	2700-AA40
3010	Space Transportation System; Reimbursement for Shuttle Services Provided to Non-U.S. Government Users; Reimbursement for Shuttle Services Provided to Civil U.S. Government Users and Foreign ETC	2700-AA45
3011	Delegation of Authority of Certain Civil Rights Functions to the Department of Health, Education, and Welfare	2700-AA47
3012	Availability of Agency Records to Members of the Public	2700-AA49
3013	Nondiscrimination in Federally-Assisted Programs of NASA: Effectuation of Title VI of the Civil Rights Act of 1964	2700-AA50
3014	Nondiscrimination on the Basis of Handicap; Program Accessibility	2700-AA51
3015	Payload Specialists for NASA or NASA Related Payloads	2700-AA52
3016	Extraterrestrial Exposure	2700-AA53
3017	Policy Concerning Data Obtained from Space Science Flight Investigations	2700-AA54
3018	Release of Information to News and Information Media	2700-AA58

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3019	Space Transportation System; Insurance and Indemnification of NASA Space Vehicle Users	2700-AA00
3020	Space Transportation System; Reimbursement for Spacelab Services	2700-AA01
3021	Patent Waiver Regulations	2700-AA10
3022	Monetary Claims (General); Collection of Civil Claims and Offset	2700-AA22
3023	Implementation of the Equal Access to Justice Act in Agency Proceedings	2700-AA42
3024	Development Work for Industry in NASA Wind Tunnels	2700-AA48
3025	Delegations of Authority to the Corps of Engineers, U.S. Army, Concerning NASA Land Acquisition Activities	2700-AA55
3026	Delegation of Authority to the Corps of Engineers Board of Contract Appeals	2700-AA56
3027	Delegations and Designations	2700-AA57

NASA

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3028	Space Transportation System; Payload Specialists	2700-AA12
3029	Processing of Monetary Claims (General); Employees's Personal Property Claims	2700-AA27
3030	Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs	2700-AA32
3031	Awards for Reported Scientific and Technical Contributions -- NASA and Contractor Employees	2700-AA41
3032	Awards for Scientific and Technical Contributions	2700-AA43
3033	Inventions and Contributions Board	2700-AA44
3034	Use of NASA Airfield Facilities by Aircraft Not Operated for the Benefit of the Federal Government	2700-AA46

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) — Proposed Rule Stage

3002. GENERAL PROVISIONS REGARDING FLIGHT OF REIMBURSABLE PAYLOADS ABOARD THE SPACE SHUTTLE

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, Subpart 1

Legal Deadline: None

Abstract: Sets forth the general provisions regarding flight of reimbursable payloads aboard the NASA Space Shuttle. Incorporates pricing principles for the Second Phase of STS operations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: No

Additional Information: RIN = 2700-AA13 merged with RIN = 2700-AA14.

Agency Contact: Lowell E. Primm, National Aeronautics and Space Administration, Office of Space Flight, Code MC, NASA Headquarters, Washington, DC 20546, 202 453-1252

RIN: 2700-AA14

3003. ● NASA SEAL, INSIGNIA, LOGOTYPE INSIGNIA, PROGRAM AND ASTRONAUT BADGES, AND FLAGS

Legal Authority: 42 USC 2473(a), (b)(1)

CFR Citation: 14 CFR 1221, Subpart 1

Legal Deadline: None

Abstract: Sets forth NASA policy, procedures, and guidelines for use of NASA Logotype Insignia.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	

Small Entity: No

Agency Contact: Robert Schulman, Office of External Relations (Code LFF), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8327

RIN: 2700-AA15

3004. NONDISCRIMINATION ON THE BASIS OF HANDICAP

Legal Authority: 29 USC 794

CFR Citation: 14 CFR 1250

Legal Deadline: None

Abstract: Implements agency's policy and procedures for implementing Section 504 of the Rehabilitation Act of 1973, as amended, concerning nondiscrimination on the basis of handicap in programs or activities conducted by Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Roger D. Hamby, National Aeronautics and Space Administration, Office of General Counsel, Code GG, NASA Headquarters, Washington, DC 20546, 202 453-2465

RIN: 2700-AA24

3005. ● STANDARDS OF CONDUCT

Legal Authority: EO 11222; PL 95-521, Titles II and IV as amended by PL 96-19; PL 96-28; PL 98-150

CFR Citation: 14 CFR 1207

Legal Deadline: None

Abstract: This proposed revision will incorporate the latest Public Laws on Federal employees ethics.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: No

Agency Contact: Elizabeth N. Siegel, Office of General Counsel (Code GG), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2465

RIN: 2700-AA30

3006. SECURITY ADJUDICATION PROCEDURES

Legal Authority: 5 USC 7532

CFR Citation: 14 CFR 1203

Legal Deadline: None

Abstract: Sets forth the general provisions regarding the implementation of 5 USC 7532, Suspension and Removal.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

NASA **Proposed Rule Stage**

Agency Contact: Jerome Verba, National Aeronautics and Space Administration, NASA Security Office, NASA Headquarters (Code NIS), Washington, DC 20546, **202 453-2946**

RIN: 2700-AA31

3007. MAJOR SYSTEM ACQUISITIONS

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 00

Legal Deadline: None

Abstract: Revise and update procedures for major systems acquisition.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Agency Contact: John E. Horvath, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters (Code HS), Washington, DC 20546, **202 453-2082**

RIN: 2700-AA38

3008. SOURCE EVALUATION BOARD MANUAL

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 00

Legal Deadline: None

Abstract: Revise and update procedures for conduct of Source Evaluation Boards.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Agency Contact: Charles R. Yetter, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters (Code HS), Washington, DC 20546, **202 453-2074**

RIN: 2700-AA39

3009. DATA AND COPYRIGHTS

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 00

Legal Deadline: None

Abstract: Change to conform regulations with Federal Acquisition Regulations changes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: Not Applicable

Agency Contact: Stuart J. Evans, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters (Code H), Washington, DC 20546, **202 453-2090**

RIN: 2700-AA40

3010. SPACE TRANSPORTATION SYSTEM; REIMBURSEMENT FOR SHUTTLE SERVICES PROVIDED TO NON-U.S. GOVERNMENT USERS; REIMBURSEMENT FOR SHUTTLE SERVICES PROVIDED TO CIVIL U.S. GOVERNMENT USERS AND FOREIGN ETC

Legal Authority: PL 85-568, Sec 203; 72 Stat 429; 42 USC 2473; PL 87-624, Sec 201(b); 76 Stat 421; 47 USC 721(b)

CFR Citation: 14 CFR 1214, Subpart 1; 14 CFR 1214, Subpart 2

Legal Deadline: None

Abstract: This revision will incorporate provisions for scheduled shared-flight retrieval service and for equitable charging for use of the downweight capability of the shuttle.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Additional Information: TITLE CONT: Users Who Have Made Substantial Investment in the STS Program

Agency Contact: Lowell E. Primm, Office of Space Flight, National Aeronautics and Space Administration, NASA Headquarters (Code MC), Washington, DC 20546, **202 453-1252**

RIN: 2700-AA45

3011. ● DELEGATION OF AUTHORITY OF CERTAIN CIVIL RIGHTS FUNCTIONS TO THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Legal Authority: 42 USC 2473(b)(1), (3), (5), (6), and (14); 14 CFR 1250.111(c)

CFR Citation: 14 CFR 1204.508

Legal Deadline: None

Abstract: Amends existing NASA regulation to reflect changes in the Federal sector and to include new civil rights laws enacted since the original regulation was published.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: No

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Programs, (Code U), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2163**

RIN: 2700-AA47

3012. ● AVAILABILITY OF AGENCY RECORDS TO MEMBERS OF THE PUBLIC

Legal Authority: 42 USC 2473; 5 USC 552 as amended by PL 93-502; 5 USC 552 as amended; PL 93-502

CFR Citation: 14 CFR 1206

Legal Deadline: None

Abstract: The purpose of this proposed revision is to identify the current costs for obtaining materials.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: No

Agency Contact: Rosemarie R. Vitagliano, Office of the Administrator (Code AEM), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-8555**

RIN: 2700-AA49

3013. ● NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF NASA: EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Legal Authority: TITLE IX of the Education Amendments of 1972; 20 USC 1681 et seq.

CFR Citation: 14 CFR 1250

Legal Deadline: None

Abstract: Establishes agency's policies and procedures for implementing Title IX of the Education Amendments of 1972 to the end that no person in the United States shall on the basis of sex be excluded from participation in, be denied benefit of, or be otherwise

subjected to discrimination under any program or activity receiving Federal financial assistance from NASA.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: No

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Programs, (Code U), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2163

RIN: 2700-AA50

3014. ● NONDISCRIMINATION ON THE BASIS OF HANDICAP; PROGRAM ACCESSIBILITY

Legal Authority: Sec 504 Rehabilitation Act of 1973; PL 93-112; 29 USC 794; EO 11914; 87 Stat 374

CFR Citation: 14 CFR 1251, Subpart 302

Legal Deadline: None

Abstract: Amends regulation to conform to Uniform Federal Accessibility Standards as required by the Department of Justice.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Lynda Sampson, Office of Equal Opportunity Programs, (Code U), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2177

RIN: 2700-AA51

3015. ● PAYLOAD SPECIALISTS FOR NASA OR NASA RELATED PAYLOADS

Legal Authority: PL 85-568, Sec 203; 42 USC 2473 72 Stat 429 as amended; PL 87-624, Sec 201(b); 47 USC 721(b) 76 Stat 421

CFR Citation: 14 CFR 1214, Subpart 3

Legal Deadline: None

Abstract: Revises existing regulation to reflect current practices.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: No

Agency Contact: John F. Devlin, Office of Space Science and Applications, (Code EPS), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1630

RIN: 2700-AA52

3016. ● EXTRATERRESTRIAL EXPOSURE

Legal Authority: Secs 203, 304, 72 Stat 429, 433; 42 USC 2455; 42 USC 2456; 42 USC 2473; 18 USC 799

CFR Citation: 14 CFR 1211

Legal Deadline: None

Abstract: Revision updates the existing regulation to conform to current agency practices.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: No

Agency Contact: John F. Devlin, Office of Space Science and Applications, (Code EPS), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1630

RIN: 2700-AA53

3017. ● POLICY CONCERNING DATA OBTAINED FROM SPACE SCIENCE FLIGHT INVESTIGATIONS

Legal Authority: 42 USC 2454

CFR Citation: 14 CFR 1205, Subpart 1

Legal Deadline: None

Abstract: Amends regulation to reflect current agency practices.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: No

Agency Contact: John F. Devlin, Office of Space Science and Applications, (Code EPS), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1630

RIN: 2700-AA54

3018. ● RELEASE OF INFORMATION TO NEWS AND INFORMATION MEDIA

Legal Authority: 42 USC 2473(a)(3), Sec 203(a)(3)

CFR Citation: 14 CFR 1213, Subpart 1

Legal Deadline: None

Abstract: Sets forth NASA policy governing the release of information in any form to news and information media.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: James W. McCulla, Office of External Relations (Code LFD), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8398

RIN: 2700-AA58

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Final Rule Stage

3019. SPACE TRANSPORTATION SYSTEM; INSURANCE AND INDEMNIFICATION OF NASA SPACE VEHICLE USERS

Legal Authority: PL 85-568, Sec 203; 42 USC 2473, Sec 308 of the Space Act as amended; 42 USC 2458(b)

CFR Citation: 14 CFR 1214, Subpart 13

Legal Deadline: None

Abstract: Describes the policy on when users of the Space Transportation System must obtain financial protection against third-party claims and the conditions under which NASA will provide insurance or indemnification of users. Comments on the proposed rule were received from several individuals.

NASA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/10/80	45 FR 74499
Final Action	00/00/00	

Small Entity: No

Agency Contact: Robert J. Wojtal, National Aeronautics and Space Administration, Office of General Counsel, Code GK, Washington, DC 20546, 202 453-2446

RIN: 2700-AA00

3020. SPACE TRANSPORTATION SYSTEM; REIMBURSEMENT FOR SPACELAB SERVICES

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, Subpart 8

Legal Deadline: None

Abstract: Describes the policy for Spacelab services provided by NASA to users during the Second Phase of STS operations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/30/85	50 FR 30807
Final Action	04/00/86	

Small Entity: No

Agency Contact: Lowell E. Primm, National Aeronautics and Space Administration, Office of Space Flight, Code MC, NASA Headquarters, Washington, DC 20546, 202 453-1252

RIN: 2700-AA01

3021. PATENT WAIVER REGULATIONS

Legal Authority: 42 USC 2457 et seq

CFR Citation: 14 CFR 1245, Subpart 1

Legal Deadline: None

Abstract: To adopt Presidential Memorandum on Government Patent Policy of 02/18/83.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/83	48 FR 22132
Final Action	00/00/00	

Small Entity: No

Agency Contact: Robert F. Kempf, Asst. Gen. Counsel for Patent Matters, National Aeronautics and Space Administration, Code GP, NASA Headquarters, Washington, DC 20546, 202 453-2424

RIN: 2700-AA10

3022. MONETARY CLAIMS (GENERAL); COLLECTION OF CIVIL CLAIMS AND OFFSET

Legal Authority: 42 USC 2473(c); 5 USC 5514; 31 USC 3701

CFR Citation: 14 CFR 1261

Legal Deadline: None

Abstract: Proposed regulation to implement the claims collection and offset standards of the Debt Collection Act in accordance with the GAO/DOJ joint regulations and the salary offset OPM regulation.

Timetable:

Action	Date	FR Cite
NPRM	04/03/85	50 FR 13228
NPRM Comment Period End	06/03/85	
Interim Final Rule	08/00/86	

Small Entity: No

Agency Contact: Sara Najjar, National Aeronautics and Space Administration, Office of General Counsel, Code GS, NASA Headquarters, Washington, DC 20546, 202 453-2432

RIN: 2700-AA22

3023. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS

Legal Authority: 5 USC 504, et al; 42 USC 2473(c)(1)

CFR Citation: 14 CFR 1262

Legal Deadline: None

Abstract: Amends existing regulation to reflect statutory changes and procedures for the award of attorney fees and other expenses in agency adversary adjudication.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/86	

Small Entity: No

Agency Contact: Sara Najjar, Office of General Counsel, National Aeronautics and Space Administration, NASA Headquarters (Code GS), Washington, DC 20546, 202 453-2432

RIN: 2700-AA42

3024. ● DEVELOPMENT WORK FOR INDUSTRY IN NASA WIND TUNNELS

Legal Authority: 42 USC 27473(c)(5) and (6); 50 USC 511 to 515

CFR Citation: 14 CFR 1210

Legal Deadline: None

Abstract: Amends existing regulation to reflect current practices at the aeronautical centers.

Timetable:

Action	Date	FR Cite
Final Action	06/00/86	

Small Entity: No

Agency Contact: Arthur Henderson, Jr., Office of Aeronautics and Space Technology, (Code RI), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2773

RIN: 2700-AA48

3025. ● DELEGATIONS OF AUTHORITY TO THE CORPS OF ENGINEERS, U.S. ARMY, CONCERNING NASA LAND ACQUISITION ACTIVITIES

Legal Authority: 42 USC 2473(b)(1), (3), (5), (6) and (14)

CFR Citation: 14 CFR 1204.502

Legal Deadline: None

Abstract: Removes existing NASA regulation from the CFR because the subject acquisition projects have been completed.

Timetable:

Action	Date	FR Cite
Final Action	08/00/86	

Small Entity: No

Agency Contact: Gitta G. Haber, Office of Management (Code NXG), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1958

RIN: 2700-AA55

NASA

Final Rule Stage

3026. ● DELEGATION OF AUTHORITY TO THE CORPS OF ENGINEERS BOARD OF CONTRACT APPEALS

Legal Authority: 42 USC 2473(b)(1), (3), (5), (6), and (14)

CFR Citation: 14 CFR 1204.507

Legal Deadline: None

Abstract: Removes regulation from CFR to eliminate requirement for Army Board of Contract Appeals to be substituted by NASA Board of Contract Appeals.

Timetable:

Action	Date	FR Cite
Final Action	08/00/86	

Small Entity: No

Agency Contact: Gitta G. Haber, Office of Management (Code NXG), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1958

RIN: 2700-AA56

3027. ● DELEGATIONS AND DESIGNATIONS

Legal Authority: 42 USC 2473(b)(1), (3), (5), (6), and (14)

CFR Citation: 14 CFR 1204, Subpart 5

Legal Deadline: None

Abstract: Regulation is being revised to incorporate organizational changes.

Timetable:

Action	Date	FR Cite
Final Action	08/00/86	

Small Entity: No

Agency Contact: Gitta G. Haber, Office of Management (Code NXG), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1958

RIN: 2700-AA57

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Completed Actions

3028. SPACE TRANSPORTATION SYSTEM; PAYLOAD SPECIALISTS

CFR Citation: 14 CFR 1214, Subpart 3

Completed:

Reason	Date	FR Cite
Withdrawn - no revision to existing reguration	02/03/86	

Small Entity: No

Agency Contact: Lowell E. Primm 202 453-1252

RIN: 2700-AA12

3029. PROCESSING OF MONETARY CLAIMS (GENERAL); EMPLOYEES'S PERSONAL PROPERTY CLAIMS

CFR Citation: 14 CFR 1261, Subpart 1

Completed:

Reason	Date	FR Cite
Final Action	10/24/85	50 FR 43127

Small Entity: No

Agency Contact: Sara Najjar 202 453-2432

RIN: 2700-AA27

3030. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY-ASSISTED PROGRAMS

CFR Citation: 14 CFR 1208

Completed:

Reason	Date	FR Cite
Final Action	02/27/86	51 FR 7000

Small Entity: No

Agency Contact: Gitta Haber 202 453-1958

RIN: 2700-AA32

3031. AWARDS FOR REPORTED SCIENTIFIC AND TECHNICAL CONTRIBUTIONS -- NASA AND CONTRACTOR EMPLOYEES

CFR Citation: 14 CFR 1240, Subpart 2

Completed:

Reason	Date	FR Cite
Final Action	01/31/86	50 FR 3946

Small Entity: No

Agency Contact: Joseph Labow 202 453-2892

RIN: 2700-AA41

3032. AWARDS FOR SCIENTIFIC AND TECHNICAL CONTRIBUTIONS

CFR Citation: 14 CFR 1240, Subpart 1

Completed:

Reason	Date	FR Cite
Final Action	01/31/86	50 FR 3947

Small Entity: No

Agency Contact: Joseph Labow 202 453-2892

RIN: 2700-AA43

3033. INVENTIONS AND CONTRIBUTIONS BOARD

CFR Citation: 14 CFR 1209, Subpart 4

Completed:

Reason	Date	FR Cite
Final Action	01/31/86	50 FR 3945

Small Entity: No

Agency Contact: Joseph Labow 202 453-2892

RIN: 2700-AA44

3034. ●USE OF NASA AIRFIELD FACILITIES BY AIRCRAFT NOT OPERATED FOR THE BENEFIT OF THE FEDERAL GOVERNMENT

CFR Citation: 14 CFR 1204, Subpart 14

Completed:

Reason	Date	FR Cite
Final Action	10/24/85	50 FR 43125

Small Entity: No

Agency Contact: Gerald T. McCarthy 202 453-1991

RIN: 2700-AA46

[FR Doc. 86-4525 Filed 04-18-86; 8:45 am]
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federal register

Monday
April 21, 1986

Part XXVIII

National Archives and Records Administration

Semiannual Regulatory Agenda

NARA

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: National Archives and Records Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that the National Archives and Records Administration (NARA) plans for the next 12 months and those actions that have been completed since October 1985. This agenda was developed under the guidelines in OMB Bulletin No. 86-4, dated December 23, 1985. NARA's purpose in publishing this agenda is to allow interested persons an opportunity to have more comprehensive documentation of NARA's regulatory plans and to provide a systematic means of monitoring regulatory activity in NARA. None of the regulations listed in the agenda are considered major under Executive Order 12291, Federal Regulation.

FOR FURTHER INFORMATION CONTACT: John A. Constance, Acting Chief, Information Management and Directives Branch, (202) 523-3214.

Frank G. Burke,

Acting Archivist of the United States.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3035	Adequate and Proper Documentation	3095-AA07
3036	Transfers to the National Personnel Records Center	3095-AA15

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3037	Public Use of the National Archives Building	3095-AA06
3038	Transfers to the National Personnel Records Center	3095-AA16
3039	Declassification Regulations	3095-AA17
3040	Audiovisual Records Management	3095-AA18
3041	Membership on State Historical Records Advisory Boards	3095-AA20
3042	Restrictions on Access to Archival Records	3095-AA21
3043	Micrographics Records Management	3095-AA22
3044	Implementation of Revised OMB Circular A-102	3095-AA23
3045	NARA Implementation of Presidential Records Act	3095-AA24
3046	NARA Standards of Conduct	3095-AA25
3047	Statistical Research in Records Containing Personal Information	3095-AA26

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3048	Preservation and Protection and Access to the Presidential Historical Materials of the Nixon Administration	3095-AA13
3049	Use of NARA Research Rooms	3095-AA19

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3050	Fee Schedule	3095-AA03

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Prerule Stage

3035. ADEQUATE AND PROPER DOCUMENTATION

Legal Authority: 44 USC 2104(a) as added by Sec. 102 of PL 98-497; 44 USC 2901 to 2909; 44 USC 3101; 44 USC 3102; 44 USC 3105; 44 USC 3106

CFR Citation: 44 CFR 101-11.202; 36 CFR 1220.20

Legal Deadline: None

Abstract: The head of each Federal agency is required to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency. The introduction of modern technology into Federal records systems presents problems in meeting this requirement because of the erasable storage media and complex storage formats. The Archivist of the United States is required to provide guidance and standards to agencies. Thus, the National Archives and Records Administration is reviewing the regulations regarding proper and adequate documentation to determine if they are sufficient to insure proper retention and retrievability of the information until its authorized disposition under an approved records control schedule. If this review determines agencies need different or new guidance, consideration is being given to providing such information through the Bulletin structure.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/83	
End Review	03/00/87	

Small Entity: No

Additional Information: This regulation was carried in the October 1984 Unified Agenda of Federal Regulations as RIN 3090-AB03.

Agency Contact: Charles Dollar, Act. Dir., Documentation Standards Staff, (NSD), National Archives and Records Administration, Washington, DC 20408, 202 724-3616

RIN: 3095-AA07

3036. TRANSFERS TO THE NATIONAL PERSONNEL RECORDS CENTER

Legal Authority: 44 USC 3101

CFR Citation: 36 CFR 1228.154

Legal Deadline: None

Abstract: Consideration is being given to acceptance of individual earnings and pay cards and comprehensive payrolls in microfiche or computer output microfilm format only.

Timetable:

Action	Date	FR Cite
Begin Review	03/00/86	
End Review	09/00/86	

Small Entity: Not Applicable

Agency Contact: David F. Peterson, Asst. Archivist for Federal Records Centers, National Archives and Records Administration, Washington, DC 20408, 202 724-1598

RIN: 3095-AA15

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Proposed Rule Stage

3037. PUBLIC USE OF THE NATIONAL ARCHIVES BUILDING

Legal Authority: 44 USC 2104(a) as added by Sec. 102 of PL 98-497

CFR Citation: 36 CFR 1280

Legal Deadline: None

Abstract: Existing regulations on public use of the National Archives Building do not cover all areas of the building to which the public has access. This rule will revise procedures under which outside organizations may request the use of National Archives Building public areas for lectures, meetings and other activities.

Timetable:

Action	Date	FR Cite
NPRM	11/00/86	
Final Action	02/00/87	

Small Entity: No

Additional Information: This regulation was carried in the October 1984 Unified Agenda of Federal Regulations as RIN 3090-AA83.

Agency Contact: Adrienne C. Thomas, Dir., Program Policy and Eval. Div. (NAA), National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095-AA06

3038. TRANSFERS TO THE NATIONAL PERSONNEL RECORDS CENTER

Legal Authority: 44 USC 3101

CFR Citation: 36 CFR 1228.154

Legal Deadline: None

Abstract: As a result of FPM Letter 293-20 which established an Employee Medical Folder (EMF) for all civilian employees, this regulation will be expanded to include the EMF. In addition, a separate request form will be developed similar to the SF 127, Request for Official Personnel Folder.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
NPRM Comment Period End	08/00/86	
Final Action	09/00/86	

Small Entity: Not Applicable

Agency Contact: David F. Peterson, Asst. Archivist for Federal Records Centers, National Archives and Records Administration, Washington, DC 20408, 202 724-1614

RIN: 3095-AA16

3039. DECLASSIFICATION REGULATIONS

Legal Authority: 44 USC 2104(a); EO 12356

CFR Citation: 36 CFR 1254; 36 CFR 1260

Legal Deadline: None

Abstract: This regulation will consolidate records declassification regulations affecting the public (Part 1254) and other agencies (Part 1260). The existing regulations are overlapping. Consolidation will aid public use of the regulations and will reduce CFR printing costs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
NPRM Comment Period End	05/00/86	
Final Action	06/00/86	
Final Action Effective	06/00/86	

Small Entity: Not Applicable

Agency Contact: Adrienne C. Thomas, Dir., Program Policy and Eval. Div. (NAA), National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095-AA17

3040. AUDIOVISUAL RECORDS MANAGEMENT

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1232

Legal Deadline: None

Abstract: This rule will revise records management regulations concerning the storage and handling of audiovisual records by Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
NPRM Comment Period End	05/00/86	
Final Action	06/00/86	
Final Action Effective	06/00/86	

Small Entity: Not Applicable

Agency Contact: Adrienne C. Thomas, Dir., Program Policy and Eval. Div. (NAA), National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095-AA18

3041. MEMBERSHIP ON STATE HISTORICAL RECORDS ADVISORY BOARDS

Legal Authority: 44 USC 2505

CFR Citation: 36 CFR 1206

Legal Deadline: None

Abstract: This regulation will restructure the State Historical Records Advisory Boards and redefine their functions in the grant review process.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
NPRM Comment Period End	08/00/86	
Final Action	09/00/86	

Small Entity: Not Applicable

Agency Contact: George L. Vogt, Director, Records Program (NP), National Archives and Records Administration, Washington, DC 20408, 202 523-5386

RIN: 3095-AA20

3042. RESTRICTIONS ON ACCESS TO ARCHIVAL RECORDS

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1256.40

Legal Deadline: None

Abstract: This rule will add specific agency restrictions on the use of certain accessioned archival records. The restrictions will be in conformity with the Freedom of Information Act.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
NPRM Comment Period End	08/00/86	
Final Action	09/00/86	

Small Entity: Not Applicable

Agency Contact: Edwin A. Thompson, Act. Dep. Dir., Office of National Archives, National Archives and Records Administration, Washington, DC 20408, 202 523-3130

RIN: 3095-AA21

3043. MICROGRAPHICS RECORDS MANAGEMENT

Legal Authority: 44 USC 2907; 44 USC 3302; 44 USC 3312

CFR Citation: 36 CFR 1230

Legal Deadline: None

Abstract: This rule will update existing regulations on micrographics records management to correct references to Federal and industry micrographics standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
NPRM Comment Period End	05/00/86	
Final Action	06/00/86	
Final Action Effective	06/00/86	

Small Entity: No

Agency Contact: Adrienne C. Thomas, Dir., Program Policy and Eval. Div. (NAA), National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095-AA22

3044. IMPLEMENTATION OF REVISED OMB CIRCULAR A-102

Legal Authority: 44 USC 2104; 44 USC 2504

CFR Citation: 36 CFR 1208

Legal Deadline: None

Abstract: NARA will join other agencies in the common rule for implementing revised OMB Circular A-102, Uniform Requirements for Grants to State and Local Governments.

Timetable:

Action	Date	FR Cite
Awaiting joint rule	00/00/00	

Small Entity: Not Applicable

Agency Contact: Adrienne C. Thomas, Dir., Program Policy and Eval. Div. (NAA), National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095-AA23

3045. NARA IMPLEMENTATION OF PRESIDENTIAL RECORDS ACT

Legal Authority: 44 USC 2206

CFR Citation: 36 CFR 1270

Legal Deadline: None

Abstract: 44 USC 2206 requires that the Archivist promulgate regulations to carry out the Presidential Records Act. The law requires that the regulations provide for:

1. advance public notice of intention to dispose of valueless records;

2. notice to the former President of impending opening of otherwise restrictable records in response to judicial process, a request from the incumbent President, or request from Congress;

3. notice to the former President when disclosure of documents may adversely

affect any rights or privileges he may have; and

4. establishment of procedures for consultation between the Archivist and appropriate Federal agencies regarding Presidential records which may be restricted as investigatory records compiled for law enforcement purposes.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
NPRM Comment Period End	06/00/86	
Final Action	08/00/86	
Final Action Effective	08/00/86	

Small Entity: No

Agency Contact: Gary Brooks, Act. Dir., Legal Services Staff (NSL), National Archives and Records Administration, Washington, DC 20408, 202 523-3618

RIN: 3095-AA24

3046. NARA STANDARDS OF CONDUCT

Legal Authority: 5 CFR 735; 44 USC 2104(a)

CFR Citation: 36 CFR 1204

Legal Deadline: None

Abstract: These regulations will establish standards of conduct for NARA employees.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
NPRM Comment Period End	07/00/86	
Final Action	08/00/86	

Small Entity: Not Applicable

Agency Contact: Gary Brooks, Act. Designated Agency Ethics Official, National Archives and Records Administration, Washington, DC 20408, 202 523-3618

RIN: 3095-AA25

3047. ● STATISTICAL RESEARCH IN RECORDS CONTAINING PERSONAL INFORMATION

Legal Authority: 44 USC 2104

CFR Citation: 36 CFR 1256

Legal Deadline: None

Abstract: The National Archives of the United States includes certain records containing information of a highly personal nature about living individuals. Use of these records by researchers is limited by 36 CFR 1256.16 to researchers conducting statistical or quantitative research. This rule will provide procedures for granting access to these records for statistical or quantitative purposes and for ensuring the protection of the privacy of the individual whose record is disclosed.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
NPRM Comment Period End	05/00/86	
Final Action	06/00/86	
Final Action Effective	06/00/86	

Small Entity: No

Agency Contact: Adrienne C. Thomas, Director, Program Policy and Evaluation Div., (NAA), National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095-AA26

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) Final Rule Stage

3048. PRESERVATION AND PROTECTION AND ACCESS TO THE PRESIDENTIAL HISTORICAL MATERIALS OF THE NIXON ADMINISTRATION

Legal Authority: 44 USC 2104(a) as added by Sec. 102 of PL 98-497

CFR Citation: 36 CFR 1228

Legal Deadline: Judicial, February 28, 1986

Abstract: This rule provides for preserving and protecting the Presidential historical materials of the Nixon Administration and for providing access to these materials. The Archivist of the United States is required by law to issue these regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/29/85	50 FR 12575
NPRM Comment Period End	05/28/85	
Final Action	06/00/86	

Small Entity: No

Additional Information: This regulation was carried in the October 1984 Unified Agenda of Federal Regulations as RIN 3090-AB52.

Agency Contact: Gary L. Brooks, Acting Director, Legal Services Staff (NSL), National Archives and Records Administration, Washington, DC 20408, 202 523-3618

RIN: 3095-AA13

3049. USE OF NARA RESEARCH ROOMS

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1254

Legal Deadline: None

Abstract: This revision will modify NARA regulations on the use of personal copiers in research rooms and on other types of personal items that can be brought into research rooms. These changes are being made to enhance the security of the records being used by the public and to ensure proper handling of records while they are being reproduced.

Timetable:

Action	Date	FR Cite
NPRM	12/17/85	50 FR 51414
NPRM Comment Period End	02/18/86	
Final Action	03/00/86	
Final Action Effective	03/00/86	

Small Entity: No

Agency Contact: Edwin A. Thompson, Act. Dep. Dir., Office of National Archives, National Archives and Records Administration, Washington, DC 20408, 202 523-3130

RIN: 3095-AA19

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Completed Actions

3050. FEE SCHEDULE

CFR Citation: 36 CFR 1258

Completed:

Reason	Date	FR Cite
Final Action	12/13/85	50 FR 50904
Final Action Effective	01/02/86	50 FR 50904

Small Entity: Not Applicable

Agency Contact: Adrienne C. Thomas
202 523-3214

RIN: 3095-AA03

[FR Doc. 86-5785 Filed 04-18-86; 8:45am]
BILLING CODE 7515-01-T

Monday
April 21, 1986

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Part XXIX

National Capital Planning Commission

Semiannual Regulatory Agenda

NCPC

NATIONAL CAPITAL PLANNING COMMISSION

1 CFR Part 457

Semiannual Regulatory Agenda

AGENCY: National Capital Planning Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: Pursuant to Executive Order 12291 and the Regulatory Flexibility Act, the Commission is publishing its regulatory agenda.

FOR FURTHER INFORMATION CONTACT: Katherine Barns Soffer, General Counsel, National Capital Planning Commission, 1325 G Street, N.W., Washington, D.C. 20576, (202) 724-0170.

February 18, 1986.

Katherine Barns Soffer,

General Counsel.

NATIONAL CAPITAL PLANNING COMMISSION (NCPC) — Final Rule Stage

3051. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN THE NATIONAL CAPITAL PLANNING COMMISSION PROGRAMS

Legal Authority: 20 USC 794 Sec. 504 of the Rehabilitation Act of 1973, as amend

CFR Citation: 1 CFR 47

Legal Deadline: None

Abstract: These regulations are designed to implement section 504 of the Rehabilitation Act of 1973, as amended, which requires each Executive agency to promulgate such regulations. The regulations are patterned on prototype regulations provided by the Department of Justice, under Executive Order 12280 (45 F.R. 72995, 3 CFR, 1980 Comp., p. 298).

Timetable:

Action	Date	FR Cite
NPRM	08/28/84	49 FR 34132
Final Action Awaiting Department of Justice (DOJ is coordinator)	00/00/00	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Katherine Barns Soffer, General Counsel, National Capital Planning Commission, 1325 G Street, NW, Washington, DC 20576, 202 724-0170

RIN: 3125-AA02

[FR Doc. 86-5786 Filed 04-18-86; 8:45 am]

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April 21, 1986

Part XXX

National Endowment for the Arts

Semiannual Regulatory Agenda

NEA

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

45 CFR Ch. XI

Semiannual Agenda of Regulations

AGENCY: National Endowment for the Arts.

ACTION: Publication of the semiannual agenda.

SUMMARY: Pursuant to Executive Order 12291 and the Regulatory Flexibility Act (5 U.S.C. 605), the National Endowment for the Arts publishes this regulatory agenda describing agency regulations under development or review.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Warren, Acting General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506 or call (202) 682-5418.

Peter J. Basso,

Deputy Chairman for Management, National Endowment for the Arts.

NATIONAL ENDOWMENT FOR THE ARTS (NEA) — Proposed Rule Stage

3052. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR OR NATIONAL ORIGIN IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM NEA

Significance: Agency Priority

Legal Authority: 42 USC 2000d et seq Title VI of the Civil Rights Act of 1964; EO 12250

CFR Citation: 45 CFR 1110

Legal Deadline: None

Abstract: This regulation will be applicable only to the National Endowment for the Arts grantees. Modifications will be made in procedures and definitions. The draft notice of proposed rulemaking is currently under review within the Endowment. It will be published after completion of that review and review by the Department of Justice and the Office of Management and Budget.

Timetable:

Action	Date	FR Cite
NPRM	02/09/81	
NPRM Comment Period End	04/10/81	
NPRM	06/00/86	

Small Entity: Not Applicable

Agency Contact: Mr. Arthur Warren, Assistant General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 682-5418

RIN: 3135-AA00

3053. COLLECTION OF CLAIMS

Significance: Agency Priority

Legal Authority: PL 97-365; 31 USC 3711; 31 USC 3716 to 3718; 5 USC 5514; 5 USC 552a

CFR Citation: 45 CFR 1150

Legal Deadline: None

Abstract: The proposed rule amends the National Endowment for the Arts regulation for collecting debts. Principally, the amendments implement the Debt Collection Act of 1982 (PL 97-365), which amended the Federal Claims Collection Act of 1966 (31 USC 3711, 3716-3718) to authorize among other things, charging of interest penalties and administrative costs, and the use of administrative offset, private collection agencies and credit agencies by the Government. The amendments also implement government-wide regulations issued by the Department of Justice and the General Accounting Office (49 FR 8889) and Office of Personnel Management (49 FR 27470).

Timetable:

Action	Date	FR Cite
NPRM	04/01/86	
NPRM	06/00/86	
NPRM Comment Period End	08/00/86	

Small Entity: Not Applicable

Agency Contact: Mr. Arthur Warren, Assistant General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 682-5418

RIN: 3135-AA01

NATIONAL ENDOWMENT FOR THE ARTS (NEA) — Final Rule Stage

3054. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

Significance: Agency Priority

Legal Authority: 29 USC 754

CFR Citation: 45 CFR 1153

Legal Deadline: None

Abstract: This final regulation provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap in programs or activities conducted by the National Endowment for the Arts. This regulation has been developed jointly by a number of Federal agencies under the auspices of the Department of Justice.

Timetable:

Action	Date	FR Cite
NPRM	08/28/84	49 FR 34132
NPRM Comment Period End	12/26/84	
Final Action	00/00/00	

Small Entity: No

NEA

Final Rule Stage

Agency Contact: Mr. Arthur Warren, Assistant General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 682-5418

RIN: 3135-AA02

3055. NONDISCRIMINATION ON THE BASIS OF AGE

Significance: Agency Priority

Legal Authority: 42 USC 6101 et seq

CFR Citation: 45 CFR 1154

Legal Deadline: None

Abstract: This final rule prohibits discrimination on the basis of age in programs and activities receiving assistance from the National Endowment for the Arts. These regulations are issued pursuant to the requirements of the Age Discrimination Act and consistent with the general government-wide regulations issued by the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
NPRM	10/02/79	44 FR 56725
NPRM Comment Period End	11/15/79	44 FR 56725
Internal Review of NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Mr. Arthur Warren, Assistant General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 682-5418

RIN: 3135-AA03

[FR Doc. 86-5787 Filed 04-18-86; 8:45am]

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April 21, 1986

Part XXXI

National Endowment for the Humanities

Semiannual Regulatory Agenda

NEH

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

45 CFR Ch. XI

Semiannual Agenda of Regulations

AGENCY: National Endowment for the Humanities.

ACTION: Publication of the semiannual agenda of regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, and Executive Order 12291, "Federal Regulations," dated February 17, 1981 the National Endowment for the Humanities is required to publish proposed regulations that the Endowment has issued or expects to issue and current rules that are under agency review.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen J. McCleary, Deputy General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506, (202) 786-0322.

John Agresto,

Acting Chairman.

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Prerule Stage

3056. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR OR NATIONAL ORIGIN WITHIN NEH FUNDED PROGRAMS

Legal Authority: 42 USC 2000d et seq Title VI of the Civil Rights Act of 1964; EO 12250

CFR Citation: 45 CFR 1175; 45 CFR 1110

Legal Deadline: None

Abstract: The regulation will be applicable only to National Endowment for the Humanities grantees. Modifications will be made in procedures and definitions. The draft notice of proposed rulemaking is currently under review within the Endowment. It will be published after completion of that review and review by the Department of Justice, and the Office of Management and Budget.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Additional Information: LEGAL AUTHORITY: 28 CFR 42 subpart F and Section 50.3 also apply.

Agency Contact: Ms. Carol M. Gordon, Director, Office of Equal Opportunity, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 786-0410

RIN: 3136-AA02

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Proposed Rule Stage

3057. CLAIMS COLLECTION

Legal Authority: 31 USC 3711 Federal Claims Collection Act of 1966; 5 USC 552a Privacy Act; PL 97-365 Debt Collection Act of 1982

CFR Citation: 4 CFR 101 to 105

Legal Deadline: None

Abstract: This regulation will implement the Debt Collection Act of 1966 and the Debt Collection Act of 1982 and will improve the ability of the National Endowment for the Humanities to collect money it is owed. The regulations provide that the National Endowment for the Humanities may disclose information concerning an outstanding debt to a consumer reporting agency from a system or records. The regulations also provide for the agency to contract for private debt collection services. The regulations will provide for administrative offset as a means of collecting money owed to the Government. The regulations will require that debtors be given notice of claims, interest charges and the options available to the agency for recovery of outstanding debts.

Timetable:

Action	Date	FR Cite
NPRM	03/18/86	51 FR 9228
NPRM Comment Period End	04/17/86	
Final Action	06/00/86	

Small Entity: No

Agency Contact: Stephen J. McCleary, Deputy General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 786-0322

RIN: 3136-AA05

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH)

Final Rule Stage

3058. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM NEH

Legal Authority: 42 USC 6101 et seq Age Discrimination Act of 1975

CFR Citation: 45 CFR 1172

Legal Deadline: None

Abstract: This regulation will prohibit discrimination on the basis of age in programs or activities receiving financial assistance from the National Endowment for the Humanities.

Timetable:

Action	Date	FR Cite
NPRM	10/04/79	44 FR 57130

Next Action Undetermined

Small Entity: No

Agency Contact: Ms. Carol M. Gordon, Director, National Endowment for the Humanities, Office of Equal Opportunity, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 786-0410

RIN: 3136-AA00

3059. NONDISCRIMINATION ON THE BASIS OF SEX

Legal Authority: 20 USC 1681 et seq Title IX of the Education Amendments of 1972

CFR Citation: 45 CFR 1171

Legal Deadline: None

Abstract: This regulation will prohibit discrimination on the basis of sex under any education program or activity receiving financial assistance from the National Endowment for the Humanities. The final regulation is being drafted and will need approval by the Department of Justice before it can be published.

Timetable:

Action	Date	FR Cite
NPRM	06/20/80	

Next Action Undetermined

Small Entity: No

Agency Contact: Ms. Carol M. Gordon, Director, National Endowment for the Humanities, Office of Equal Opportunity, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 786-0410

RIN: 3136-AA01

3060. STATEMENT FOR THE GUIDANCE OF THE PUBLIC - ORGANIZATION, PROCEDURES AND AVAILABILITY OF INFORMATION

Legal Authority: 5 USC 552(a)(4)(A) Freedom of Information Act

CFR Citation: 45 CFR 1100

Legal Deadline: None

Abstract: The revised regulation will clarify the fees charged for document search and duplication. Information on the organization will be updated.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Mr. Stephen J. McCleary, Deputy General Counsel, National Endowment for the Humanities, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 786-0322

RIN: 3136-AA03

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH)

Completed Actions

3061. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

CFR Citation: 45 CFR 1175

Completed:

Reason	Date	FR Cite
Final Action	02/05/86	51 FR 4577

Small Entity: No

Agency Contact: Ms. Carol M. Gordon 202 786-0410

RIN: 3136-AA04

[FR Doc. 86-5788 Filed 04-18-86; 8:45 am]
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Part XXXII

National Science Foundation

Semiannual Regulatory Agenda

NSF

NATIONAL SCIENCE FOUNDATION

45 CFR Ch. VI

Federal Regulation; Semiannual Regulations Agenda

AGENCY: National Science Foundation.

ACTION: Publication of semiannual regulations agenda.

SUMMARY: The National Science Foundation (NSF) publishes its semiannual agenda of regulations under development or review as required by Executive Order 12291, Federal Regulation (46 FR 13193, February 17, 1981). This agenda has been prepared in accordance with OMB Bulletin No. 86-4, "Unified Agenda of Federal Regulations."

FOR FURTHER INFORMATION CONTACT: For additional information regarding any particular regulatory action contained in the agenda, contact the individual identified as the contact person in the agenda. Comments or inquiries of a general nature about the agenda should be directed to Sukari S. Smith, Office of the General Counsel, National Science Foundation, Washington, D.C. 20550, (202) 357-9580.

February 26, 1986.

Sukari S. Smith,

Regulatory Contact.

NATIONAL SCIENCE FOUNDATION (NSF) — Prerule Stage

3062. CIVIL RIGHTS - TITLE VI REGULATIONS

Legal Authority: Section 11 of the NSF Act; Title VI of the Civil Rights Act of 1964

CFR Citation: 45 CFR 611

Legal Deadline: None

Abstract: These regulations prohibit discrimination on the basis of race, color, or national origin in all NSF-assisted programs.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Brenda Brush, Director, National Science Foundation, Office of Equal Opportunity, Washington, DC 20550, 202 357-9819

RIN: 3145-AA01

3063. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN NATIONAL SCIENCE FOUNDATION

Legal Authority: 29 USC 794; PL 95-602, Sec 504

CFR Citation: 45 CFR 606, (New); 45 CFR 86

Legal Deadline: None

Abstract: This regulation provides for the enforcement of Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the National Science Foundation. Potential costs are not known. Any benefits derived will be to ensure that the handicapped will not be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity conducted by the National Science Foundation.

Timetable:

Action	Date	FR Cite
ANPRM	05/01/86	
ANPRM Comment Period End	07/01/86	

Small Entity: No

Agency Contact: Brenda Brush, Director, Office of Equal Opportunity, National Science Foundation, 1800 G Street, NW, Washington, DC 20550, 202 357-9819

RIN: 3145-AA05

3064. EFFECTUATION OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1982 (SEX DISCRIMINATION)

Legal Authority: 20 USC 1681; PL 93-568, Sec 901 to 902; PL 93-380, Sec 844

CFR Citation: 45 CFR 620, (New)

Legal Deadline: None

Abstract: This regulation is to effectuate Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in connection with education programs and activities receiving Federal financial assistance from the National Science Foundation. Costs, if any, should be nominal since most NSF recipients are also covered by HHS regulations. Potential benefits are to ensure that any educational program or activity receiving financial assistance from NSF does not, on the basis of sex (1) exclude any person from participation in, (2) deny any person the benefits of, or subject any such person to discrimination under that program or activity.

Timetable:

Action	Date	FR Cite
Clearance with EEOC and Justice under Executive Order 12250	05/01/86	
ANPRM	07/01/86	
ANPRM Comment Period End	09/01/86	

Small Entity: No

Agency Contact: Brenda Brush, Director, Office of Equal Opportunity, National Science Foundation, 1800 G Street, NW, Washington, DC 20550, 202 357-9819

RIN: 3145-AA06

NATIONAL SCIENCE FOUNDATION (NSF)

Final Rule Stage

3065. PATENTS

Legal Authority: 42 USC 1870(a) The Natl. Sci. Found. Act of 1950, as amended; 35 USC 200 et seq The Bayh-Dole Act, as amended

CFR Citation: 45 CFR 650

Legal Deadline: None

Abstract: The Bayh-Dole Act (34 USC 200 et seq) was amended by title V of PL 98-620 (98 Stat. 3364, 3368). The Department of Commerce is preparing a Government-wide implementing regulation. When that regulation is completed, the Foundation's Patents regulation (45 CFR 650) will be conformed to it. Because the revision to the NSF Patents regulation will merely echo a Government-wide regulation on which the public will have had an opportunity to comment, the Foundation expects that the revision will be published as a final rule. No additional costs will be imposed on the public as a result of the revision.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Additional Information: The notable changes to be made in the revision of the NSF Patents regulation will be: elimination of restrictions on the licensing of NSF-supported inventions by nonprofit organizations, including universities; modification of the criteria and procedures for determining that "exceptional circumstances" warrant restricting a grantee's right to retain principal patent rights to its employees' NSF-supported inventions; and elimination of the Foundation's authority to waive the Government license and "march-in" rights in awards not subject to the Bayh-Dole Act. All these changes are required by amendments to the Bayh-Dole Act.

Agency Contact: John Chester, Intellectual Property Attorney, National Science Foundation, Office of the General Counsel, Room 501, Washington, DC 20550, 202 357-9447

RIN: 3145-AA07

[FR Doc. 86-5789 Filed 04-18-86; 8:45 am]

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Federal Register

Monday
April 21 1986

Part XXXIII

Office of Management and Budget

Semiannual Regulatory Agenda

OMB

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Ch. III

Federal Regulations; OMB Directives Included in the Semiannual Agenda of Upcoming Activities

AGENCY: Office of Management and Budget.

ACTION: Publication of semiannual agenda.

SUMMARY: The Office of Management and Budget (OMB) is publishing its semiannual agenda of upcoming activities on OMB Circulars and Office of Federal Procurement Policy Letters (OFPP Policy Letters). This action is in accordance with OMB's internal procedures for implementing Executive Order No. 12291. OMB directives are issued under authority derived from several sources including: Subtitles I, II, and V of Title 31, "United States Code," Executive Order No. 11541, and other specific authority as cited. The agenda includes actions on issuances which are not regulations, but which are of public interest.

OMB Circulars and OFPP Policy Letters are directives that communicate significant government-wide policy of a continuing nature. For purposes of this agenda, we have included Circulars and Policy Letters which are designed to implement, interpret, or prescribe law or policy, or describe the procedure or practice requirements of an agency. Excluded are directives that outline procedures to be followed in connection with the President's budget and legislative programs, and directives that affect only the internal functions, management, or personnel of Federal agencies.

FOR FURTHER INFORMATION CONTACT: See agency person listed for each entry in the agenda, c/o Office of Management and Budget, Washington, D.C. 20503. On the overall agenda, contact Darrell A. Johnson at the above address.

Darrell A. Johnson,

Assistant Director for Administration.

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Prerule Stage

3066. POLICIES ON CONSTRUCTION OF FAMILY HOUSING (CIRCULAR NO. A-18)

Legal Authority: Budget and Accounting Act of 1921; See preamble

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: OMB Circular A-18, last revised in August 1967, sets forth policies for budgeting, planning, and undertaking the construction of federally-owned housing (exclusive of military barracks) for Federal personnel and for employees of Government contractors. Housing standards, concepts of living space requirements, the housing market and economic factors bearing on it have changed significantly since the Circular was last issued; and updating and revision may be appropriate.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/86	
End Review	11/01/86	

Small Entity: No

Agency Contact: David F. Baker, Assoc. Admin. for Management Controls, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-7207

RIN: 0348-AA08

3067. FEDERAL GOVERNMENT USER CHARGES POLICY (CIRCULAR NO. A-25)

Legal Authority: Budget and Accounting Act of 1921; PL 93-344; See preamble

CFR Citation: Not applicable

Legal Deadline: None

Abstract: General policies for Federal agencies on administering user charges and formulating legislative proposals regarding user charges are set forth in OMB Circular No. A-25. This Circular is under review. It is expected that modifications will be considered reflecting current policies, enacted legislation, and court decisions.

Timetable:

Action	Date	FR Cite
Preliminary Review	05/15/86	

Small Entity: Yes

Agency Contact: Ellen Balis, Financial Economist, Office of Management and Budget, Fiscal Analysis Branch, Budget Review Division, Washington, D.C. 20503, 202 395-4574

RIN: 0348-AA41

3068. MAJOR SYSTEM ACQUISITIONS (CIRCULAR NO. A-109)

Legal Authority: PL 93-400; See preamble

CFR Citation: Not applicable

Legal Deadline: None

Abstract: Some agencies report difficulty working under the Circular. A review, in light of experience gained, is warranted with a goal of revision and simplification while maintaining the current general policy thrust of A-109.

Timetable:

Action	Date	FR Cite
End Review	12/31/86	

Small Entity: Yes

Agency Contact: Robert Cooper, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-3300

RIN: 0348-AA12

3069. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS AND OTHER NONPROFIT ORGANIZATIONS (CIRCULAR NO. A-110)

Legal Authority: 31 USC 65 et seq; 41 USC 401 et seq; See preamble

CFR Citation: Not applicable

Legal Deadline: None

Abstract: The review will develop proposed changes to the Circular needed to call for "single audit" of universities.

OMB **Prerule Stage**

Timetable:

Action	Date	FR Cite
Preliminary Review Completed	06/30/86	

Small Entity: No

Agency Contact: John Lordan, Deputy Assoc. Dir. for Financial Management, Office of Management and Budget, Financial Management Division, Washington, D.C. 20503, **202 395-6823**

RIN: 0348-AA05

3070. BOARD OF CONTRACT APPEALS - POSITION ALLOCATION PURSUANT TO PUBLIC LAW 95-563 (OFPP POLICY LETTER 79-2, SUPPLEMENT NO. 1)

Legal Authority: 41 USC 401 et seq; See preamble

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: The Contract Disputes Act provides for establishment of Boards of Contract Appeals (BCAs) in the various executive agencies; initial allocation of positions was made by the Administrator, OFPP, based on workload studies of existing BCAs. The Act provides for update of workload studies every three years; update of the Policy Letter appears necessary, due to update of workload studies.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/86	
End Review	09/00/86	
Draft Policy Letter for comment	01/01/87	

Small Entity: No

Agency Contact: William S. Coleman, Jr., Acting Associate Administrator for Procurement Law and Legislation, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-3501**

RIN: 0348-AA16

OFFICE OF MANAGEMENT AND BUDGET (OMB) **Proposed Rule Stage**

3071. WRITING AND ADMINISTERING PERFORMANCE WORK STATEMENTS (PART II OF SUPPLEMENT TO CIRCULAR NO. A-76)

Legal Authority: PL 93-244, as amended; See preamble

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This document describes a systematic means for developing Performance Work Statements and Quality Assurance Surveillance plans for Government management of commercial activities. It also includes procedures for contracting personnel who develop, review, award, and administer service contracts.

Timetable:

Action	Date	FR Cite
Draft for public comment	04/01/86	
Final Action	08/15/86	

Small Entity: Yes

Agency Contact: David L. Muzio, Dep. Assoc. Adm. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-6810**

RIN: 0348-AA34

3072. PERFORMANCE OF COMMERCIAL ACTIVITIES (CIRCULAR NO. A-76)

Legal Authority: PL 93-244, as amended; PL 93-244; See preamble

CFR Citation: Not applicable

Legal Deadline: None

Abstract: OMB Circular No. A-76, last revised in August 1983, sets forth the policy of acquiring commercial products and services from the private sector, and provides guidance on the development of performance work statements and on comparing the cost of Government performance with contractor performance. This Circular is currently under revision to incorporate changes to provide more management flexibility to directly contract certain functions and to emphasize productivity enhancement as a major theme.

Timetable:

Action	Date	FR Cite
Begin Review	09/15/84	
Draft for public comment	04/01/86	
Final Action	08/15/86	

Small Entity: Yes

Agency Contact: David L. Muzio, Dep. Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-6810**

RIN: 0348-AA45

3073. UNIFORM REQUIREMENTS FOR ASSISTANCE TO STATE AND LOCAL GOVERNMENTS (CIRCULAR NO. A-102)

Legal Authority: 31 USC 65 et seq; 42 USC 4212 et seq; 41 USC 401 et seq; See preamble

CFR Citation: Not applicable

Legal Deadline: None

Abstract: The purpose of the review is to develop changes to administrative policies which will further reduce the regulatory burden on state and local governments.

Timetable:

Action	Date	FR Cite
Advance Notice of Policy Review	06/18/84	49 FR 24958
Notice of Proposed Policy	06/30/86	
Final Policy	03/28/87	

Small Entity: No

Agency Contact: Barbara F. Young-Kahlow, Grants Management Projects Director, Office of Management and Budget, Financial Management Division, Washington, D.C. 20503, **202 395-3050**

RIN: 0348-AA11

3074. STATISTICAL POLICY DIRECTIVES

Legal Authority: 31 USC 1104 Budget & Accounting Procedures Act 1950 (Sec 103);

OMB — Proposed Rule Stage

PL 96-511 Paperwork Reduction Act of 1980; See preamble

CFR Citation: Not applicable

Legal Deadline: None

Abstract: The Directives give general policies for the gathering, compiling, analyzing, publishing, and dissemination of statistical information by the agencies in the Executive Branch of the Federal Government. The Directives are currently under review and may be replaced by an OMB circular. Affected agencies will be consulted on proposed changes as provided in E.O. 10253.

Timetable:

Action	Date	FR Cite
Proposed Revisions for public comment	11/01/86	

Small Entity: No

Agency Contact: Mark Winer, Policy Analyst, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, **202 395-3087**

RIN: 0348-AA43

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Final Rule Stage

3075. OFFICE OF MANAGEMENT AND BUDGET'S DIRECTIVES SYSTEM TO EXECUTIVE DEPARTMENTS AND AGENCIES (CIRCULAR NO. A-1)

Legal Authority: See preamble

CFR Citation: Not applicable

Legal Deadline: None

Abstract: OMB Circular A-1, last revised in August 1952, describes the OMB directives system used to convey policy, provide guidance, and communicate instruction to executive departments and agencies.

Timetable:

Action	Date	FR Cite
Final Action	07/01/86	

Small Entity: No

Agency Contact: Darrell A. Johnson, Assistant Director for Administration, Office of Management and Budget, Washington, D.C. 20503, **202 395-7250**

RIN: 0348-AA33

3076. ● OMB CIRCULAR A-21 COST PRINCIPLES FOR EDUCATIONAL INSTITUTIONS

Significance: Agency Priority

Legal Authority: See Preamble

CFR Citation: Not applicable

Legal Deadline: None

Abstract: OMB Circular A-21 establishes Governmentwide accounting principles for the direct and indirect (allocated overhead) costs of Federal grants and contracts with colleges and universities. The Circular divides allocated overhead costs into seven "cost pools" that form the basis of a university's indirect cost rate. Four of these pools are for administrative costs. In Fiscal Year (FY) 1984 estimated Federal payments for university overhead were about $1.7 billion or 46% of an estimated $3.7 billion for direct scientific research. The problem of rising overhead costs has been the subject of continuing and extensive debate. A fixed rate for administrative costs will go a long way towards solving the problem of rising indirect costs and at the same time reduce paperwork for the institutions.

Timetable:

Action	Date	FR Cite
Revision published for comment	02/12/86	51 FR 5287
Finalize revision	06/30/86	

Small Entity: No

Agency Contact: Carole J. Dineen, Associate Director for Management, Office of Management and Budget, **202 395-4657**

RIN: 0348-AA61

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Completed Actions

3077. USE OF MANAGEMENT AND OPERATING CONTRACTS (CIRCULAR NO. A-49)

Legal Authority: PL 93-400; See preamble

CFR Citation: Not applicable

Legal Deadline: None

Abstract: General policy on the use of management and operating contracts has been incorporated in the Federal Acquisition Regulation, subpart 17.6. Notice of recission was published in the Federal Register to cancel this circular. (FR Vol. 50, No. 219, p. 46849)

Timetable:

Action	Date	FR Cite
End Review	06/00/85	
Preliminary Notice of Recission	11/13/85	50 FR 46849
Final Notice of Recission	02/05/86	51 FR 4584

Small Entity: Yes

Agency Contact: Robert Cooper, Dep. Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-3300**

RIN: 0348-AA10

3078. PLANNING AND CONDUCT OF THE UNITED STATES PROGRAM IN ANTARCTICA (CIRCULAR NO. A-51)

Legal Authority: See preamble

CFR Citation: Not applicable

Legal Deadline: None

Abstract: Since 1971 when Circular A-51 was last revised, major reviews of the U.S. Antarctic program and policies have resulted in Presidential directives that have now superseded A-51. It has been determined that there is no longer a need for this Circular and it will be rescinded.

Timetable:

Action	Date	FR Cite
Circular rescinded	12/12/85	

Small Entity: No

Agency Contact: Norine Noonan, Program Analyst, Office of Management and Budget, Energy and Science Division, Washington, D.C. 20503, 202 395-3534

RIN: 0348-AA46

3079. OMB CIRCULAR NO. A-130, MANAGEMENT OF FEDERAL INFORMATION RESOURCES

Legal Authority: 44 USC 35; 5 USC 552a; 40 USC 759; 31 USC 1 et seq; EO 12046; See preamble

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This Circular establishes policy for the management of Federal information resources. Procedural and analytic guidelines for implementing specific aspects of these policies are included as appendices. The Circular supersedes and rescinds OMB Circulars No. A-71, A-90, A-108, and A-121, and all Transmittal Memoranda to those Circulars. The Circular implements OMB authority under the Paperwork Reduction Act with respect to 44 U.S.C. 3504(b), (e),(f), and (g); the Privacy Act (5 U.S.C. 552a); Sections 111 and 254 of the Federal Property and Administrative Services Act (40 U.S.C. 759); and Executive Order 12046.

Timetable:

Action	Date	FR Cite
Notice soliciting comments published	09/12/83	48 FR 40964
Proposed Policy published for comment	03/15/85	50 FR 10734
Circular published in final form	12/12/85	50 FR 52730

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Timothy Sprehe, Office of Management and Budget, Information Policy Branch, Office of Information and Regulatory Affairs, Washington, D.C. 20503, 202 395-4814

RIN: 0348-AA31

[FR Doc. 86-8914 Filed 04-18-86; 8:45 am]

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Federal Register

Monday
April 21, 1986

Part XXXIV

Office of Personnel Management

Semiannual Regulatory Agenda

OPM

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Ch. I

Regulatory Agenda

AGENCY: Office of Personnel Management.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Office of Personnel Management regulations are scheduled for development or review from April 1, 1986, through March 31, 1987. This agenda carries out OPM's responsibilities to publish a semiannual agenda under E.O. 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. chapter 6). This publication in the **Federal Register** does not impose a binding obligation on the Office of Personnel Management with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded.

FOR FURTHER INFORMATION CONTACT: JoAnn G. Blackler, Issuance System Manager, Office of Executive Administration, (202) 653-7252.

U.S. Office of Personnel Management.

Constance Horner,

Director.

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Prerule Stage

3080. PERSONNEL RECORDS - PERSONNEL RECORDS SUBJECT TO THE PRIVACY ACT

Legal Authority: 5 USC 552a; EO 12107; 5 USC 1302; EO 9830

CFR Citation: 5 CFR 293, Subpart B

Legal Deadline: None

Abstract: Review of records subject to the Privacy Act. Regulatory action may be needed to maintain consistency with proposed changes in Privacy Act regulations, 5 CFR 297. (5 CFR 297 is being amended to reflect case law.)

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	03/01/86	

Small Entity: No

Agency Contact: George Woloshyn, Associate Director, Office of Personnel Management, Compliance and Investigations Group, 1900 E Street, N.W., Washington, D.C. 20415, **202 632-4426**

RIN: 3206-AC00

3081. EXECUTIVE ASSIGNMENT SYSTEM

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 3324; EO 10577

CFR Citation: 5 CFR 305

Legal Deadline: None

Abstract: Review of regulations on executive assignment system (GS-16/18). Regulations need to be reviewed in light of the establishment of the Senior Executive Service, which incorporated most GS-16/18 positions, and delegations to agencies under the CSRA.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/85	
End Review	03/31/86	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW; Washington, DC 20415, **202 632-4625**

RIN: 3206-AC03

3082. APPOINTMENT, REASSIGNMENT, TRANSFER AND REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE

Legal Authority: 5 USC 3397; PL 95-454, Sec 413(k)

CFR Citation: 5 CFR 317, Subparts B and C

Legal Deadline: None

Abstract: Review of regulations on general provisions pertaining to the Senior Executive Service and conversion to the SES. Regulations may need to be revised to take into account legislative changes to the Senior Executive Service since the 1979 conversion.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/85	
End Review	03/31/86	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW; Washington, DC 20415, **202 632-4625**

RIN: 3206-AC06

3083. EXECUTIVE AND MANAGEMENT DEVELOPMENT

Legal Authority: 5 USC 3397

CFR Citation: 5 CFR 412, Subparts A and E

Legal Deadline: None

Abstract: Review of executive and management development program authority for possible reconstructing.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	04/30/86	

Small Entity: No

Agency Contact: Frank Masterson, Chief, Policy Branch, Office of Training and Development, Office of Personnel Management, Workforce Effectiveness & Development Group, 1121 Vermont Avenue, NW, P.O. Box 7230, Washington, D.C. 20044, **202 632-6660**

RIN: 3206-AC12

3084. PERSONNEL MANAGEMENT RESEARCH PROGRAMS AND DEMONSTRATION PROJECTS

Legal Authority: 5 USC 4701; 5 USC 4703; 5 USC 4705; 5 USC 4706

CFR Citation: 5 CFR 470

Legal Deadline: None

Abstract: Review of OPM oversight responsibility for administering demonstration projects. The review will address possible clarification of OPM's oversight role.

Timetable:

Action	Date	FR Cite
Begin Review	09/19/85	
End Review	09/30/86	

Small Entity: No

Agency Contact: Kathleen Connelly, Chief, Research and Demonstration Staff, Office of Personnel Management, Workforce Effectiveness & Development Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 653-9457

RIN: 3206-AC13

3085. PAY UNDER THE GENERAL SCHEDULE; PAY ADJUSTMENTS FOR SUPERVISORS

Legal Authority: 5 USC 5333(b)

CFR Citation: 5 CFR 531, Subpart C

Legal Deadline: None

Abstract: Under current regulations, General Schedule supervisors of wage employees may receive an adjustment in basic pay to exceed the rate paid wage employees under their supervision. This adjustment, however, is permanent. No reduction is permitted even if the conditions prompting the adjustment no longer exist. OPM is reviewing the current regulations to determine whether revisions are appropriate.

Timetable:

Action	Date	FR Cite
Begin Review	08/01/85	
End Review	03/31/86	

Small Entity: No

Agency Contact: Ronald Clark, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AC37

3086. PREVAILING RATE SYSTEMS

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Legal Deadline: None

Abstract: Review of existing wage schedule for U.S. citizens overseas to ensure currency of wage rates.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	04/00/86	

Small Entity: No

Agency Contact: Richard J. Carney, Chief, Wage Systems Division, Office of Personnel Management, Office of Pay Programs, Compensation Group, 1900 E St., NW; Washington, DC 20415, 202 632-7830

RIN: 3206-AC17

3087. SUITABILITY -- SUITABILITY DISQUALIFICATIONS

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7301; EO 10577; EO 11222

CFR Citation: 5 CFR 731, Subpart B

Legal Deadline: None

Abstract: Comprehensive review of suitability standards. Current revision of personnel security program by Presidentially directed task force will likely result in the need for conforming changes in personnel suitability standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	07/01/86	

Small Entity: No

Agency Contact: George Woloshyn, Associate Director, Office of Personnel Management, Compliance and Investigations Group, 1900 E Street, NW, Washington, DC 20415, 202 632-4426

RIN: 3206-AC19

3088. SUITABILITY -- SUITABILITY RATING ACTIONS

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7301; EO 10577; EO 11222

CFR Citation: 5 CFR 731, Subpart C

Legal Deadline: None

Abstract: Review of subject-to-investigation time limit to determine whether the time limit is inadequate.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/86	

Small Entity: No

Agency Contact: George Woloshyn, Associate Director, Office of Personnel Management, Compliance and Investigations Group, 1900 E Street, NW, Washington, DC 20415, 202 632-4426

RIN: 3206-AC20

3089. ● PERSONNEL SUITABILITY

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7301; EO 10577; EO 11222; Defense Authorization Act of 1986, Sec 1622

CFR Citation: 5 CFR 731

Legal Deadline: None

Abstract: Review to determine changes needed to debar applicants from Federal employment who must register for the military draft but have not done so.

Timetable:

Action	Date	FR Cite
Begin Review	12/01/85	
End Review	04/01/86	

Small Entity: No

Agency Contact: George Woloshyn, Associate Director, Office of Personnel Management, Compliance and Investigations Group, 1900 E Street, NW, Washington, DC 20415, 202 632-4426

RIN: 3206-AC74

3090. PERSONNEL SECURITY AND RELATED PROGRAMS

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7312; 50 USC 403; EO 10450; EO 10577

CFR Citation: 5 CFR 732

Legal Deadline: None

Abstract: Review of suitability security distinctions. Evidence of inconsistent application of security/suitability standards among agencies points up the need for clarifying regulations.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	07/01/86	

Small Entity: No

OPM — Prerule Stage

Agency Contact: George Woloshyn, Associate Director, Office of Personnel Management, Compliance and Investigations Group, 1900 E Street, NW, Washington, DC 20415, **202 632-4426**

RIN: 3206-AC21

3091. EMPLOYEE CONDUCT AND RESPONSIBILITIES

Legal Authority: EO 11222

CFR Citation: 5 CFR 735

Legal Deadline: None

Abstract: Review of Part 735 for purposes of (a) removing sections that are not part of the authorized functions of the Office of Government Ethics, but are the responsibilities of other offices in the Office of Personnel Management or individual agencies; and (b) adding to the new part a prohibition against unauthorized tape recording of the conversations of employees by any other employee within departments and agencies.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/85	
End Review	03/31/86	

Small Entity: No

Agency Contact: W. Scott Burke, General Counsel, Office of Personnel Management, Office of the General Counsel, 1900 E Street, NW, Washington, DC 20415, **202 632-4632**

RIN: 3206-AC22

3092. INVESTIGATIONS

Legal Authority: PL 93-579; 5 USC 522a

CFR Citation: 5 CFR 736

Legal Deadline: None

Abstract: Review of enforcement procedures for Governmentwide background investigations standards. The review will focus on the need for clarification and greater consistency in application of agency background investigation standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	07/01/86	

Small Entity: No

Agency Contact: George Woloshyn, Associate Director, Office of Personnel Management, Compliance and Investigations Group, 1900 E Street, N.W., Washington, D.C. 20415, **202 632-4426**

RIN: 3206-AB92

3093. ● SUITABILITY DISQUALIFICATION ACTIONS

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 7701; EO 10577; EO 11491

CFR Citation: 5 CFR 754

Legal Deadline: None

Abstract: Review of entitlement to be retained in pay status pending results of appeal to identify any need for change.

Timetable:

Action	Date	FR Cite
Begin Review	01/02/86	
End Review	07/01/86	

Small Entity: No

Agency Contact: George Woloshyn, Associate Director, Office of Personnel Management, Compliance and Investigations Group, 1900 E Street, NW, Washington, DC 20415, **202 632-4426**

RIN: 3206-AC75

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Proposed Rule Stage

3094. PROTECTION OF PRIVACY AND PERSONNEL RECORDS

Legal Authority: 5 USC 552a

CFR Citation: 5 CFR 297

Legal Deadline: None

Abstract: The Privacy Act (5 U.S.C. 552a) requires agencies to issue regulations to implement the Act. OPM's regulations also require that agencies follow OPM's rule for those records maintained by them that are under OPM's control. These regulations have remained unchanged since 1979 and thus need revision to reflect any changes resulting from case law or OPM policy and to remove unnecessary material.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Agency Contact: John Sanet, Information Specialist, Office of Personnel Management, Office of Workforce Information, Compliance and Investigations Group, 1900 E St., NW, Washington, DC 20415, **202 632-4455**

RIN: 3206-AA70

3095. EMPLOYMENT (GENERAL); EMPLOYMENT PRACTICES

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 3304

CFR Citation: 5 CFR 300

Legal Deadline: None

Abstract: Clarification of the policy and appeal procedures used in developing and implementing employment practices in the recruitment, measurement and selection of individuals for appointments and promotion within the competitive service. The proposed amendments would remove a non-statutory appeal procedure which was created to provide a simple, streamlined administrative review procedure but which has, instead, become a time-consuming, convoluted process. Additionally, the proposed changes would avoid a duplicative enforcement procedure currently subject to review by OPM and MSPB, which is, more properly, within the sole jurisdiction of the EEOC.

Timetable:

Action	Date	FR Cite
EEOC Coordination	02/01/86	
NPRM	03/00/86	

Small Entity: No

Agency Contact: James S. Green, Assistant General Counsel, Office of Personnel Management, Office of the General Counsel, 1900 E Street, NW, Washington, DC 20415, 202 632-5524

RIN: 3206-AB41

3096. EMPLOYMENT (GENERAL); TIME-IN-GRADE RESTRICTIONS

Legal Authority: 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 300, Subpart F

Legal Deadline: None

Abstract: Regulations based on review of time-in-grade restrictions. Regulations will address inconsistencies and clarify certain provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Donald L. Holum, Chief, Staffing Policy Analysis Division, Office of Personnel Management, Staffing Group, 1900 E Street, NW, Washington, D.C. 20415, 202 632-6817

RIN: 3206-AC01

3097. APPOINTMENT, REASSIGNMENT, TRANSFER, AND REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE

Legal Authority: 5 USC 3392; 5 USC 3393; 5 USC 3394; 5 USC 3397

CFR Citation: 5 CFR 317

Legal Deadline: None

Abstract: Interim regulations to govern appointment actions in the SES, including establishment of qualifications standards, agency recruitment and selection procedures for career appointments, operations of OPM Qualifications Review Boards, and completion of the one-year probationary period for career appointees. Regulations are intended to set forth basic staffing requirements to assure compliance with merit system provisions and to implement staffing provisions of Pub. L. 98-615, November 8, 1984.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Additional Information: Regulatory Program RIN 3206-AC81 combines this item with RINs 3206-AA21, 3206-AA23, 3206-AB29, and 3206-AA50.

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW, Washington, DC 20415, 202 632-4625

RIN: 3206-AA09

3098. ● EMPLOYMENT IN THE SENIOR EXECUTIVE SERVICE

Significance: Regulatory Program

Legal Authority: 5 USC 3392; 5 USC 3393; 5 USC 3394; 5 USC 3397; 5 USC 1302; 5 USC 3595; 5 USC 3596; 5 USC 5383; 5 USC 5385; 5 USC 7543

CFR Citation: 5 CFR 317; 5 CFR 359; 5 CFR 534; 5 CFR 752

Legal Deadline: None

Abstract: This is a Regulatory Program entry that combines RINs 3206-AA09, 3206-AA21, 3206-AA23, 3206-AB29, and 3206-AA50.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Charles K. Dutcher, Assistant Director, Office of Executive Administration, Office of Personnel Management, 1900 E St., NW, Washington, DC 20415, 202 632-6104

RIN: 3206-AC81

3099. GENERAL RECRUITMENT/PLACEMENT PRINCIPLES

Legal Authority: 5 USC 1302; 5 USC 3302; 5 USC 3315; 5 USC 3502

CFR Citation: 5 CFR 330; 5 CFR 351

Legal Deadline: None

Abstract: Proposed regulations based on review of Reemployment Priority List and Displaced Employee Program authorities. Regulations would focus on the need to provide assistance to employees in cutbacks.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Agency Contact: Donald L. Holum, Chief, Staffing Policy Analysis Div., Office of Personnel Management, Staffing Group, 1900 E Street, NW, Washington, D.C. 20415, 202 632-6817

RIN: 3206-AC07

3100. PROMOTION AND INTERNAL PLACEMENT

Significance: Regulatory Program

Legal Authority: 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 335

Legal Deadline: None

Abstract: Proposed regulations to revise the Federal Merit Promotion Program to strengthen management rights, and clarify important concepts.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Analyze comments	07/00/86	
Final Action	09/00/86	

Small Entity: No

Agency Contact: Raleigh M. Neville, Personnel Staffing Specialist, Office of Personnel Management, Policy Analysis Division, Staffing Group, 1900 E Street, NW, Washington, DC 20415, 202 632-6817

RIN: 3206-AA90

3101. QUALIFICATIONS REQUIREMENTS (MEDICAL)

Legal Authority: 5 USC 3301; 5 USC 3304; 5 USC 3312

CFR Citation: 5 CFR 339

Legal Deadline: None

Abstract: Proposed regulations to clarify procedures for establishing physical requirements for jobs and for documenting and processing disabilities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Raleigh Neville, Personnel Management Specialist, Office of Personnel Management, Policy Analysis Division, Staffing Group, 1900 E Street, NW, Washington, DC 20415, 202 632-6817

RIN: 3206-AA91

3102. REDUCTION IN FORCE, IDENTIFICATION OF EMPLOYEES FOR TRANSFER OF FUNCTION

Legal Authority: 5 USC 1302; 5 USC 3503

CFR Citation: 5 CFR 351

Legal Deadline: None

Abstract: Changes needed to clarify OPM policy pertaining to a transfer of function and reflect pertinent MSPB decisions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Tom Glennon, Personnel Staffing Specialist, Office of Personnel Management, Policy Analysis Division, Staffing Group, 1900 E St., NW; Washington, DC 20415, 202 632-6817

RIN: 3206-AC33

3103. RESTORATION TO DUTY FROM MILITARY SERVICE AND INJURY COMPENSATION

Legal Authority: 38 USC 2021 et seq; 5 USC 8151

CFR Citation: 5 CFR 353

Legal Deadline: None

Abstract: Complete revision of Part 353 to update, simplify, and clarify the regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Raleigh Neville, Personnel Staffing Specialist, Office of Personnel Management, Policy Analysis Division, Staffing Group, 1900 E St., NW; Washington, DC 20415, 202 632-6817

RIN: 3206-AC34

3104. REMOVAL FROM THE SENIOR EXECUTIVE SERVICE; GUARANTEED PLACEMENT IN OTHER PERSONNEL SYSTEMS

Legal Authority: 5 USC 1302; 5 USC 3596

CFR Citation: 5 CFR 359

Legal Deadline: None

Abstract: Revised interim regulations on (1) the removal of SES career appointees during probation or for less than fully successful executive performance, (2) the removal of other than career appointees, (3) placement rights in other personnel systems of certain SES career appointees. These actions are authorized by law. The regulations establish procedures for implementing previous law and the new Pub. L. 98-615, November 8, 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/79	44 FR 44815
NPRM	04/00/86	

Small Entity: No

Additional Information: Regulatory Program RIN 3206-AC81 combines this item with RINs 3206-AA09, 3206-AA23, 3206-AB29, and 3206-AA50.

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW, Washington, DC 20415, 202 632-4625

RIN: 3206-AA21

3105. REMOVAL FROM THE SENIOR EXECUTIVE SERVICE; GUARANTEED PLACEMENT IN OTHER PERSONNEL SYSTEMS

Legal Authority: 5 USC 3595; 5 USC 3596

CFR Citation: 5 CFR 359

Legal Deadline: None

Abstract: Interim regulations to add a new subpart to implement Pub. L. 97-35, August 13, 1981, as amended by Pub.L. 97-346, October 15, 1982, and Pub. L. 98-615, November 8, 1984, which added provisions to Title 5 to govern SES reduction-in-force actions affecting career executives. Regulations are needed to cover certain areas not in the law, such as notification to employees and retention of records, and to implement the provisions in the law dealing with OPM's responsibility to help place career executives identified for reduction in force and with "fallback" rights following a RIF.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Additional Information: Regulatory Program RIN 3206-AC81 combines this item with RINs 3206-AA09, 3206-AA21, 3206-AB29, and 3206-AA50.

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW, Washington, DC 20415, 202 632-4625

RIN: 3206-AA23

3106. TRAINING

Legal Authority: 5 USC 4118

CFR Citation: 5 CFR 410

Legal Deadline: None

Abstract: Revision of regulations on determining the source of training to reflect revision by Office of Management and Budget of Circular No. A-76 "Performance of Commercial Activities."

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: Frank Masterson, Chief, Policy Branch, Office of Personnel Management, Office of Training and Development, 1121 Vermont Avenue, NW; P.O. Box 7230, Washington, DC 20044, 202 632-6660

RIN: 3206-AB23

3107. ● EXECUTIVE AND MANAGEMENT DEVELOPMENT

Legal Authority: 5 USC 3397

CFR Citation: 5 CFR 412

Legal Deadline: None

Abstract: Removal of a provision exempting smaller agencies (those with 150 or fewer Senior Executive Service positions) from a requirement to recruit at least Government-wide for their Senior Executive Service candidate development programs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: Constance Guitian, Employee Development Specialist, Office of Personnel Management, Office of Training and Development, 1121 Vermont Avenue, NW, PO Box 7230; Washington, DC 20044, 202 254-3240

RIN: 3206-AC73

3108. REDUCTION IN GRADE AND REMOVAL BASED ON UNACCEPTABLE PERFORMANCE

Legal Authority: 5 USC 4303; 5 USC 4305

CFR Citation: 5 CFR 432

Legal Deadline: None

Abstract: Proposed regulations to clarify certain aspects of existing regulations pertaining to procedures to follow in removing or reducing in grade employees whose performance is unacceptable.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	07/00/86	

Small Entity: No

Agency Contact: Tim Dirks, Chief, Office of Personnel Management, Appellate Policies Division, 1900 E Street, NW, Washington, DC 20415, 202 653-8551

RIN: 3206-AB21

3109. PRODUCTIVITY GAINSHARING

Significance: Regulatory Program

Legal Authority: 5 USC Ch 45; 5 USC Ch 54

CFR Citation: 5 CFR 451

Legal Deadline: None

Abstract: Provides agencies a regulatory framework for establishing productivity gainsharing programs. Provides that employees may be awarded up to 50 percent of the documented savings generated from a gainsharing program not to exceed 30 percent of an employee's annual rate of pay.

Timetable:

Action	Date	FR Cite
NPRM	04/01/86	

Small Entity: No

Agency Contact: Terry W. Culler, Associate Director, Workforce Effectiveness & Development Group, Office of Personnel Management, Office of Performance Management, 1900 E St., NW, Washington, DC 20415, 202 632-5796

RIN: 3206-AC71

3110. PAY UNDER THE GENERAL SCHEDULE; DETERMINING RATE OF BASIC PAY

Legal Authority: 5 USC 5305(a); 5 USC 5334(a); 5 USC 5338; EO 11721

CFR Citation: 5 CFR 531, Subpart B

Legal Deadline: None

Abstract: Under current regulations, agencies may use an employee's highest previous rate as a Federal employee, updated to account for intervening pay adjustments, as the basis for paying a higher rate than otherwise would be required by law or regulation upon promotion, demotion, reassignment, transfer, or reemployment -- without regard to the recency of the employee's previous Federal work experience. Proposed regulations would limit the use of an employee's highest previous rate by establishing a reasonable relationship between the recency of an employee's previous work experience and the current employment situation. In addition, proposed regulations would revise the current regulations to conform to the principles of the Performance Based Incentive System and correct certain longstanding basic pay administration problems. Revision may also include technical and conforming changes in 5 CFR Parts 530 and 536.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Jan Karicher, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AA32

3111. PAY UNDER THE GENERAL SCHEDULE; GRADE AND PAY RETENTION

Legal Authority: 5 USC 5334(a); 5 USC 5338; 5 USC 5365

CFR Citation: 5 CFR 531; 5 CFR 536

Legal Deadline: None

Abstract: Under current regulations, numerous pay administration problems exist in movements between Federal pay systems. For example, the method of determining entitlement to grade retention in movements between pay systems results in unnecessary expenditures of Federal funds and false expectations for affected employees. Proposed regulations would revise definitions of "promotion" and "demotion" to improve pay administration and minimize the number of employees entitled to grade retention in movements between pay systems. Revisions may also include technical and conforming changes in 5 CFR Parts 210 and 532.

Timetable:

Action	Date	FR Cite
NPRM	04/30/86	

Small Entity: No

Agency Contact: Bobby G. Williams, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E Street, NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AC36

3112. PREVAILING RATE SYSTEMS

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Legal Deadline: None

Abstract: Comprehensive revision of regulations to ensure prevailing rates are consistent with the intent of the law, and to make necessary technical, terminological, and conforming changes.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: Richard J. Carney, Chief, Wage Systems Division, Office of Personnel Management, Office of Pay Programs, 1900 E Street, NW, Washington, DC 20415, **202 632-7830**

RIN: 3206-AC38

3113. ● PREVAILING RATE SYSTEMS

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Legal Deadline: None

Abstract: Revision of Virgin Islands agency special schedules to modify schedule adjustment procedures and to ensure interagency consistency.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
Final Action	06/00/86	

Small Entity: No

Agency Contact: Richard J. Carney, Chief, Wage Systems Division, Office of Personnel Management, Office of Pay Programs, Compensation Group, 1900 E St., NW; Washington, DC 20415, **202 632-7830**

RIN: 3206-AC77

3114. ● PREVAILING RATE SYSTEMS

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Legal Deadline: None

Abstract: Revision of special rate authority to strengthen OPM's role and to assure a more cost-effective approach in dealing with Federal Wage System staffing problems.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: Richard J. Carney, Chief, Wage Systems Division, Office of Personnel Management, Office of Pay Programs, Compensation Group, 1900 E St., NW; Washington, DC 20415, **202 632-7830**

RIN: 3206-AC78

3115. ● PREVAILING RATE SYSTEMS

Significance: Regulatory Program

Legal Authority: 5 USC 5342; 5 USC 5346

CFR Citation: 5 CFR 532

Legal Deadline: None

Abstract: Revision of Monroney regulations so that only non-Department of Defense employment is considered. Legislation has removed DOD employees from Monroney.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: James W. Morrison, Jr., Associate Director, Compensation Group, Office of Personnel Management, Office of Pay Programs, 1900 E St., NW, Washington, DC 20415, **202 632-7830**

RIN: 3206-AC82

3116. PAY UNDER OTHER SYSTEMS (PAY UNDER THE SENIOR EXECUTIVE SERVICE)

Legal Authority: 5 USC 5383; 5 USC 5385

CFR Citation: 5 CFR 534

Legal Deadline: None

Abstract: Proposed regulations on setting individual basic pay under the SES. Regulations are needed to clarify the intent and application of 5 USC 5383(a) on changes in SES pay rates and to implement provisions in Pub. L. 98-615, November 8, 1984, on aggregate compensation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Additional Information: Regulatory Program RIN 3206-AC81 combines this item with RINs 3206-AA09, 3206-AA21, 3206-AA23, and 3206-AA50.

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW, Washington, DC 20415, **202 632-4625**

RIN: 3206-AB29

3117. GRADE AND PAY RETENTION

Legal Authority: 5 USC 5365

CFR Citation: 5 CFR 536

Legal Deadline: None

Abstract: Under current regulations, Federal agencies have considerable discretion in determining whether to grant grade or pay retention to employees who are or might be affected by a reduction in force, reorganization, or other management action. Proposed regulations would limit and more clearly define those situations in which grade or pay retention appropriately may be used by agencies as a management tool.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Bobby G. Williams, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW; Washington, DC 20415, **202 632-4634**

RIN: 3206-AC39

3118. PAY ADMINISTRATION (GENERAL); SEVERANCE PAY

Legal Authority: 5 USC 5595; EO 11228

CFR Citation: 5 CFR 550, Subpart G

Legal Deadline: None

Abstract: Proposed regulations would make eligibility for involuntary retirement and severance pay parallel, since the same circumstances give rise to both. Proposed regulations would also address questions about how to handle severance pay in contracting-out situations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Jan Karicher, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AC41

3119. PAY ADMINISTRATION (GENERAL); BACK PAY

Legal Authority: 5 USC 5596(c)

CFR Citation: 5 CFR 550, Subpart H

Legal Deadline: None

Abstract: The authority of Federal agencies to deduct from back pay awards the amount of State unemployment compensation received during periods covered by the award is clarified to require such a deduction to satisfy the "make-whole" purpose of the back pay law. In addition, proposed regulations would clarify the definition of other "erroneous payments" to be deducted from back pay awards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Jan Karicher, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AC44

3120. PAY ADMINISTRATION UNDER THE FLSA: COMPLIANCE

Legal Authority: 29 USC 204(f); 5 USC 1103(a)(5)

CFR Citation: 5 CFR 551, Subpart F

Legal Deadline: None

Abstract: Proposed new regulation to implement the FLSA Compliance Program and simplify the FLSA claims handling process.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: Terry Evans, Personnel Management Specialist, Office of Personnel Management, Compliance and Investigations Group, Agency Compliance and Evaluation, 1900 E St., NW, Washington, DC 20415, 202 632-5691

RIN: 3206-AA40

3121. PAY ADMINISTRATION UNDER THE FAIR LABOR STANDARDS ACT

Legal Authority: 29 USC 204(f)

CFR Citation: 5 CFR 551

Legal Deadline: None

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting reference errors, deleting obsolete provisions, etc.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Dwight W. Brown, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AC45

3122. PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

Legal Authority: 42 USC 659; 42 USC 661 to 662; 15 USC 1673; EO 12105

CFR Citation: 5 CFR 581

Legal Deadline: None

Abstract: Update regulation in response to ongoing suggestions and corrections, especially changes to Appendix A which contains an obsolete list of agents designated to accept legal process.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Murray Meeker, Attorney, Office of Personnel Management, Office of the General Counsel, 1900 E Street, NW, Room 5H30, Washington, DC 20415, 202 632-4518

RIN: 3206-AB42

3123. ABSENCE AND LEAVE; ANNUAL AND SICK LEAVE

Legal Authority: 5 USC 6311

CFR Citation: 5 CFR 630, Subparts A to E

Legal Deadline: None

Abstract: Revision of annual and sick leave regulations is necessary to update, improve, and refine the current regulations to ensure appropriate and consistent application of leave administration policies within all Federal agencies. Proposed rules would (1) add new rules to improve leave administration, (2) revise the current rules for clarification and consistency, and (3) reorganize the sections with the subparts in a more logical sequence. These and other changes, such as regulating a consistent and equitable method of liquidating leave indebtedness and revising the requirement to forgive leave indebtedness, would resolve some troublesome leave issues, improve leave administration, and result in cost savings.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: June Goodell, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AA44

3124. ABSENCE AND LEAVE; HOME LEAVE

Legal Authority: 5 USC 6311

CFR Citation: 5 CFR 630, Subpart F

Legal Deadline: None

Abstract: Proposed regulations to (1) clarify and eliminate discrepancies in application, (2) incorporate changes required by the Foreign Service Act of 1980, and (3) revise the accrual rates. Under current regulations, employees

with desirable overseas assignments receive the same benefits as those on hardship assignments. Proposed regulations would relate home leave to the degree of hardship.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: No

Agency Contact: June Goodell, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AB64

3125. ABSENCE AND LEAVE; SHORE LEAVE

Legal Authority: 5 USC 6311

CFR Citation: 5 CFR 630, Subpart G

Legal Deadline: None

Abstract: Proposed regulations would recognize changed conditions since enactment of the shore leave law, prohibit inappropriate use of terminal shore leave, and eliminate discrepancies in application.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: No

Agency Contact: June Goodell, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AB65

3126. AFFIRMATIVE EMPLOYMENT PROGRAMS

Significance: Regulatory Program

Legal Authority: 5 USC 7201; PL 89-554; PL 95-454; 5 USC 7151; 38 USC 2014

CFR Citation: 5 CFR 720

Legal Deadline: None

Abstract: Revises Part 720 to reflect: elimination of any requirement that is not specifically required by law and is administratively burdensome; less emphasis on paperwork/plan and statistical reporting requirements and more on implementing effective recruiting efforts; and more emphasis on agency accountability and flexibility for the development, implementation, and evaluation of agency recruiting programs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	09/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert Franco, Chief, Technical Assistance & Operations Division, (202) 632-5607.

Agency Contact: Don A. Smith, Chief, Evaluation Division, Office of Personnel Management, Office of Affirmative Employment Programs, Workforce Effectiveness & Development Group, 1900 E St., NW, Washington, DC 20415, 202 632-7082

RIN: 3206-AB06

3127. POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Legal Authority: 5 USC 1308; 5 USC 3301; 5 USC 3302; 5 USC 7301; 5 USC 7321 to 7325; 5 USC 7327; 42 USC 2729; EO 10577 3 CFR, 1954-1958 Comp. p. 218; 5 USC 7701 et seq; EO 12107

CFR Citation: 5 CFR 733

Legal Deadline: None

Abstract: Prescribes (1) regulations under the Hatch Act and related provisions of law that restrict the political activity of Federal employees; (2) definitional and structural revisions; and (3) possible addition and/or recision of partial exceptions by the Director for municipalities or political subdivisions.

Timetable:

Action	Date	FR Cite
NPRM	03/31/86	

Small Entity: No

Agency Contact: JoAnn Chabot, Attorney, Office of Personnel Management, Office of the General Counsel, 1900 E St., NW, Room 5H22, Washington, DC 20415, 202 632-7746

RIN: 3206-AA47

3128. EXECUTIVE PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 5 USC App 207(a); PL 95-521

CFR Citation: 5 CFR 734

Legal Deadline: None

Abstract: Proposed new regulation to supersede portions of 5 CFR Part 735 dealing with confidential financial disclosure for grades below GS-16.

Timetable:

Action	Date	FR Cite
NPRM	05/01/86	
Final Action	07/31/86	

Small Entity: No

Agency Contact: David H. Martin, Director, Office of Government Ethics, Office of Personnel Management, P.O. Box 14108, Washington, DC 20044, 202 632-2792

RIN: 3206-AA93

3129. EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: EO 11222; PL 95-521

CFR Citation: 5 CFR 735

Legal Deadline: None

Abstract: Amends portions of final regulation, 5 CFR Part 735, to clarify and update general provisions dealing with employee conduct.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: Jane Ley, Staff Attorney, Office of Personnel Management, Office of Government Ethics, P.O. Box 14108, Washington, DC 20044, 202 632-0569

RIN: 3206-AB66

3130. POST EMPLOYMENT CONFLICT OF INTEREST

Legal Authority: 18 USC 207; PL 95-521

CFR Citation: 5 CFR 737

Legal Deadline: None

Abstract: Proposed technical and conforming regulations to clarify the post employment rules.

Timetable:

Action	Date	FR Cite
NPRM	06/15/86	

Small Entity: No

Agency Contact: Gary Davis/Jane Ley, Staff Attorneys, Office of Personnel Management, Office of Government Ethics, P.O. Box 14108, Washington, DC 20044, 202 632-7642

RIN: 3206-AB12

3131. ADVERSE ACTIONS

Legal Authority: 5 USC 7504; 5 USC 7514

CFR Citation: 5 CFR 752

Legal Deadline: None

Abstract: Revisions to clarify certain aspects of existing regulations pertaining to the coverage of certain actions and employees under 5 USC chapter 75.

Timetable:

Action	Date	FR Cite
NPRM	03/30/86	
Final Action	06/30/86	

Small Entity: No

Agency Contact: Tim Dirks, Chief, Appellate Policies Division, Office of Personnel Management, Workforce Effectiveness & Development Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 653-8551

RIN: 3206-AC23

3132. ADVERSE ACTIONS (REGULATORY REQUIREMENTS FOR TAKING ADVERSE ACTIONS UNDER THE SENIOR EXECUTIVE SERVICE)

Legal Authority: 5 USC 7543

CFR Citation: 5 CFR 752, Subpart F

Legal Deadline: None

Abstract: Revised interim regulations on (1) suspensions for more than 14 days and (2) removal from the civil service of SES career appointees. These actions were authorized by Pub. L. 95-454 (October 13, 1978), which was amended by Pub. L. 97-35 (August 13, 1981) and Pub. L. 98-615 (November 8, 1984). The regulations establish procedures for implementing the law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/79	44 FR 44818
NPRM	04/00/86	

Small Entity: No

Additional Information: Regulatory Program RIN 3206-AC81 combines this item with RINs 3206-AA09, 3206-AA21, 3206-AA23, and 3206-AB29.

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW, Washington, DC 20415, 202 632-4625

RIN: 3206-AA50

3133. RETIREMENT; ORDER OF PRECEDENCE FOR APPLICATION OF SERVICE CREDIT DEPOSITS

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831

Legal Deadline: None

Abstract: Current regulations do not state the order in which service credit deposits will be applied. Proposed regulations would specify an order of precedence for applying such deposits.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Mary Angel, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-1265

RIN: 3206-AB79

3134. RETIREMENT

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831

Legal Deadline: None

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting reference errors, deleting obsolete provisions, etc.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Additional Information: Incorporates previous RIN 3206-AB69, "Retirement; Definitions."

Agency Contact: John Landers, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW; Washington, DC 20415, 202 632-1265

RIN: 3206-AC28

3135. RETIREMENT; ORDER OF PRECEDENCE FOR STATUTORY WITHHOLDINGS FROM ANNUITY

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart A

Legal Deadline: None

Abstract: Regulations to improve administration of the Civil Service Retirement and Disability Fund by establishing a uniform order of precedence for purposes of offsetting civil service annuity benefits to satisfy statutory obligations, such as state income tax withholding requests and court orders directing apportionment or garnishment of such benefits. Proposed regulations would consolidate disparate rules and practices which have developed for determining the net annuity available for offset for various purposes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Doris Reeves, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-1265

RIN: 3206-AB70

3136. RETIREMENT; CREDIT FOR SERVICE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart C

Legal Deadline: None

Abstract: Proposed regulations would specify the conditions for finding that an individual is a Federal employee for civil service retirement purposes, including the very limited exceptions to the general rule that a contract with the Government does not confer "employment" rights.

OPM **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: John Landers, Chief, Technical Analysis Branch, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-1265

RIN: 3206-AB71

3137. RETIREMENT; CREDIT FOR UNUSED SICK LEAVE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart C

Legal Deadline: None

Abstract: Unused sick leave at time of retirement is added to service credit for computation of annuity. Full-time employees receive one day of credit for eight hours of sick leave. Part-time employees receive more than one day of credit for eight hours of sick leave, on a prorated basis. Proposed regulations would treat full-time and part-time employees equally. All employees would receive one day of retirement credit for eight hours of unused sick leave.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: John Landers, Chief, Technical Analysis Branch, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-1265

RIN: 3206-AB72

3138. RETIREMENT; CREDIT AND DEPOSITS FOR MILITARY SERVICE

Legal Authority: PL 97-253, Sec 306(b); PL 98-94, Sec 1257; PL 98-369, Sec 2205

CFR Citation: 5 CFR 831, Subparts C and U

Legal Deadline: None

Abstract: Public Laws 97-253, 98-94, and 98-369 amend the provisions of the retirement law that deal with crediting military service and making deposits for military service. Proposed regulations would revise the affected regulations to implement these laws.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Mary Angel, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-1265

RIN: 3206-AB73

3139. RETIREMENT; SURVIVOR BENEFITS

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart F

Legal Deadline: None

Abstract: Regulations to require a retiring employee or Member, who elects a reduced annuity with survivor benefit for a person having an insurable interest, to pay the cost of providing medical evidence to show such employee or Member is in good health. Under past practice, OPM paid for these medical examinations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Jane Lohr, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-1265

RIN: 3206-AB74

3140. RETIREMENT; LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS

Legal Authority: 5 USC 8347; 5 USC 8336(c)

CFR Citation: 5 CFR 831, Subpart I

Legal Deadline: None

Abstract: Current regulations do not adequately articulate the criteria for determining whether an employee meets the statutory definition of "law enforcement officer" or "firefighter." Proposed regulations would clarify the criteria used by OPM to establish eligibility of employees under the special retirement provisions for law enforcement officers and firefighters.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Agency Contact: Ray Kirk, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E Street, NW; Washington, DC 20415, 202 632-1265

RIN: 3206-AB09

3141. RETIREMENT; DISABILITY RETIREMENT

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart L

Legal Deadline: None

Abstract: Comprehensive revision of disability retirement regulations to clarify (1) OPM'S authority to find a disability annuitant recovered from a disability when the annuitant is reemployed in the Federal service in a position equivalent in grade to the one from which he or she retired, and (2) the rules used to determine whether a disability annuitant has been restored to earning capacity.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Agency Contact: Raymond Sparnon, Paralegal Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-1265

RIN: 3206-AB77

3142. RETIREMENT; RECOVERY OF ANNUITY OVERPAYMENTS

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart M

Legal Deadline: None

Abstract: Proposed regulations to add further guidelines on debt collection activities under the Debt Collection Act of 1982. Current regulations need to be expanded to (1) exclude collections made by Treasury under 31 CFR 210.10 from OPM procedures for recovery of debts, and (2) add provisions for collecting debts due the Civil Service

Retirement Fund from a deceased debtor.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Patricia A. Rochester, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-1265**

RIN: 3206-AB78

3143. FEDERAL EMPLOYEES GROUP LIFE INSURANCE

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870

Legal Deadline: None

Abstract: Deletes obsolete provision that automatically cancels designation of beneficiaries (1) when employee transfers (except by mass transfer) from one agency to another, and (2) 31 days after employee's insurance coverage terminates.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Agatha Gray, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E Street,NW; Washington DC, 20415, **202 632-0003**

RIN: 3206-AC65

3144. FEDERAL EMPLOYEES GROUP LIFE INSURANCE

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873

Legal Deadline: None

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting reference errors, deleting obsolete provisions, etc.

Timetable:

Action	Date	FR Cite
NPRM	11/00/86	

Small Entity: No

Agency Contact: Agatha W. Gray, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-0003**

RIN: 3206-AB80

3145. FEDERAL LIFE INSURANCE AND HEALTH BENEFITS; REIMBURSEMENT FOR UNDERDEDUCTIONS

Legal Authority: 5 USC 8716; 5 USC 8913

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873; 5 CFR 890

Legal Deadline: None

Abstract: Proposed regulations to require reimbursement to the health benefits and life insurance funds for any underdeductions from pay, annuity, or compensation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Agatha Gray, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E Street, NW; Washington, DC 20415, **202 632-0003**

RIN: 3206-AC67

3146. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting errors, deleting obsolete provisions, etc.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: Barbara Myers, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-0003**

RIN: 3206-AB83

3147. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; TERMINATION OF ENROLLMENT

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart A

Legal Deadline: None

Abstract: Proposed regulations to extend OPM'S authority to terminate an individual's enrollment in an FEHB group practice comprehensive medical plan to include individual practice comprehensive medical plans and mixed-model medical plans.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: Barbara Myers, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-0003**

RIN: 3206-AB84

3148. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; HEALTH BENEFITS PLANS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart B

Legal Deadline: None

Abstract: Proposed regulations to clarify the criteria used by OPM in reviewing applications from comprehensive medical plans seeking to participate in the Federal Employees Health Benefits Program. Regulations would focus on the plan's compliance with state licensing and operating requirements and with Federal procurement regulations, health plan management, marketing, quality of the health care delivery system, and financial condition.

Timetable:

Action	Date	FR Cite
NPRM	04/30/86	

Small Entity: No

Agency Contact: John Ray, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-0003**

RIN: 3206-AB86

OPM

Proposed Rule Stage

3149. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; REGISTRATION AND ENROLLMENT

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart C

Legal Deadline: None

Abstract: Proposed regulations to allow an employee or annuitant to change to self and family coverage if a non-federally employed spouse or former spouse loses non-Federal health insurance coverage under certain conditions.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: Barbara Myers, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-0003**

RIN: 3206-AB87

3150. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; CONTINUATION OF ENROLLMENT

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart C

Legal Deadline: None

Abstract: Proposed regulations to reflect established OPM practice of allowing surviving family members to continue FEHBP participation under multiple enrollments in split-award survivor annuity cases. If multiple enrollments are not allowed, certain eligible family members might lose FEHBP coverage.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: John Ray, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-0003**

RIN: 3206-AB88

3151. ● FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; RESERVE MANAGEMENT

Significance: Regulatory Program

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890.503

Legal Deadline: None

Abstract: Amendments to current regulations to reduce the target level of special reserves held by health benefits carriers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	10/00/86	

Small Entity: No

Additional Information: Margaret Sears, Pay and Benefits Specialist, (202) 632-0003.

Agency Contact: James W. Morrison, Jr., Associate Director for Compensation, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, **202 632-1854**

RIN: 3206-AC79

3152. PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS) ADMINISTRATIVE LAW JUDGES

Legal Authority: 5 USC 553-9; 5 USC 1104(a)(2); 5 USC 1305; 5 USC 3105; 5 USC 3344; 5 USC 4301(2)(d); 5 USC 5335(a)(3)(B); 5 USC 5372; 5 USC 7521

CFR Citation: 5 CFR 930, Subpart B

Legal Deadline: None

Abstract: Update and clarification of OPM regulations governing examining and employment of Administrative Law Judges. These regulations have not been reviewed as a whole for many years and contain out-of-date terminology.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Craig B. Pettibone, Assistant Director for, Administrative Law Judges, Office of Personnel Management, Staffing Group, 1900 E Street, N.W., Washington, D.C. 20415, **202 632-5677**

RIN: 3206-AB91

3153. FEDERAL EMPLOYEES HEALTH BENEFITS ACQUISITION REGULATIONS

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 5 USC 8913

CFR Citation: 48 CFR 16

Legal Deadline: None

Abstract: Regulations to reflect contracting policy and procedures for the Federal Employees Health Benefits Program (FEHBP) that deviate from the Federal Acquisition Regulations (FAR) or that are needed to supplement the FAR to satisfy special program needs.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	12/00/86	

Small Entity: No

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW; Washington, DC 20415, **202 632-0003**

RIN: 3206-AB07

3154. OPM PROCUREMENT REGULATIONS

Legal Authority: 48 CFR Chapter 1

CFR Citation: 48 CFR 17

Legal Deadline: None

Abstract: Regulations to implement and supplement the Federal Acquisition Regulations (FAR). The FAR were effective April 1, 1984.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Robert Lawshe, Chief, Acquisition Branch, Office of Personnel Management, Acquisition Branch, Room 1466, 1900 E Street, NW, Washington, DC 20415, **202 254-8492**

RIN: 3206-AB28

OFFICE OF PERSONNEL MANAGEMENT (OPM)

Final Rule Stage

3155. ORGANIZATION OF THE GOVERNMENT FOR PERSONNEL MANAGEMENT; PERSONNEL MANAGEMENT IN AGENCIES

Legal Authority: 5 USC 1104; 5 USC 1302; 5 USC 3301; 5 USC 3302; EO 10577

CFR Citation: 5 CFR 230; 5 CFR 250

Legal Deadline: None

Abstract: Deletes Part 230 and transfers its regulations to Part 250, to maintain parallel structure with 5 U.S.C. Combines material formerly in Part 230 with regulations now found in Part 250 to present all regulations on agencies' authorities for personnel management in a single part of the Code of Federal Regulations. Changes improve the technical integrity of the CFR by eliminating redundancies and improving the efficiency of OPM's regulations. No change in the coverage or substance of affected regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/20/83	48 FR 22728
Final Action	04/30/86	

Small Entity: No

Agency Contact: Walter Townsend, Program Analyst, Office of Personnel Management, Analysis and Evaluation Division, Office of Budget and Management, 1900 E St., NW, Washington, DC 20415, **202 653-6341**

RIN: 3206-AA66

3156. PERSONNEL RECORDS

Legal Authority: 5 USC 552a; 5 USC 4305; 5 USC 4314; EO 12107 (December 28, 1978); 5 USC 1103; 5 USC 1104; 5 USC 1302; 3 CFR 1954 to 1958 Comp; 5 CFR 7.2; EO 9830; 3 CFR 1943 to 1948 Comp

CFR Citation: 5 CFR 293

Legal Deadline: None

Abstract: Requires agencies to send a transferring employee's performance ratings, 3 years old or less, to his or her "gaining" agency, along with the employee's Official Personnel Folder (OPF).

Timetable:

Action	Date	FR Cite
NPRM	08/30/85	50 FR 35505
Final Action	05/00/86	

Small Entity: No

Agency Contact: Allen B. Levan, Chief, Policy and Operations Division, Office of Personnel Management, Office of Performance Management, Workforce Effectiveness & Development Group, 1900 E St., NW, Washington, DC 20415, **202 632-5653**

RIN: 3206-AB27

3157. PERSONNEL RECORDS

Legal Authority: 5 USC 2951(2); EO 12107; EO 12196

CFR Citation: 5 CFR 293

Legal Deadline: None

Abstract: The Office recently established an Employee Medical File System for Federal employees that will include an Employee Medical Folder (EMF). This folder will be separate from but a companion folder to the Official Personnel Folder (OPF). These regulations, like the regulations on the OPF, provide minimal requirements on agencies with regard to use and maintenance of the EMF.

Timetable:

Action	Date	FR Cite
NPRM	04/17/85	50 FR 15158
Final Action	04/00/86	

Small Entity: No

Agency Contact: William H. Lynch, Information Specialist, Office of Personnel Management, Office of Workforce Information, Compliance and Investigations Group, 1900 E St., NW; Washington, DC 20415, **202 632-5433**

RIN: 3206-AC31

3158. AVAILABILITY OF OFFICIAL INFORMATION

Legal Authority: 5 USC 552

CFR Citation: 5 CFR 294

Legal Deadline: None

Abstract: Agencies are required to publish fee schedules of charges for information under the Freedom of Information Act. We plan to review our fee schedule and update it to more accurately reflect the current costs of providing the information.

Timetable:

Action	Date	FR Cite
NPRM	10/19/82	47 FR 46516
Final Action	06/30/86	

Small Entity: No

Agency Contact: William C. Duffy, Chief, Information Systems Plans & Policies, Office of Personnel Management, Administration Group, Room 6410, 1900 E St., NW, Washington, DC 20415, **202 632-7714**

RIN: 3206-AA05

3159. PERFORMANCE MANAGEMENT SYSTEM

Significance: Regulatory Program

Legal Authority: 5 USC 552; 5 USC 552a; 5 USC 3301; 5 USC 3302; 5 USC Ch 43; 5 USC Ch 45; 5 USC Ch 53; 5 USC Ch 54

CFR Citation: 5 CFR 300; 5 CFR 335; 5 CFR 430; 5 CFR 431; 5 CFR 531; 5 CFR 532; 5 CFR 771

Legal Deadline: None

Abstract: Proposed modifications to Performance Management System regulations that were published October 25, 1983, and implemented July 3, 1985. The regulations will be updated to make them more consistent with the regulations established for the Performance Management and Recognition System, mandated by title II of the Civil Service Retirement Spouse Equity Act of 1984, effective October 1, 1984.

Timetable:

Action	Date	FR Cite
NPRM	08/30/85	50 FR 35513
Final Action	05/00/86	

Small Entity: No

Agency Contact: Terry W. Culler, Associate Director, Workforce Effectiveness & Development Group, Office of Personnel Management, Office of Performance Management, 1900 E St., NW, Washington, DC 20415, **202 632-5796**

RIN: 3206-AC62

3160. OVERSEAS EMPLOYMENT

Legal Authority: 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 301

Legal Deadline: None

Abstract: Deletes prohibition on agency use of overseas limited appointments in certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	08/20/85	50 FR 33548
Final Action	05/00/86	

Small Entity: No

Agency Contact: Ed McHugh, Personnel Staffing Specialist, Office of Personnel Management, Policy Analysis Division, Staffing Group, 1900 E St., NW, Washington, DC 20415, **202 632-6817**

RIN: 3206-AA71

3161. APPOINTMENT, REASSIGNMENT, TRANSFER AND REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE (SES CAREER APPOINTMENT BY REINSTATEMENT)

Legal Authority: 5 USC 3593; 5 USC 3595

CFR Citation: 5 CFR 317, Subpart G

Legal Deadline: None

Abstract: Revised interim regulations on reinstatement to an SES career appointment following (a) voluntary separation from SES, or (b) separation from a Presidential appointment of a former SES career appointee. These reinstatements are authorized by law. The regulations set the procedures for implementing the law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/05/80	45 FR 80468
Revised Interim Rule	04/00/86	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW, Washington, DC 20415, **202 632-4625**

RIN: 3206-AA11

3162. REEMPLOYMENT RIGHTS FOR SES PERSONNEL

Legal Authority: 5 USC 3131; 5 USC 3301

CFR Citation: 5 CFR 352

Legal Deadline: None

Abstract: This regulation would extend reemployment rights under this part to SES personnel. The regulation is needed to correct an oversight which has resulted in the exclusion of SES members from coverage.

Timetable:

Action	Date	FR Cite
NPRM	12/27/85	50 FR 52928
Final Action	06/00/86	

Small Entity: No

Agency Contact: John Schultz, Personnel Staffing Specialist, Office of Personnel Management, Policy Analysis Division, Staffing Group, 1900 E St., NW, Washington, DC 20415, **202 632-6817**

RIN: 3206-AA18

3163. PREVAILING RATE SYSTEMS

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Legal Deadline: None

Abstract: Revision of Monroney regulations to limit the use of private sector specialized industry data obtained outside a wage area.

Timetable:

Action	Date	FR Cite
NPRM	10/08/85	50 FR 40979
Final Action	12/00/86	

Small Entity: No

Agency Contact: Richard J. Carney, Chief, Wage Systems Division, Office of Personnel Management, Office of Pay Programs, Compensation Group, 1900 E St., NW; Washington, DC 20415, **202 632-7830**

RIN: 3206-AC59

3164. ● PREVAILING RATE SYSTEMS

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Legal Deadline: None

Abstract: Corrects erroneous information in current regulations regarding available avenues of appeal.

Timetable:

Action	Date	FR Cite
NPRM	09/16/85	50 FR 37537
Final Action	05/00/86	

Small Entity: No

Agency Contact: Richard J. Carney, Chief, Wage Systems Division, Office of Personnel Management, Compensation Group, Room 3353, 1900 E St., NW, Washington, DC 20415, **202 632-7830**

RIN: 3206-AC83

3165. PAY UNDER OTHER SYSTEMS (PAY UNDER THE SES)

Legal Authority: 5 USC 5385

CFR Citation: 5 CFR 534, Subpart D

Legal Deadline: None

Abstract: Revised interim regulations on the payment of performance awards to career appointees in the Senior Executive Service to implement Pub. L. 98-615, November 8, 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/83	48 FR 52025
Revised Interim Rule	09/24/85	50 FR 38634
Final Action	04/00/86	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW, Washington, DC 20415, **202 632-4625**

RIN: 3206-AB20

3166. GRADE AND PAY RETENTION; EFFECT OF GOVERNMENTWIDE REDUCTION IN SCHEDULED RATES

Legal Authority: 5 USC 5361 to 5366

CFR Citation: 5 CFR 536

Legal Deadline: None

Abstract: Under current regulations it is not clear whether an employee is entitled to pay retention if there is a Governmentwide reduction in scheduled rates, either by statute or as the result of an alternative plan submitted by the President under 5 U.S.C. 5305(c). Final regulations would specifically prohibit pay retention in this situation.

Timetable:

Action	Date	FR Cite
NPRM	05/16/85	50 FR 20422
Final Action	04/00/86	

Small Entity: No

Agency Contact: Jan B. Karicher, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AC60

3167. PAY ADMINISTRATION, ADJUSTMENT OF WORK SCHEDULES FOR RELIGIOUS OBSERVANCES

Legal Authority: 5 USC 5550a

CFR Citation: 5 CFR 550, Subpart J

Legal Deadline: None

Abstract: Under current law, Federal employees may request adjustment of work schedules if personal religious beliefs require abstention from work. The interim regulations published in 1978 are too broad and do not provide agencies with the authority and guidance necessary for proper administration of the law. Final regulations will (1) define key terms in the law, (2) establish administrative procedures for processing employee requests and for adjusting employee work schedules, and (3) provide administrative procedures for the proper payment and/or crediting of compensatory overtime work and compensatory time off for religious observances.

Timetable:

Action	Date	FR Cite
NPRM	10/24/83	48 FR 49023
Final Action	04/00/86	

Small Entity: No

Agency Contact: Dwight W. Brown, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AA38

3168. PAY ADMINISTRATION (GENERAL); COLLECTIONS BY OFFSET FROM INDEBTED GOVERNMENT EMPLOYEES

Legal Authority: 5 USC 5514

CFR Citation: 5 CFR 550, Subpart K

Legal Deadline: None

Abstract: Final regulations would amend the definition of "Agency" for salary offset purposes to clarify the application of salary offset to legislative and judicial branch employees, as well as those employees in the executive branch.

Timetable:

Action	Date	FR Cite
NPRM	04/30/85	50 FR 18267
Final Action	04/00/86	

Small Entity: No

Agency Contact: Patricia A. Rochester, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW; Washington, DC 20415, 202 632-1265

RIN: 3206-AC42

3169. PAY ADMINISTRATION (GENERAL); COLLECTIONS BY OFFSET FROM INDEBTED GOVERNMENT EMPLOYEES; HEARINGS

Legal Authority: 5 USC 5514

CFR Citation: 5 CFR 550, Subpart K

Legal Deadline: None

Abstract: Some agencies have had difficulty arranging for a salary offset hearing official "not under the control of the head of the agency." Final regulations would prescribe a process for requesting hearing officers for salary offset hearings when agencies have not been able to make other arrangements.

Timetable:

Action	Date	FR Cite
NPRM	10/31/84	49 FR 43619
Final Action	04/00/86	

Small Entity: No

Agency Contact: Patricia A. Rochester, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW; Washington, DC 20415, 202 632-1265

RIN: 3206-AC43

3170. PAY ADMINISTRATION (GENERAL); COLLECTIONS BY OFFSET FROM INDEBTED GOVERNMENT EMPLOYEES

Legal Authority: 5 USC 5514

CFR Citation: 5 CFR 550, Subpart K

Legal Deadline: None

Abstract: Final regulations would amend procedures for requesting salary offset when the creditor agency and the current paying agency are not the same. The change is necessary to permit agencies to proceed with the collection of debts that have been duly certified and are awaiting collection.

Timetable:

Action	Date	FR Cite
NPRM	11/25/85	50 FR 48421
Final Action	04/00/86	

Small Entity: No

Agency Contact: Frank Derby, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AC64

3171. ALLOWANCES AND DIFFERENTIALS; COST OF LIVING ALLOWANCE AND POST DIFFERENTIAL--NONFOREIGN AREAS

Legal Authority: 5 USC 5941; EO 10000

CFR Citation: 5 CFR 591, Subpart B

Legal Deadline: None

Abstract: Comprehensive revision of regulations to reflect new methodology used to establish nonforeign cost-of-living allowances. (See Alaniz v. Office of Personnel Management, 728 F. 2d 1460 (Fed. Cir. 1984).)

Timetable:

Action	Date	FR Cite
NPRM	10/21/85	50 FR 42531
Final Action	06/00/86	

Small Entity: No

Agency Contact: Barry E. Shapiro, Chief, Allowances and Special Rates Division, Office of Personnel Management, Compensation Group, 1900 E Street, NW, Washington, DC 20415, 202 632-7858

RIN: 3206-AB34

3172. ABSENCE AND LEAVE; COVERAGE OF D.C. GOVERNMENT EMPLOYEES

Legal Authority: 5 USC 6311; DC Law 2-139, as amended

CFR Citation: 5 CFR 630

Legal Deadline: None

Abstract: Current regulations contain obsolete references to D.C. government employees, who are no longer covered by chapter 63 of title 5 of the United

States Code. Final regulations would delete these obsolete references.

Timetable:

Action	Date	FR Cite
NPRM	02/27/85	50 FR 7922
Final Action	06/00/86	

Small Entity: No

Agency Contact: Clarence Mathews, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW; Washington, DC 20415, **202 632-4634**

RIN: 3206-AC47

3173. ABSENCE AND LEAVE; RECREDIT OF LEAVE

Legal Authority: 5 USC 6311

CFR Citation: 5 CFR 630, Subpart E

Legal Deadline: None

Abstract: Proposed regulations to extend the 3-year limitation on recrediting sick leave for dependents of civilian and military personnel who leave Federal employment to accompany their sponsors on overseas assignments. This amendment would alleviate the hardship and inequity many career employees suffer because of the limited number of Federal positions that are available to dependents overseas. This change would complement E.O. 12362, which authorizes certain placement benefits for dependents when they return from overseas.

Timetable:

Action	Date	FR Cite
NPRM	11/14/85	50 FR 47060
Final Action	04/00/86	

Small Entity: No

Agency Contact: Jim Matteson, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW; Washington, DC 20415, **202 632-4634**

RIN: 3206-AB63

3174. POST EMPLOYMENT CONFLICT OF INTEREST; 1985 DESIGNATION OF CERTAIN POSITIONS AND AGENCIES

Legal Authority: 18 USC 207(b)(1)(c); PL 95-521

CFR Citation: 5 CFR 737

Legal Deadline: None

Abstract: Final regulation to meet the annual requirement to designate senior employees (for CY 1985) who are subject to the conflict-of-interest provisions of the Ethics in Government Act.

Timetable:

Action	Date	FR Cite
Final Action	03/00/86	

Small Entity: No

Agency Contact: Gary Davis/Bob Flynn, Staff Attorney/Management Analyst, Office of Personnel Management, Office of Government Ethics, P.O. Box 14108, Washington, D.C. 20044, **202 632-7642**

RIN: 3206-AC57

3175. RETIREMENT; EXCLUSIONS FROM RETIREMENT COVERAGE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart B

Legal Deadline: None

Abstract: Regulations to eliminate confusion among agencies on certain exceptions to the exclusions from civil service retirement coverage. Regulations would amend the current exceptions to exclusions from civil service retirement coverage to permit such coverage in all cases of career and career-conditional appointment, regardless of whether the employee would otherwise be excluded from coverage, i.e., an intermittent employee.

Timetable:

Action	Date	FR Cite
NPRM	01/28/86	51 FR 3470
Final Action	05/00/86	

Small Entity: No

Agency Contact: Doris Reeves, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W.; Washington, D.C. 20415, **202 632-1265**

RIN: 3206-AC72

3176. RETIREMENT; IMPLEMENTING REGULATIONS FOR CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF 1984

Legal Authority: 5 USC 8347; PL 98-615

CFR Citation: 5 CFR 831, Subparts F, Q, and T

Legal Deadline: None

Abstract: The Civil Service Retirement Spouse Equity Act of 1984 includes provisions for new benefits available to former spouses of deceased Federal employees and provisions governing survivor benefits for current spouses. These regulations are necessary to implement the Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/13/85	50 FR 20064
Revised Interim Rule	04/00/86	
Final Action	09/00/86	

Small Entity: No

Additional Information: Harold Siegelman, Pay and Benefits Specialist, (202) 632-1265.

Agency Contact: James W. Morrison, Jr, Associate Director for Compensation, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, **202 632-1854**

RIN: 3206-AB75

3177. RETIREMENT; AGENCY REQUESTS TO OPM FOR RECOVERY OF A DEBT FROM THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND

Legal Authority: 5 USC 8347; 31 USC 3716

CFR Citation: 5 CFR 831, Subpart R

Legal Deadline: None

Abstract: Final regulations to prescribe procedures for submitting agency claims for recovery of an indebtedness against benefits due from the Civil Service Retirement System. Regulations are required as part of resolution of Rhinehart v. Seneca, et al., which recognized the need to give debtors due process rights.

Timetable:

Action	Date	FR Cite
NPRM	01/04/85	50 FR 473
Final Action	04/00/86	

Small Entity: No

Additional Information: LEGAL AUTHORITY: 4 CFR Sec. 101.1 et seq also applies.

OPM

Final Rule Stage

Agency Contact: Patricia A. Rochester, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW, Washington, DC 20415, **202 632-1265**

RIN: 3206–AA52

3178. RETIREMENT; DEPOSITS FOR MILITARY SERVICE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart U

Legal Deadline: None

Abstract: Final regulations to extend eligibility to make deposits for military service to separated individuals who were prevented from making a timely deposit due to administrative error or misinformation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/84	49 FR 20631
Final Action	06/00/86	

Small Entity: No

Agency Contact: Mary Angel, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW; Washington, DC 20415, **202 632-1265**

RIN: 3206–AB35

3179. FEDERAL EMPLOYEES GROUP LIFE INSURANCE; CANCELLATION OF WAIVER

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872

Legal Deadline: None

Abstract: Elimination of the under-age-50 requirement for cancellation of a waiver of insurance coverage under the Federal Employees Group Life Insurance program. Under the proposed regulations, an employee who has waived insurance coverage may cancel the waiver and become insured at any age if at least one year has elapsed since the effective date of the waiver and if the employee provides satisfactory evidence of insurability.

Timetable:

Action	Date	FR Cite
NPRM	08/27/85	50 FR 34707
Final Action	06/00/86	

Small Entity: No

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW; Washington, DC 20415, **202 254-7052**

RIN: 3206–AC61

3180. FEDERAL EMPLOYEES GROUP LIFE INSURANCE PROGRAM; ASSIGNMENT OF LIFE INSURANCE BY FEDERAL JUDGES

Legal Authority: PL 98-353, Sec 208

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873; 5 CFR 874

Legal Deadline: None

Abstract: Regulations to implement section 208 of Pub. L. 98-353, which permits Federal judges to assign their Federal Employees Group Life Insurance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/28/85	50 FR 8095
Final Action	04/00/86	

Small Entity: No

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-0003**

RIN: 3206–AB82

3181. FEDERAL LIFE INSURANCE AND HEALTH BENEFITS; RESTORED DISABILITY ANNUITANTS

Legal Authority: 5 USC 8716; 5 USC 8913

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873; 5 CFR 890

Legal Deadline: None

Abstract: Final regulations to implement the provisions of Pub. L. 99-53, which restores health benefits and life insurance coverage to restored disability annuitants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/17/85	50 FR 42005
Final Action	04/00/86	

Small Entity: No

Agency Contact: Agatha Gray, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E Street, NW; Washington, DC 20415, **202 632-0003**

RIN: 3206–AC66

3182. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; DISPUTED CLAIMS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart A

Legal Deadline: None

Abstract: Regulations to improve the administrative process used by the FEHBP to resolve disputed health insurance claims. The regulations would strengthen OPM's control over the disputed claims process and would result in more efficient plan and OPM reviews.

Timetable:

Action	Date	FR Cite
NPRM	12/28/84	49 FR 50404
Final Action	04/00/86	

Small Entity: No

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW; Washington, DC 20415, **202 632-0003**

RIN: 3206–AB37

3183. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; IMPLEMENTING REGULATIONS FOR CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF 1984

Legal Authority: 5 USC 8913; PL 98-615

CFR Citation: 5 CFR 890, Subparts C and H

Legal Deadline: None

Abstract: Regulations to implement amendments to the Federal Employees Health Benefits (FEHB) law under the Civil Service Retirement Spouse Equity Act of 1984. This law allows certain former spouses of civil service employees and retirees to enroll in an FEHB plan, provided the former spouse agrees to pay the full cost of such health insurance coverage.

OPM — **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/13/85	50 FR 24757
Final Action	04/00/86	

Small Entity: No

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, **202 632-0003**

RIN: 3206-AB89

3184. SOLICITATION OF FEDERAL CIVILIAN AND UNIFORMED SERVICES PERSONNEL FOR CONTRIBUTIONS TO PRIVATE VOLUNTARY CHARITABLE ORGANIZATIONS

Legal Authority: EO 12353; EO 12404

CFR Citation: 5 CFR 950

Legal Deadline: None

Abstract: The regulation published in 1984 would be amended to conform to Executive Order 12404, Charitable Fund-Raising, recently upheld in Cornelius v. NAACP Legal Defense and Educational Fund, Inc., No. 84-312 (U.S., July 2, 1985). The new regulation simplifies campaign administration and should enable charitable solicitation to be conducted efficiently in the Federal workplace.

Timetable:

Action	Date	FR Cite
NPRM	08/22/85	50 FR 33960
Final Action	03/00/86	

Small Entity: No

Agency Contact: Richard A. Ong, Deputy Assistant General Counsel, Office of Personnel Management, Office of the General Counsel, 1900 E Street, NW, Washington, DC 20415, **202 632-4632**

RIN: 3206-AC58

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Completed Actions

3185. POLITICAL ACTIVITY OF STATE OR LOCAL OFFICERS OR EMPLOYEES

CFR Citation: 5 CFR 151

Completed:

Reason	Date	FR Cite
End Review	02/28/86	

Small Entity: No

Agency Contact: W. Scott Burke 202 632-4632

RIN: 3206-AB93

3186. ADMINISTRATIVE CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT

CFR Citation: 5 CFR 177

Completed:

Reason	Date	FR Cite
Withdrawn	12/16/85	

Small Entity: No

Agency Contact: W. Scott Burke 202 632-4632

RIN: 3206-AB94

3187. EMPLOYEES' PERSONAL PROPERTY CLAIMS

CFR Citation: 5 CFR 180

Completed:

Reason	Date	FR Cite
Withdrawn	12/06/85	

Small Entity: No

Agency Contact: W. Scott Burke 202 632-4632

RIN: 3206-AB95

3188. SENIOR EXECUTIVE SERVICE

CFR Citation: 5 CFR 214

Completed:

Reason	Date	FR Cite
End Review No regulatory action to be taken.	12/31/85	

Small Entity: No

Agency Contact: Neal Harwood 202 632-4625

RIN: 3206-AB98

3189. VETERANS READJUSTMENT APPOINTMENTS

CFR Citation: 5 CFR 307

Completed:

Reason	Date	FR Cite
Final Action	10/21/85	50 FR 42509
Final Action Effective	11/20/85	

Small Entity: No

Agency Contact: Don A. Smith 202 632-7082

RIN: 3206-AB26

3190. TEMPORARY AND TERM EMPLOYMENT

CFR Citation: 5 CFR 316

Completed:

Reason	Date	FR Cite
Final Action	10/21/85	50 FR 42509
Final Action Effective	11/20/85	

Small Entity: No

Agency Contact: Don A. Smith 202 632-7082

RIN: 3206-AB25

3191. TEMPORARY AND TERM EMPLOYMENT

CFR Citation: 5 CFR 316

Completed:

Reason	Date	FR Cite
End Review	12/09/85	

Small Entity: No

Agency Contact: Donald L. Holum 202 632-6817

RIN: 3206-AC63

3192. REDUCTION IN FORCE

CFR Citation: 5 CFR 351

Completed:

Reason	Date	FR Cite
Final Action	01/03/86	51 FR 318
Final Action Effective	02/03/86	

Small Entity: No

Agency Contact: Donald L. Holum 202 632-6817

RIN: 3206-AC69

3193. OVERSIGHT OF TRAINING PROGRAMS

CFR Citation: 5 CFR 410

Completed:

Reason	Date	FR Cite
Withdrawn	03/17/86	

Small Entity: No

Agency Contact: Constance Guitian 202 254-3240

RIN: 3206-AC35

3194. CLASSIFICATION UNDER THE GENERAL SCHEDULE

Significance: Regulatory Program

CFR Citation: 5 CFR 511, Subparts A and B

Completed:

Reason	Date	FR Cite
End Review	01/02/86	

Small Entity: No

Agency Contact: Donald L. Holum 202 632-6817

RIN: 3206-AC29

3195. ●APPEAL RIGHTS FOR DENIAL OF WITHIN-GRADE INCREASES AND TERMINATION OF GRADE AND PAY RETENTION

CFR Citation: 5 CFR 531; 5 CFR 536

Completed:

Reason	Date	FR Cite
Final Action	10/31/85	50 FR 45389

Small Entity: No

Agency Contact: Jan B. Karicher 202 632-4634

RIN: 3206-AC80

3196. PAY ADMINISTRATION (GENERAL) AND HOURS OF DUTY

CFR Citation: 5 CFR 550; 5 CFR 610

Completed:

Reason	Date	FR Cite
Withdrawn	03/19/86	

Small Entity: No

Agency Contact: Edward I. Magee 202 632-4634

RIN: 3206-AC40

3197. PAY ADMINISTRATION UNDER THE FAIR LABOR STANDARDS ACT: EXEMPTIONS

CFR Citation: 5 CFR 551

Completed:

Reason	Date	FR Cite
Final Action	03/04/86	

Small Entity: No

Agency Contact: Michael Clogston 202 632-5691

RIN: 3206-AC70

3198. HOURS OF DUTY; FLEXIBLE AND COMPRESSED WORK SCHEDULES

CFR Citation: 5 CFR 610, Subpart D

Completed:

Reason	Date	FR Cite
Withdrawn	01/10/86	

Small Entity: No

Agency Contact: Edward I. Magee 202 632-4634

RIN: 3206-AC46

3199. RETIREMENT, FEDERAL EMPLOYEES' GROUP LIFE INSURANCE, AND FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

CFR Citation: 5 CFR 831; 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873; 5 CFR 890

Completed:

Reason	Date	FR Cite
Withdrawn	01/10/86	

Small Entity: No

Agency Contact: Mary Angel 202 632-1265

RIN: 3206-AB67

3200. RETIREMENT; ADMINISTRATION AND GENERAL PROVISIONS

Significance: Regulatory Program

CFR Citation: 5 CFR 831, Subpart A

Completed:

Reason	Date	FR Cite
Withdrawn No longer a viable change.	12/09/85	

Small Entity: No

Agency Contact: Donald L. Holum 202 632-6817

RIN: 3206-AC24

3201. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; RESERVE MANAGEMENT

CFR Citation: 5 CFR 890.503

Completed:

Reason	Date	FR Cite
Final Action	03/04/86	52 FR 7428
Final Action Effective	04/03/86	

Small Entity: No

Agency Contact: Margaret Sears 202 632-0003

RIN: 3206-AC25

[FR Doc. 86-5884 Filed 04-18-86; 8:45 am]

BILLING CODE 6325-01-T

federal register

Monday
April 21, 1986

Part XXXV

Panama Canal Commission

Semiannual Regulatory Agenda

PANAMA

PANAMA CANAL COMMISSION

35 CFR Ch. I

Unified Agenda of Federal Regulations

AGENCY: Panama Canal Commission.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Panama Canal Commission. This information will allow the public to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: For information about a particular regulatory project, contact the person listed in the subheading "Agency Contact" for that project. For general information, contact Michael Rhode, Jr., Secretary, Panama Canal Commission, 2000 L Street, N.W., Suite 550, Washington, D.C. 20036, (202) 634-6441; or John L. Haines, Jr., Esquire, General Counsel, Panama Canal Commission, APO Miami 34011.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. require that executive agencies publish in the **Federal Register** a semiannual notice of regulations which are under development or review or for which action has been completed. The Panama Canal Commission agenda contains certain regulations which are limited in public impact, but they are included to increase public awareness of Commission activities and to allow for increased public participation in the agency's regulatory review and development process. This agenda was prepared under the guidelines established by OMB Bulletin No. 86-4.

DATED: February 24, 1986.

Michael Rhode, Jr.,

Secretary, Panama Canal Commission.

PANAMA CANAL COMMISSION (PANAMA) — Proposed Rule Stage

3202. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PANAMA CANAL COMMISSION PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 35 CFR 257

Legal Deadline: None

Abstract: These regulations are designed to implement Section 504 of the Rehabilitation Act of 1974, as amended. The prototype regulation provided by the Department of Justice under Executive Order 12250 has been modified to accommodate the special circumstances of the agency. The regulation will be published after it has been reviewed by the Department of Justice and the Equal Employment Opportunity Commission, as required by Executive Order 12250 and 12067 respectively.

Timetable:

Action	Date	FR Cite
NPRM	03/01/86	
Final Action	06/01/86	

Small Entity: No

Agency Contact: John L. Haines, Jr., General Counsel, Panama Canal Commission, Office of General Counsel, APO Miami, Florida 34011, 202 634-6441

RIN: 3207-AA08

3203. PANAMA CANAL COMMISSION ACQUISITION REGULATIONS

Significance: Agency Priority

Legal Authority: 22 USC 3712(c) to 3712(d); PL 98-369

CFR Citation: 48 CFR Chapter 35

Legal Deadline: None

Abstract: These proposed regulations will provide guidelines for the procurement of goods, services and construction for the Panama Canal Commission within the framework of the Federal Acquisition Regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Undetermined

Agency Contact: R. D. Morgan, Procurement Executive, Panama Canal Commission, APO Miami FL 34011, 202 634-6441

RIN: 3207-AA10

3204. ● PILOTAGE

Significance: Agency Priority

Legal Authority: 22 USC 3811; EO 12215

CFR Citation: 35 CFR 105.2

Legal Deadline: None

Abstract: The Panama Amendments Act of 1985 added a subsection to section 1411 regarding injuries to a vessel or its cargo when the navigation or movement of the vessel is not under the control of a Panama Canal pilot. A distinction needs to be made between a canal pilot and a transit advisor who might be put aboard the vessel. No additional costs to the agency will result from this regulation, but the statute sets a ceiling of $50,000 on claims where there is not a pilot on board, and does not provide for judicial review. Thus, the definition is critical for the agency's administrative process in adjudicating claims and assessing possible lawsuits.

Timetable:

Action	Date	FR Cite
NPRM	07/01/86	

Small Entity: No

Agency Contact: John L. Haines, Jr., General Counsel, Panama Canal Commission, Office of General Counsel, APO Miami, Florida 34011-0005, 202 634-6441

RIN: 3207-AA12

PANAMA CANAL COMMISSION (PANAMA)

Final Rule Stage

3205. HEALTH, SANITATION AND QUARANTINE

Significance: Agency Priority

Legal Authority: 22 USC 3801 to 3823 Panama Canal Act of 1979

CFR Citation: 35 CFR 61, (revision)

Legal Deadline: None

Abstract: Subpart E of 35 CFR 61 is being revised to more accurately reflect the division of responsibility in the health and sanitation fields which has resulted from the implementation of the Panama Canal Treaty of 1977 and the Panama Canal Act of 1979. Due to treaty and legislative requirement several functions previously performed by the canal entity are currently the responsibility of the Republic of Panama.

Timetable:

Action	Date	FR Cite
NPRM	11/26/85	50 FR 48604
Final Action	03/00/86	

Small Entity: No

Agency Contact: John L. Haines, Jr., General Counsel, Panama Canal Commission, APO Miami 34011, 202 634-6441

RIN: 3207-AA11

PANAMA CANAL COMMISSION (PANAMA)

Completed Actions

3206. CLASSIFIED INFORMATION

CFR Citation: 35 CFR 60

Completed:

Reason	Date	FR Cite
Withdrawn Commission has postponed revision indefinitely.	03/01/86	

Small Entity: No

Agency Contact: Thomas C. Duty 202 634-6441

RIN: 3207-AA01

3207. RULES FOR MEASUREMENT OF VESSELS

CFR Citation: 35 CFR 135

Completed:

Reason	Date	FR Cite
Withdrawn Board of Directors has postponed indefinitely any further action.	03/01/86	

Small Entity: No

Agency Contact: Michael Rhode, Jr. 202 634-6441

RIN: 3207-AA03

3208. COLLECTION BY SALARY OFFSET FROM FEDERAL EMPLOYEES INDEBTED TO THE UNITED STATES

CFR Citation: 35 CFR 256, (New)

Completed:

Reason	Date	FR Cite
Final Action	08/23/85	50 FR 34123

Small Entity: No

Agency Contact: Michael Rhode, Jr. 202 634-6441

RIN: 3207-AA09

[FR Doc. 86-5790 Filed 04-18-86; 8:45 am]

BILLING CODE 3640-04-T

federal register

Monday
April 21, 1986

Part XXXVI

Peace Corps

Semiannual Regulatory Agenda

PEACE

PEACE CORPS

22 CFR Ch. III

Executive Order 12291, Federal Regulations, Semiannual Agenda of Regulations

AGENCY: Peace Corps.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations the Peace Corps will have under development during the 12-month period from April 1, 1986 through March 31, 1987. The purpose for publishing this agenda is to give notice of any regulatory activity by the Agency in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the Agency official listed for the particular agenda item. For other information concerning Peace Corps' regulations or this semiannual agenda, contact Robert Martin, Associate General Counsel, Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20526, (202) 254-3114.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291, Federal Regulations, and the Regulatory Flexibility Act (5 U.S.C. 605) executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

The regulations being considered by Peace Corps are not "major" rules within the meaning of E.O. 12291 and no Regulatory Impact Analysis is required. Peace Corps has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public; and that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required under 5 U.S.C. 602.

John K. Scales,
General Counsel.

PEACE CORPS (PEACE)

Prerule Stage

3209. IMPLEMENTATION OF REHABILITATION ACT OF 1973, PART 504 - HANDICAPPED DISCRIMINATION PROHIBITION

Legal Authority: 29 USC 794

CFR Citation: 22 CFR 311

Legal Deadline: None

Abstract: The regulation implements section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) which prohibits discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the Postal Service.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/86	

Small Entity: No

Agency Contact: John Scales, General Counsel, Peace Corps, 806 Connecticut Avenue, NW, Room M-1207, Washington, DC 20526, **202 254-3114**

RIN: 0420-AA03

PEACE CORPS (PEACE)

Proposed Rule Stage

3210. COLLECTION OF CLAIMS BY ADMINISTRATIVE OFFSET

Legal Authority: 31 USC 3701 et seq; 4 CFR 102

CFR Citation: 22 CFR 309

Legal Deadline: None

Abstract: Regulation prescribes the procedures and requirements for collection of debts owed to Peace Corps by administrative offset in accordance with the Federal Claims Collection Act of 1966 (80 Stat. 309) and Debt Collection Act of 1982 (PL 97-365).

Timetable:

Action	Date	FR Cite
NPRM	06/30/86	

Small Entity: Not Applicable

Agency Contact: Richard M. Brewer, Dir., Accounting Division, Off. of Fin. Mgt., Peace Corps, 806 Connecticut Avenue, NW, Room P-203, Washington, DC 20526, **202 254-6794**

RIN: 0420-AA00

3211. EMPLOYEE DISCRIMINATION COMPLAINT PROCEDURE

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 22 CFR 310

Legal Deadline: None

Abstract: Comprehensive regulations for processing individual and class EEO complaints of Peace Corps employees. Under development.

Timetable:

Action	Date	FR Cite
NPRM	12/01/86	

Small Entity: Not Applicable

Agency Contact: H. Zeke Rodriguez, Equal Opportunity Manager, Peace Corps, 806 Connecticut Avenue, NW, Washington, DC 20526, **202 254-8320**

RIN: 0420-AA01

3212. VOLUNTEER DISCRIMINATION COMPLAINT PROCEDURES

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 22 CFR 306

Legal Deadline: None

PEACE

Proposed Rule Stage

Abstract: Comprehensive regulations for processing individual and class EEO complaints of Peace Corps Volunteers. Under development.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/85	
NPRM	12/01/86	

Small Entity: Not Applicable

Agency Contact: H. Zeke Rodriguez, Equal Opportunity Manager, Peace Corps, 806 Connecticut Avenue NW, Room M-1107, Washington, DC 20526, **202 254-8320**

RIN: 0420-AA02

[FR Doc. 86-5791 Filed 04-18-86; 8:45am]

BILLING CODE 6051-01-T

federal register

Monday
April 21, 1986

Part XXXVII

Pennsylvania Avenue Development Corporation

Semiannual Regulatory Agenda

PADC

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Ch. IX

Unified Agenda of Federal Regulations

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: This document sets forth the Pennsylvania Avenue Development Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The Agenda lists regulations currently under rulemaking review that PADC expects to have as a final rule during the next twelve months.

FOR FURTHER INFORMATION CONTACT: Mr. James A. Alexander, Attorney, Office of the General Counsel, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue, N.W., Washington, D.C. 20004; (202) 724-9088.

DATED: January 27, 1986.

M. J. Brodie,

Executive Director.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC) — Prerule Stage

3213. PROCEDURES AND UNIFORM STANDARDS FOR PUBLIC USE OF PARKS AND PLAZAS

Legal Authority: 40 USC 875(5)

CFR Citation: 36 CFR 912

Legal Deadline: None

Abstract: The Pennsylvania Avenue Development Corporation (PADC) has received an increasing number of requests for public use of parks and plazas within the Pennsylvania Avenue Development Area. The proposed regulations would ensure equality of opportunity for use of PADC parks and plazas while protecting public property, safety, and tranquility.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Madeleine B. Schaller, Attorney, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue, NW, Washington, DC 20004, 202 724-9088

RIN: 3208-AA01

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC) — Final Rule Stage

3214. ● ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAM OR ACTIVITIES CONDUCTED BY THE PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Legal Authority: 29 USC 794

CFR Citation: 36 CFR 909

Legal Deadline: None

Abstract: This regulation requires that the Pennsylvania Avenue Development Corporation operate all of its programs and activities to ensure nondiscrimination against qualified handicapped persons. It sets forth standards for what constitutes discrimination on the basis of mental or physical handicap, provides a definition for handicapped person and qualified handicapped person, and establishes a complaint mechanism for resolving allegations of discrimination. This regulation is issued under the authority of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap in programs or activities conducted by Federal executive agencies.

Timetable:

Action	Date	FR Cite
Regs submitted to DOJ for review	01/27/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: James A. Alexander, Attorney, Pennsylvania Avenue Development Corporation, 1331 Pennsylvania Avenue, NW, Suite 1220 North, Washington, DC 20004, 202 724-9088

RIN: 3208-AA03

3215. ● PRIVACY ACT UPDATE; DISCLOSURES OF PERSONAL INFORMATION DURING LITIGATION

Legal Authority: 5 USC 552(a); 40 USC 870

CFR Citation: 36 CFR 903

Legal Deadline: None

Abstract: These regulations adopt rules regarding the routine use of records contained in PADC record systems for disclosure to the Department of Justice and to PADC during the course of litigation. The regulations are intended to make nonconsensual disclosure of personal information routinely used in litigation more consistent with the requirements of the Privacy Act.

Timetable:

Action	Date	FR Cite
ANPRM Comment Period End	11/04/85	50 FR 45841
NPRM	11/04/85	50 FR 45841
Final Action	00/00/00	

Small Entity: No

Agency Contact: James A. Alexander, Attorney, Pennsylvania Avenue Development Corporation, 1331 Pennsylvania Avenue, NW, Suite 1220 North, Washington, DC 20004, 202 724-9088

RIN: 3208-AA04

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC)

Completed Actions

3216. POLICY AND PROCEDURES TO FACILITATE SUCCESSFUL RELOCATION OF BUSINESS AND RESIDENTS WITHIN PENNSYLVANIA AVENUE DEVELOPMENT AREA

CFR Citation: 36 CFR 908

Completed:

Reason	Date	FR Cite
Final Action	02/27/86	51 FR 7000

Small Entity: No

Agency Contact: Mr. Jerry Smedley 202 724-9068

RIN: 3208-AA00

3217. RESTRICTIONS ON THE PLACEMENT AND MAINTENANCE OF NEWSPAPER VENDING MACHINES

CFR Citation: 36 CFR 911

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/86	

Small Entity: No

Agency Contact: Madeleine B. Schaller 202 724-9088

RIN: 3208-AA02

[FR Doc. 86-4526 Filed 04-18-86; 8:45 am]

BILLING CODE 7630-01-T

federal register

Monday
April 21, 1986

Part XXXVIII

Pension Benefit Guaranty Corporation

Semiannual Regulatory Agenda

PBGC

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Ch. XXVI

Agenda of Regulations Under Development

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Agenda of regulations.

SUMMARY: This document sets forth the Pension Benefit Guaranty Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The agenda lists regulations that are currently under development or that PBGC expects to have under development during the next twelve months and regulations that are currently under review for possible amendment. The effect of this agenda is to advise the public of PBGC's current and future regulatory activities.

ADDRESS: Corporate Policy and Regulations Department, Code 35100, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Renae R. Hubbard, Special Counsel, Corporate Policy and Regulations Department, 202-956-5050. For information about a specific regulation project listed on the agenda, contact the person designated in the agenda for that regulation.

SUPPLEMENTARY INFORMATION: Under the President's Order on Federal Regulation, Executive Order 12291, 46 FR 13193, each agency is required to publish in April and October an agenda of regulations currently or soon to be under development. The Executive Order requires that the agenda also include those currently effective regulations that are being reviewed by the agency pursuant to the Executive Order. The Regulatory Flexibility Act, 5 U.S.C. 601, Pub. L. 96-354, 94 Stat. 1164, has a similar agenda requirement. Under that law, the agenda must list any regulation that is likely to have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has issued guidelines (OMB Bulletin No. 86-4) prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next twelve months and provide certain specified information on each regulation. Most of the items on this agenda are current or projected rulemakings. One item is an existing regulation currently under review pursuant to the Executive Order.

The guidelines also require an indication of whether or not an item is included in the Administration's Regulatory Program for 1985 and, if not, whether the agency considers it a priority item. The PBGC believes that each of the regulatory activities listed in this agenda is necessary to the effective implementation of the insurance program. However, the PBGC has determined that certain of the items have priority status and has designated them as such. None of the items is included in the Administration's Regulatory Program for 1986.

Finally, the guidelines require a description of the potential costs and benefits of each regulation. The regulations listed on the agenda fall into three general categories. Some lessen statutory requirements, thereby lowering costs to the public and minimizing burden on plans and plan sponsors. Others simply implement statutory requirements and, although costs may be imposed because of these statutory requirements, the public is benefited by clear and unambiguous rules that lessen the probability of disputes, litigation and public confusion. Others of the regulations in the agenda reallocate costs necessarily imposed by the statute so that, although certain contributing employers may experience greater costs, others will experience an equivalent reduction in costs resulting in a net effect of zero. Where applicable, additional costs and benefits are stated separately in the item relating to the particular regulation.

Unless otherwise indicated, all citations in the agenda are to sections of the Employee Retirement Income Security Act of 1974, Pub. L. No. 93-406, 88 Stat. 829, as amended by the Multiemployer Pension Plan Amendments Act of 1980 ("the Multiemployer Act"), Pub. L. No. 96-364, 94 Stat. 1208 ("ERISA"), 29 U.S.C. 1001 et seq. (1982).

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Prerule Stage

3218. EMPLOYER LIABILITY FOR SINGLE-EMPLOYER PLAN TERMINATIONS; RULES PERTAINING TO WITHDRAWALS FROM AND TERMINATIONS OF PLANS TO WHICH MORE THAN ONE EMPLOYER CONTRIBUTES OTHER THAN (CONT)

Legal Authority: 29 USC 1302; 29 USC 1362; 29 USC 1363; 29 USC 1364; 29 USC 1367; 29 USC 1368

CFR Citation: 29 CFR 2622

Legal Deadline: None

Abstract: The PBGC's regulation on Employer Liability prescribes rules for the determination and payment of employer liability that is due under ERISA if a plan lacks sufficient assets to pay for guaranteed benefits. Employer liability is due as of the date of plan termination, but often is not paid in a timely fashion. The PBGC has initiated a review of this regulation in order to determine what, if any, amendments could be adopted to provide employers with greater incentive to make timely payments of employer liability owed to the PBGC.

Timetable:

Action	Date	FR Cite
Begin Review	05/15/85	
End Review	00/00/00	

Small Entity: No

Additional Information: TITLE CONT: Multiemployer Plans

PBGC

Prerule Stage

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulation Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 956-5050

RIN: 1212-AA33

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

Proposed Rule Stage

3219. RULES UNDER SECTIONS 4041A AND 4281 FOR PLANS TERMINATED BY MASS WITHDRAWAL

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1341a ERISA; 29 USC 1441(d) ERISA

CFR Citation: 29 CFR 2675

Legal Deadline: None

Abstract: Section 4041A of ERISA provides rules with respect to the termination of multiemployer plans and the payment of benefits under those plans. Under section 4041A(f)(2), PBGC is authorized to prescribe rules for the administration of those plans that are appropriate to protect the interests of plan participants and beneficiaries or to prevent unreasonable loss to the insurance system. Under section 4281(b), the plan sponsor of a plan that has terminated by mass withdrawal is required annually to determine the value of the plan's nonforfeitable benefits and assets. If the value of the benefits exceeds the value of the assets, the sponsor must amend the plan to eliminate benefits not eligible for PBGC's guarantee under section 4022A(b), to the extent necessary to insure that the plan assets are sufficient to pay all nonforfeitable benefits. This determination of sufficiency is to be made in accordance with rules prescribed by PBGC. This regulation would establish the rules for administering plans that have terminated by mass withdrawal, including the rules for determining sufficiency in the circumstances described above. The primary purpose (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: and benefit of this regulation will be to establish rules that encourage the efficient administration of these plans. By thus helping to preserve plan assets, these rules will, in the first instance, benefit plan participants and beneficiaries and secondarily, the multiemployer insurance system and premium payers. PBGC lacks adequate data to be able to quantify these benefits.

Agency Contact: Mr. Steven Rothenberg, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 956-5050

RIN: 1212-AA19

3220. TRANSFERS FROM MULTIEMPLOYER PLANS TO SINGLE-EMPLOYER PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1412; 29 USC 1414

CFR Citation: 29 CFR 2678

Legal Deadline: None

Abstract: Sections 4232 and 4234 of ERISA prescribe rules governing the transfer of liabilities and assets from a multiemployer plan to a single-employer plan and prohibit certain transfers unless approved by PBGC. The regulation will establish procedures for requesting and criteria for PBGC approval of transfers which require approval and guidelines for satisfying the statutory requirements pertaining to other transfers. The regulation will also establish standards for the PBGC's waiver of a multiemployer plan's contingent liability arising from the transfer of unfunded vested benefits to a single-employer plan.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 956-5050

RIN: 1212-AA20

3221. REDUCTION OR WAIVER OF PARTIAL WITHDRAWAL LIABILITY

Significance: Agency Priority

Legal Authority: 29 USC 1302(b) (3); 29 USC 1388(e) (3)

CFR Citation: 29 CFR 2646

Legal Deadline: None

Abstract: Section 4208 of ERISA provides for the reduction or elimination under certain circumstances of an employer's partial withdrawal liability arising from a 70 percent reduction in contribution base units. That section also authorizes the PBGC to prescribe rules for the reduction or elimination of partial withdrawal liability under other conditions. The regulation will provide for the abatement of partial withdrawal arising from the cessation of the obligation to contribute under a collective bargaining agreement or with respect to a facility. Section 4208 also requires the PBGC to issue a regulation under which a multiemployer plan may adopt rules for the reduction or elimination of partial withdrawal liability. This regulation will allow plans to ease the statutory partial withdrawal liability rules where, for example, the rules are harmful to the plan because they discourage an employer from increasing its participation under the plan, or where the statutory rules create administrative burdens which outweigh the protections afforded by the rules.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: No

Agency Contact: Mr. Steven Rothenberg, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 956-5050

RIN: 1212-AA22

3222. ● ADJUSTMENT OF WITHDRAWAL LIABILITY FOR A WITHDRAWAL SUBSEQUENT TO A PARTIAL WITHDRAWAL

Significance: Agency Priority

Legal Authority: 29 USC 1302(b)(3); 29 USC 1386(b)

CFR Citation: 29 CFR 2649

Legal Deadline: None

Abstract: Under section 4206(b) of ERISA, if an employer partially or completely withdraws from a multiemployer plan subsequent to an earlier partial withdrawal from that plan, the employer's liability for the second withdrawal must be reduced by the amount of its liability for the earlier partial withdrawal. The purpose of this credit is to avoid plans double-charging employers for the same unfunded liabilities. Section 4206(b) also requires the PBGC to prescribe regulations adjusting this credit to ensure that the employer's liability for its second withdrawal properly reflects the employer's share of liability with respect to the plan.

The need for this adjustment to the credit can be seen from the following example. In a plan that uses the rolling-5 allocation method, an employer's withdrawal liability is based on its last five years' participation in the plan. If an employer's second withdrawal occurs more than five years after its partial withdrawal, the liability for the second withdrawal is based solely on plan participation subsequent to the partial (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: withdrawal. Thus, there is no double-charging with respect to the old liabilities and no reason to give the employer a credit against its liability for the second withdrawal. However, without this regulation, the employer would get that credit under the statute. There are many other possible situations in which the employer's credit should similarly be reduced in order to ensure equitable treatment of the withdrawing employer vis-a-vis the other employers still contributing to the plan.

This regulation will result in some shifting of liabilities among employers contributing to a multiemployer plan. An employer that has another withdrawal following a partial withdrawal may incur greater liability for the second withdrawal because of the reduction in the credit for the prior partial withdrawal. However, this increase in liability would reduce the unfunded vested benefits allocable to other employers that withdraw thereafter. In the aggregate, the regulation will impose no new costs.

Agency Contact: Mr. Steven Rothenberg, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 956-5050

RIN: 1212-AA37

3223. ● PLAN RULES FOR REDUCTION OR WAIVER OF COMPLETE WITHDRAWAL LIABILITY

Significance: Agency Priority

Legal Authority: 29 USC 1302(b)(3); 29 USC 1387(b)

CFR Citation: 29 CFR 2647, (Amendment)

Legal Deadline: None

Abstract: Under section 4207(a) of ERISA, the PBGC is required to issue a regulation providing for the reduction or waiver of an employer's liability for a complete withdrawal upon the employer's resumption of participation under the plan from which it withdrew. (The PBGC expects this regulation to be issued shortly.) The statute also requires the PBGC to prescribe procedures and standards under which multiemployer plans may adopt their own rules abating complete withdrawal liability upon an employer's return to the plan (section 4207(b)).

The purpose of letting plans adopt their own abatement rules is obvious: a specific rule adopted by a plan may well work better under the facts and circumstances of that particular plan than the broad rules adopted by the PBGC. This regulation will permit a plan to fashion the rules it needs to encourage the return of withdrawn employers, while at the same time protecting the plan from the loss of withdrawal liability payments without a compensating resumption of contributions to the plan by a formerly withdrawn employer. The PBGC is unable to (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: quantify the benefits and costs of this regulation because it cannot predict how many plans will exercise the authority conferred by this regulation.

Agency Contact: Mr. Steven Rothenberg, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy & Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 956-5050

RIN: 1212-AA38

3224. ● DETERMINATION OF WITHDRAWAL LIABILITY FOLLOWING A MERGER

Significance: Agency Priority

Legal Authority: 29 USC 1302(b)(3); 29 USC 1391(f)

CFR Citation: 29 CFR 2642, (Amendment)

Legal Deadline: None

Abstract: The merger of two multiemployer plans creates a problem as to how the successor plan's unfunded vested benefits are to be allocated in order to determine withdrawal liability for post-merger withdrawals. Frequently, the two plans will have been using different allocation methods prior to the merger. Even if they were using the same method, if they had different plan years, that would create different allocations.

For this reason, section 4211(c) of ERISA requires the PBGC to issue regulations prescribing rules for the post-merger allocation of unfunded vested benefits. The PBGC proposes to

establish rules that parallel the statutory allocation methods: i.e., there would be a presumptive allocation method that would apply to plans unless they chose otherwise, and plans would be permitted to adopt certain modifications to this presumptive method without the PBGC's approval and other more significant modifications with the PBGC's approval. (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: This regulation will remove a significant impediment to multiemployer plan mergers by eliminating employers' concern and confusion over how their withdrawal liability would be calculated after a merger. Plan mergers are generally to be encouraged since a larger plan is typically a stronger plan because of its broader contribution base, and because portability of benefits is increased. This regulation will impose no new costs.

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy & Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, **202 956-5050**

RIN: 1212-AA39

3225. VALUATION OF PLAN BENEFITS IN NON-MULTIEMPLOYER PLANS

Legal Authority: 29 USC 1302; 29 USC 1341; 29 USC 1344; 29 USC 1362

CFR Citation: 29 CFR 2619

Legal Deadline: None

Abstract: This rule would amend PBGC's regulation on Valuation of Plan Benefits in Non-Multiemployer Plans, 29 CFR Part 2619. That regulation sets forth the rules for valuing benefits in terminating plans that are covered by the insurance program under ERISA, which valuation is needed to determine if plan assets are sufficient to provide for plan benefits and to properly allocate assets to those benefits. After review of this regulation pursuant to Executive Order 12291, the PBGC is amending the rules for valuing benefits payable as lump sums upon termination. The effect of this amendment is to prescribe the range of interest rates that may be used to value lump sums that are paid in lieu of annuities. The amendment, in the form of an interim final rule, is needed to protect recipients of lump sum distributions from loss of benefit value resulting from the use of inappropriate interest rates to compute the lump sum amounts.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, **202 956-5050**

RIN: 1212-AA26

3226. ● IMPLEMENTATION GUIDELINES (TRANSACTIONS INVOLVING REVERSIONS OF RESIDUAL ASSETS)

Legal Authority: 29 USC 1302; 29 USC 1321; 29 USC 1322; 29 USC 1341; 29 USC 1344

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: On May 23, 1984, the PBGC announced that it, along with the Treasury Department and the Department of Labor, had adopted implementation guidelines for processing defined benefit pension plan terminations involving asset reversions to the plan sponsor. This regulation will implement those principles and provide more detailed rules concerning the requirements that certain types of transactions must satisfy in order to be recognized as valid terminations under Title IV of ERISA. The regulation also will detail rules concerning the use of participating annuity contracts to close out a plan that has residual assets at the time of its termination, and the circumstances under which a plan is a "successor" to a terminated plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Ms. Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, (35100), 2020 K Street, NW, Washington, DC 20006, **202 956-5050**

RIN: 1212-AA27

3227. VALUATION OF PLAN BENEFITS IN NON-MULTIEMPLOYER PLANS

Legal Authority: 29 USC 1302; 29 USC 1341; 29 USC 1344; 29 USC 1362

CFR Citation: 29 CFR 2619

Legal Deadline: None

Abstract: The PBGC's regulation on Valuation of Plan Benefits in Non-Multiemployer Plans, 29 CFR Part 2619, prescribes actuarial assumptions and methods to be used in valuing benefits in terminated single-employer pension plans. The PBGC intends to amend this regulation to adopt the approach to valuation employed in proposed regulation on valuation of benefits in multiemployer plans terminated by mass withdrawal, 29 CFR Part 2676 that was published on February 19, 1985 (50 FR 6956), in order to conform more precisely to generally accepted actuarial practice. The proposed amendment would enable PBGC valuations to more accurately reflect interest and other assumptions that underlie the insurance annuity market place.

Timetable:

Action	Date	FR Cite
NPRM	03/25/86	51 FR 10334
NPRM Comment Period End	05/27/86	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Ms. Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulation Department, (35100), 2020 K St., NW, Washington, DC 20006, **202 956-5050**

RIN: 1212-AA32

3228. PAYMENT OF BENEFITS IN PBGC-TRUSTEED PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1322; 29 USC 1342

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: When the PBGC assumes trusteeship of a terminated pension plan pursuant to sections 4041 and 4042

PBGC **Proposed Rule Stage**

of ERISA, it pays benefits to participants pursuant to plan provision and section 4022 of ERISA. This regulation will contain rules and policies relating to the payment of such benefits. The regulation will enable the PBGC to process and administer PBGC-trusteed plans more efficiently with resultant cost savings. It also will reduce costs to the public and the PBGC by providing payment rules, thereby reducing the number of requests for administrative review.

Timetable:

Action	Date	FR Cite
NPRM	01/00/87	

Small Entity: No

Agency Contact: Ms. Ellan H. Spring, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100) 2020 K St., NW, Washington, DC 20006, **202 956-5050**

RIN: 1212-AA35

3229. RETIREMENT EQUITY ACT AMENDMENTS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1322; 29 USC 1341; 29 USC 1344

CFR Citation: 29 CFR 2613; 29 CFR 2617; 29 CFR 2618

Legal Deadline: None

Abstract: Title IV of ERISA established rules for the allocation and distribution of plan assets to provide benefits in a terminating pension plan. Those rules are interpreted in the PBGC's regulations on Guaranteed Benefits, 29 CFR Part 2613, Determination of Plan Sufficiency and Termination of Sufficient Plans, 29 CFR Part 2617, and Allocation of Assets in Non-Multiemployer Plans, 29 CFR Part 2618. The Retirement Equity Act of 1984 ("REA") provides that certain early retirement benefits or retirement-type subsidies, or optional benefit forms, will be treated as accrued benefits, and that their elimination will be treated as an impermissible reduction in accrued benefits under certain circumstances. REA also revised the rules governing mandatory distributions from pension plans. These amendments will conform PBGC's regulations to the provisions of REA. The amendments will impose no new costs on plans and may alleviate administrative burdens by providing definitive rules.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: No

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, **202 956-5050**

RIN: 1212-AA36

PENSION BENEFIT GUARANTY CORPORATION (PBGC) Final Rule Stage

3230. ALLOCATING UNFUNDED VESTED BENEFITS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1391(c)

CFR Citation: 29 CFR 2642

Legal Deadline: None

Abstract: On January 19, 1981, PBGC issued an interim regulation dealing with alternative methods for allocating unfunded vested benefits in multiemployer pension plans. PBGC now plans to re-promulgate that regulation in order to correct ambiguities that have arisen under it, to conform the procedures contained in it to other PBGC regulations, and to reduce the information reporting requirements in the regulation. The regulation will impose no new costs on the public and may reduce costs for plans adopting certain alternative allocation rules by reducing the reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/09/85	50 FR 36603
NPRM Comment Period End	11/08/85	
Final Action	10/00/86	

Small Entity: No

Agency Contact: Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, **202 956-5050**

RIN: 1212-AA21

3231. RULES FOR VALUING GROUP INSURANCE CONTRACTS (AMENDMENT TO THE VALUATION OF PLAN ASSETS REGULATION)

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1341 ERISA; 29 USC 1344 ERISA; 29 USC 1362(b)(1) ERISA

CFR Citation: 29 CFR 2620

Legal Deadline: None

Abstract: This amendment to the existing PBGC regulation on valuing plan assets, 29 CFR Part 2620, will set forth rules for valuing group insurance contracts as plan assets. This regulation applies to single-employer plans. This rule is necessary to provide uniform standards for plan administrators and employers to use in valuing insurance contracts. The rule will enable plans which are funded through insurance contracts to have clear guidance on how this asset should be treated in the plan termination context, and alleviate time-consuming costly delays due to uncertainty on how this commonly used plan funding vehicle should be valued.

Timetable:

Action	Date	FR Cite
NPRM	05/08/85	50 FR 19386
NPRM Comment Period End	07/08/85	50 FR 19386
Final Action	10/00/86	

Small Entity: Not Applicable

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, **202 956-5050**

RIN: 1212-AA01

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Completed Actions

3232. REDUCTION OR WAIVER OF COMPLETE WITHDRAWAL LIABILITY

Significance: Agency Priority

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1387(a) ERISA

CFR Citation: 29 CFR 2647

Legal Deadline: None

Abstract: Section 4207(a) of ERISA requires the PBGC to establish rules for reducing or waiving the liability of an employer who has completely withdrawn from a multiemployer plan and subsequently resumes covered operations or renews the obligation to contribute under the plan. This regulation will prescribe the circumstances under which an employer's liability will be reduced or waived and the rules for computing the employer's liability for a complete or partial withdrawal after it has reentered the plan. This regulation will benefit multiemployer plans by encouraging some employers who have withdrawn from these plans to renew their participation in the plans. By the same token these employers will benefit by having some or all of their withdrawal liability waived. While the plans will incur the cost of foregoing collection of some of the withdrawal liability owed them, the assumption underlying this statutory provision is that these costs will be offset by the contributions employers will make to the plans after their reentry. PBGC is unable to quantify these benefits and costs, because it cannot predict the number of employers who will avail themselves of this rule.

Timetable:

Action	Date	FR Cite
NPRM	03/05/84	49 FR 8036
NPRM Comment Period End	05/04/84	49 FR 8036
Final Action	03/25/86	51 FR 10300
Final Action Effective	04/24/86	51 FR 10300

Small Entity: No

Agency Contact: Mr. Steven Rothenberg, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, **202 956-5050**

RIN: 1212-AA14

3233. REDETERMINATION OF WITHDRAWAL LIABILITY UPON MASS WITHDRAWAL

Significance: Agency Priority

Legal Authority: 29 USC 1302(b)(13) ERISA; 29 USC 1389(c) ERISA; 29 USC 1389(d) ERISA; 29 USC 1399(c)(1)(D) ERISA

CFR Citation: 29 CFR 2648

Legal Deadline: None

Abstract: The rules for determining an employer's withdrawal liability do not necessarily allocate a plan's total unfunded vested benefits because of the rules reducing or eliminating withdrawal liability, such as the de minimis rule. Therefore, if all or substantially all the employers in a plan withdraw, there may be large unallocated amounts that would constitute a potential claim on the insurance system. In order to avoid this result, section 4219(c)(1)(D) requires the determination or redetermination of withdrawal liability, in order to fully allocate a plan's unfunded vested benefits, upon either the termination of the plan through the withdrawal of every employer, or the withdrawal of substantially all the employers pursuant to an agreement or arrangement to withdraw. This regulation will set forth rules implementing this requirement. This regulation primarily benefits the multiemployer insurance program and the plans that are required to pay premiums under it, by insuring that in the event of a mass withdrawal (or the withdrawal of substantially all the employers pursuant to an agreement to withdraw), the liability for all unfunded vested benefits is allocated to the (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/14/84	49 FR 45018
NPRM Comment Period End	01/14/85	49 FR 45019
Final Action	03/25/86	51 FR 10314
Final Action Effective	04/24/86	51 FR 10314

Small Entity: No

Additional Information: ABSTRACT CONT: withdrawing employers. In addition, in the case of the withdrawal of substantially all employers, the rule will benefit the employers remaining in the plan by preventing them from being left with more than their fair share of the plan's unfunded vested benefits.

Agency Contact: Mr. J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, **202 956-5050**

RIN: 1212-AA16

3234. VALUATION OF PLAN ASSETS AND PLAN BENEFITS FOLLOWING MASS WITHDRAWAL

Significance: Agency Priority

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1441(b) ERISA

CFR Citation: 29 CFR 2676

Legal Deadline: None

Abstract: A plan that has terminated by mass withdrawal is required under section 4281(b) of ERISA to perform an annual valuation of the plan's nonforfeitable benefits and assets (including outstanding claims for withdrawal liability). This valuation is to be done in accordance with PBGC regulations. In addition, when a plan experiences a mass withdrawal, section 4219(c)(1)(D) requires the plan sponsor to allocate fully the plan's unfunded vested benefits to all withdrawing employers. In order to do this allocation, the plan sponsor must first value the plan's benefits and assets. This regulation will prescribe the rules for these valuations. The regulation on valuing outstanding claims for withdrawal liability listed on previous PBGC agendas (RIN 1212-AA17) has been merged into this regulation.

Timetable:

Action	Date	FR Cite
NPRM	02/19/85	50 FR 6956
NPRM Comment Period End	04/16/85	50 FR 6956
Final Action	03/25/86	51 FR 10322
Final Action Effective	04/24/86	51 FR 10322

Small Entity: No

Agency Contact: Ms. Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, **202 956-5050**

RIN: 1212-AA18

3235. NON-STATUTORY ALLOCATION METHODS NOT REQUIRING PRIOR PBGC APPROVAL

Significance: Agency Priority

Legal Authority: 29 USC 1302(b) (3); 29 USC 1391(c) (5) (B)

CFR Citation: 29 CFR 2642

Legal Deadline: None

Abstract: This regulation will set forth alternative approaches that multiemployer plans may use in reallocating otherwise nonassessable withdrawal liability to employers in the plan. Plans currently using the presumptive method or the modified presumptive method must reallocate certain of these amounts because of the provisions in the Deficit Reduction Act of 1984 (DEFRA) concerning retroactive withdrawal liability. Under this regulation, a plan using the presumptive method will be permitted to adopt an amendment either to allocate, in the plan year in which DEFRA was effective, the unamortized balance of amounts otherwise allocable to employers that withdrew before DEFRA, or to treat the last plan year ending before DEFRA's effective date as the initial year for purposes of computing annual changes. The regulation also will permit a plan using the modified presumptive method to adopt an amendment that maintains the allocation fraction that the plan used before DEFRA. This regulation is intended to ease the administrative costs that the recomputations required by DEFRA would otherwise impose on affected multiemployer plans.

Timetable:

Action	Date	FR Cite
Final Action	12/03/85	50 FR 49539
Final Action Effective	12/03/85	50 FR 49539

Small Entity: No

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 956-5050

RIN: 1212-AA31

3236. TRANSACTIONS INVOLVING REVERSIONS OF RESIDUAL ASSETS

Legal Authority: 29 USC 1302; 29 USC 1322; 29 USC 1322B; 29 USC 1341; 29 USC 1344

CFR Citation: 29 CFR 2613; 29 CFR 2617; 29 CFR 2618; 29 CFR 2621

Legal Deadline: None

Abstract: On May 23, 1984, the PBGC announced that it, along with the Treasury Department and the Department of Labor, had adopted implementation guidelines for processing defined benefit pension plan terminations involving asset reversions to the plan sponsor. The PBGC has initiated a review of its regulations on Guaranteed Benefits (formerly RIN 1212-AA28), 29 CFR Part 2613, Allocation of Assets in Non-Multiemployer Plans, 29 CFR Part 2618, Determination of Plan Sufficiency and Termination of Sufficient Plans, 29 CFR Part 2617, and Limitation on Guaranteed Benefits, 29 CFR Part 2621, in order to determine what amendments may be needed to reflect the conclusions of the May 23, 1984 guidelines concerning the legal effect of certain transactions that result in reversions of pension plan assets to the sponsors of terminated plans. The review also covers the types of annuity contract that may be purchased to close out a plan that has residual assets at the time of its termination.

Timetable:

Action	Date	FR Cite
End Review	11/15/85	

Small Entity: No

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 956-5050

RIN: 1212-AA27

[FR Doc. 88-5792 Filed 04-18-86; 8:45 am]

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Monday
April 21, 1986

Part XXXIX

Railroad Retirement Board

Semiannual Regulatory Agenda

RRB

RAILROAD RETIREMENT BOARD

20 CFR Ch. II

Semiannual Agenda of Regulations Under Development or Review

AGENCY: Railroad Retirement Board.

ACTION: Agenda of regulations under development or review.

SUMMARY: This agenda contains lists of regulations that the Board is developing or proposes to develop in the next twelve months and regulations that are scheduled to be reviewed in that period.

ADDRESS: 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4935 (FTS 387-4935).

SUPPLEMENTARY INFORMATION: Regulations that are routine in nature or pertain solely to internal agency management have not been included in the agenda. Current regulations that are proposed to be modified based on a completed review of the regulations are listed in the agenda.

DATED: February 25, 1986.
By Authority of the Board.
For the Board.

Beatrice Ezerski,

Secretary to the Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3237	Part 220 Disability Determinations	3220-AA01
3238	Computing the Employee and Spouse Annuity	3220-AA03
3239	Initial Determinations Under the Railroad Unemployment Insurance Act and Reviews of and Appeals from such Determinations	3220-AA11
3240	Annuity Beginning and Ending Dates	3220-AA13
3241	Evidence Required for Payment	3220-AA14
3242	Eligibility for an Annuity	3220-AA15
3243	Application for Annuity or Lump Sum	3220-AA16
3244	Enforcement of Nondiscrimination on the Basis of Handicapped in Programs or Activities Conducted by the Railroad Retirement Board	3220-AA22
3245	Railroad Employers Reports and Responsibilities	3220-AA25
3246	Creditable Railroad Service	3220-AA26
3247	Creditable Railroad Compensation	3220-AA27
3248	Jurisdiction Determinations	3220-AA28
3249	Family Relationship	3220-AA29
3250	Survivor Annuity Computations	3220-AA30
3251	Social Security Overall Minimum Annuity	3220-AA31
3252	Deductions for Work	3220-AA32
3253	Federal Health Insurance Benefits for the Aged and Disabled	3220-AA33
3254	Eligibility for Federal Health Insurance Benefits	3220-AA34
3255	Premium Collection for Federal Health Insurance Supplementary Medical Insurance Benefits	3220-AA35
3256	Federal Health Insurance Benefits Coverage Outside the United States	3220-AA36
3257	Withholding Payment	3220-AA41
3258	Waiver of Annuity	3220-AA42
3259	Transfer or Assignment of Payments	3220-AA43
3260	Erroneous Payments	3220-AA44
3261	Sickness Benefits and Maternity Benefits	3220-AA45
3262	Debt Collection	3220-AA47
3263	Administration of Estates	3220-AA48

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3264	Primary Insurance Amount Determinations	3220-AA02
3265	Railroad Retirement Annuities	3220-AA19
3266	Reopening of Decisions Regarding Railroad Retirement Annuities	3220-AA46

RRB

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3267	Lump-sum Payments	3220-AA18

RAILROAD RETIREMENT BOARD (RRB)

Proposed Rule Stage

3237. PART 220 DISABILITY DETERMINATIONS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 220

Legal Deadline: None

Abstract: The Board's regulations with respect to disability determinations have not been updated for several years and they are, in certain respects, obsolete. When revised, this regulation should ease the administration of disability benefits and result in greater consistency in disability determinations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4793

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Grace Koester, Regulations Project Director, Railroad Retirement Board, Bureau of Hearings and Appeals, 844 Rush Street, Chicago, IL 60611, 312 751-4793

RIN: 3220-AA01

3238. COMPUTING THE EMPLOYEE AND SPOUSE ANNUITY

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 226

Legal Deadline: None

Abstract: The Board's regulations on the computation of employee and spouse annuities must be updated to conform to the Railroad Retirement Act of 1974 and to amendments to the Act made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	01/00/87	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4818

RIN: 3220-AA03

3239. INITIAL DETERMINATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT AND REVIEWS OF AND APPEALS FROM SUCH DETERMINATIONS

Legal Authority: 45 USC 355(b); 45 USC 362(l)

CFR Citation: 20 CFR 320; 20 CFR 340

Legal Deadline: None

Abstract: The Board's regulation setting forth the procedures to be followed in rendering initial decisions and in requesting and handling reconsiderations and appeals from these decisions has been reviewed and a proposal to make certain revisions in Part 320 is being developed. The proposed regulation would conform the procedures more closely to those applicable under the Railroad Retirement Act. The proposed amendment to Part 340 explains when and under what circumstances waiver of recovery of erroneous payments may occur.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4810

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Walter Witkovich, Chief of Adjudication, Railroad Retirement Board, Bureau of Unemployment & Sickness Insurance, 844 Rush Street, Chicago, IL 60611, 312 751-4810

RIN: 3220-AA11

3240. ANNUITY BEGINNING AND ENDING DATES

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 218

Legal Deadline: None

Abstract: Part 218 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4818

RIN: 3220-AA13

3241. EVIDENCE REQUIRED FOR PAYMENT

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 219

Legal Deadline: None

Abstract: Part 219 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA14

3242. ELIGIBILITY FOR AN ANNUITY

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 216

Legal Deadline: None

Abstract: Part 216 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4941

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Karl Blank, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4941**

RIN: 3220-AA15

3243. APPLICATION FOR ANNUITY OR LUMP SUM

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 217

Legal Deadline: None

Abstract: Part 217 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA16

3244. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAPPED IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE RAILROAD RETIREMENT BOARD

Legal Authority: 29 USC 791; 29 USC 792; 29 USC 794 Rehabilitation Act of 1973; 42 USC 4151 to 4157; EO 12067; EO 12250; PL 95-602, Sec 119

CFR Citation: 20 CFR 364; 28 CFR 41; 28 CFR 41.3(f); 28 CFR 41.5(b)(2); 28 CFR 41.31; 28 CFR 41.32; 28 CFR 41.51; 28 CFR 41.56 to .58; 29 CFR 1613; 41 CFR 101-19.600 to .607

Legal Deadline: None

Abstract: The proposed regulation provides for the enforcement of Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Railroad Retirement Board.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4925

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Lawrence D. Smith I, Equal Employment Opportunity Officer, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4925**

RIN: 3220-AA22

3245. RAILROAD EMPLOYERS REPORTS AND RESPONSIBILITIES

Legal Authority: 45 USC 231f(b)(5) to 231f(b)(6); 45 USC 231h; 45 USC 231l

CFR Citation: 20 CFR 209

Legal Deadline: None

Abstract: The Railroad Retirement Board proposes to amend 20 CFR 209 to comply with changes required by the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4877

Affected Sectors: None

Agency Contact: Robert Elling, Chief-Coverage, Procedures & Admin Services, Railroad Retirement Board, Compensation and Certification, 844 Rush Street, Chicago, IL 60611, **312 751-4877**

RIN: 3220-AA25

3246. CREDITABLE RAILROAD SERVICE

Legal Authority: 45 USC 231(d) to 231(f); 45 USC 231(i); 45 USC 231f(b)(5)

CFR Citation: 20 CFR 210

Legal Deadline: None

Abstract: The Railroad Retirement Board proposes to amend 20 CFR 210 to comply with changes required by the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4877

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Robert Elling, Chief-Coverage, Procedures & Admin. Services, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4877**

RIN: 3220-AA26

3247. CREDITABLE RAILROAD COMPENSATION

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 211

Legal Deadline: None

Abstract: The Railroad Retirement Board proposes to amend 20 CFR 211 to comply with the changes required by the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4877

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Robert Elling, Chief-Coverage, Procedures & Admin. Section, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4877**

RIN: 3220-AA27

3248. JURISDICTION DETERMINATIONS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 221

Legal Deadline: None

Abstract: The Railroad Retirement Board proposes to amend 20 CFR Part 221 to conform with current law.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA28

3249. FAMILY RELATIONSHIP

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 222

Legal Deadline: None

Abstract: The Railroad Retirement Board proposes to add 20 CFR Part 222 to define any family relationship requirements needed to establish eligibility and entitlement for any monthly annuity or lump-sum payment under the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	11/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA29

3250. SURVIVOR ANNUITY COMPUTATIONS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 228

Legal Deadline: None

Abstract: The Railroad Retirement Board proposes to add 20 CFR 228 to describe how survivor annuities are computed in accordance with the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 606ll, **312 751-4818**

RIN: 3220-AA30

3251. SOCIAL SECURITY OVERALL MINIMUM ANNUITY

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 229

Legal Deadline: None

Abstract: The Railroad Retirement Board proposes to add 20 CFR Part 229 to describe when the social security overall minimum annuity computation applies and how it is computed for retirement annuities under the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	07/00/88	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA31

3252. DEDUCTIONS FOR WORK

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 230

Legal Deadline: None

Abstract: The Railroad Retirement Board proposes to amend 20 CFR Part 230 to explain how annuity deductions for work are assessed in accordance with current law.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA32

3253. FEDERAL HEALTH INSURANCE BENEFITS FOR THE AGED AND DISABLED

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 270

Legal Deadline: None

Abstract: The Railroad Retirement Board proposes to add 20 CFR Part 270 to describe the rights of aged and disabled persons for Federal Health

Insurance Benefits under the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4818

RIN: 3220-AA33

3254. ELIGIBILITY FOR FEDERAL HEALTH INSURANCE BENEFITS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 271

Legal Deadline: None

Abstract: The Railroad Retirement Board proposes to add 20 CFR Part 271 to describe when a person is eligible for Federal Health Insurance Benefits under the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4818

RIN: 3220-AA34

3255. PREMIUM COLLECTION FOR FEDERAL HEALTH INSURANCE SUPPLEMENTARY MEDICAL INSURANCE BENEFITS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 272

Legal Deadline: None

Abstract: The Railroad Retirement Board proposes to add 20 CFR Part 272 to describe when and how premiums are collected from persons eligible for Federal Health Insurance Supplementary Medical Insurance Benefits under the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4818

RIN: 3220-AA35

3256. FEDERAL HEALTH INSURANCE BENEFITS COVERAGE OUTSIDE THE UNITED STATES

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 273

Legal Deadline: None

Abstract: The Railroad Retirement Board proposes to add 20 CFR Part 273 to describe when and how Federal Health Insurance Benefits coverage is provided under the Railroad Retirement Act of 1974 for persons residing outside the United States.

Timetable:

Action	Date	FR Cite
NPRM	05/00/88	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4818

RIN: 3220-AA36

3257. ● WITHHOLDING PAYMENT

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 241

Legal Deadline: None

Abstract: Part 241 will group the various regulations, currently found in several parts of the Board's regulations, that concern situations where payments may be withheld.

Timetable:

Action	Date	FR Cite
NPRM	11/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4513

Agency Contact: Thomas W. Sadler, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220-AA41

3258. ● WAIVER OF ANNUITY

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 242; 20 CFR 262

Legal Deadline: None

Abstract: The new Part 242 would include in a separate part the provisions for waiver of annuity which currently are contained in sections 262.6 and 262.7.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Not Applicable

Additional Information: FTS 387-4513

Agency Contact: Thomas W. Sadler, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220-AA42

3259. ● TRANSFER OR ASSIGNMENT OF PAYMENTS

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 243; 20 CFR 295, (when adopted); 20 CFR 262.5; 20 CFR 350

Legal Deadline: None

Abstract: Currently, regulations concerning this subject matter appear in several parts of the Board's regulations. The new Part 243 will bring together or cross-reference the several related regulatory sections.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4929

RRB

Proposed Rule Stage

Agency Contact: Michael C. Litt, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4929**

RIN: 3220-AA43

3260. ● ERRONEOUS PAYMENTS

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 255

Legal Deadline: None

Abstract: Part 255 is being revised to clarify when and how erroneous payments under the Railroad Retirement Act must be recovered.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4568

Agency Contact: Stanley Jay Shuman, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4568**

RIN: 3220-AA44

3261. ● SICKNESS BENEFITS AND MATERNITY BENEFITS

Legal Authority: 45 USC 362; 45 USC 355

CFR Citation: 20 CFR 335

Legal Deadline: None

Abstract: Part 355 will be amended to simplify and clarify the language of that Part.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4810

Agency Contact: Walter Witkovich, Chief of Adjudication, Bureau of Unemployment & Sickness Ins., Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4810**

RIN: 3220-AA45

3262. ● DEBT COLLECTION

Legal Authority: 31 USC 3711; 31 USC 3717

CFR Citation: 4 CFR 102.13; 20 CFR 200

Legal Deadline: None

Abstract: The Railroad Retirement Board proposes to amend 20 CFR 200 to provide for assessment of interest, penalties, and collection costs, as authorized by the Debt Collection Act of 1982, in connection with the collection of certain debts arising from erroneous benefit payments under the several Acts administered by the Board. Section 11 of the Debt Collection Act of 1982 (Pub. L. 97-365) amended section 3(e) of the Federal Claims Collection Act of 1966 to provide that the head of an agency shall charge interest on claims owed the agency, assess penalties on delinquent debts, and assess charges to cover the costs of processing delinquent claims. Section 11 imposes a mandatory requirement that interest, penalties, and charges be assessed except as specifically provided in that section.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4946

Agency Contact: James A. Evans, Assistant Chief, Systems and Procedures Division, Railroad Retirement Board, Bureau of Fiscal Operations, 844 Rush Street, Chicago, IL 60611, **312 751-4946**

RIN: 3220-AA47

3263. ● ADMINISTRATION OF ESTATES

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 236

Legal Deadline: None

Abstract: The Railroad Retirement Board proposes to update Part 236 of its regulations, which concerns payments to estates in cases where the estates are not administered.

Timetable:

Action	Date	FR Cite
NPRM	01/00/87	

Small Entity: Not Applicable

Additional Information: FTS 387-4941

Agency Contact: Karl T. Blank, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4941**

RIN: 3220-AA48

RAILROAD RETIREMENT BOARD (RRB)

Final Rule Stage

3264. PRIMARY INSURANCE AMOUNT DETERMINATIONS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 225

Legal Deadline: None

Abstract: The computation of benefits under the Railroad Retirement Act of 1974 is quite complex and is not easily understood by beneficiaries. This proposed regulation would explain primary insurance amount determinations in a manner that will enable claimants and beneficiaries to more easily understand this phase of benefit computations.

Timetable:

Action	Date	FR Cite
NPRM	09/07/83	48 FR 40390
Final Action	03/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4818

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, **312 751-4818**

RIN: 3220-AA02

3265. RAILROAD RETIREMENT ANNUITIES

Legal Authority: 45 USC 231f; 45 USC 23lm

CFR Citation: 20 CFR 295

Legal Deadline: None

RRB — Final Rule Stage

Abstract: Section 419 of Public Law 98-76 amended section 14 of the Railroad Retirement Act of 1974 to make certain portions of annuities subject to division in connection with court decrees of divorce, annulment or legal separation. Part 295 will implement this amendment.

Timetable:

Action	Date	FR Cite
NPRM	09/03/85	50 FR 35568
NPRM Comment Period End	10/03/85	
Final Action	04/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4941

Affected Sectors: None

Government Levels Affected: Local, State, Federal

Agency Contact: Karl T. Blank, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4941

RIN: 3220-AA19

3266. ● REOPENING OF DECISIONS REGARDING RAILROAD RETIREMENT ANNUITIES

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 261

Legal Deadline: None

Abstract: The Railroad Retirement Board has adopted regulations with respect to the reopening of Board decisions pertaining to the award or denial of benefits under the Railroad Retirement Act.

Timetable:

Action	Date	FR Cite
NPRM	11/26/85	50 FR 48602
NPRM Comment Period End	12/26/85	50 FR 48602
Final Action	05/00/86	

Small Entity: Not Applicable

Additional Information: FTS 387-4929

Agency Contact: Michael C. Litt, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4929

RIN: 3220-AA46

RAILROAD RETIREMENT BOARD (RRB) — Completed Actions

3267. LUMP-SUM PAYMENTS

CFR Citation: 20 CFR 234

Completed:

Reason	Date	FR Cite
Final Action	01/23/86	51 FR 3035
Final Action Effective	01/23/86	51 FR 3035

Small Entity: Not Applicable

Agency Contact: Roger L. Flood 312 751-4818

RIN: 3220-AA18

[FR Doc. 86-5793 Filed 04-18-86; 8:45 am]

BILLING CODE 7905-01-T

federal register

Monday
April 21, 1986

Part XL

Selective Service System

Semiannual Regulatory Agenda

SSS

SELECTIVE SERVICE SYSTEM

32 CFR Ch. XVI

Regulatory Agenda

AGENCY: Selective Service System.

ACTION: Regulatory agenda.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Selective Service System that might affect the processing of registrants under the Military Selective Service Act (50 U.S.C. App. 451 et seq.). This information will allow the public to participate in the System's decision-making at an early stage.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, D.C. 20435, telephone (202) 724-1167.

SUPPLEMENTARY INFORMATION: The agenda is published in accord with the requirements of E.O. 12291. Selective Service Regulations appear in 32 CFR Chapter XVI.

DATED: March 11, 1986.

Thomas K. Turnage,

Director of Selective Service.

SELECTIVE SERVICE SYSTEM (SSS) — Final Rule Stage

3268. SELECTIVE SERVICE REGULATIONS; DEFERMENT OR EXEMPTION FROM MILITARY SERVICE

Legal Authority: 50 USC App. 451 et seq Military Selective Service Act; EO 11623

CFR Citation: 32 CFR Chapter XVI

Legal Deadline: None

Abstract: Various sections in 32 CFR Chapter XVI will be revised to increase clarity or expression and make them consistent with 32 CFR Part 1656 which was added at 48 FR 16675 (April 19, 1983). 32 CFR Parts 1662 and 1665 were published as final rules at 47 FR 7223 (February 18, 1982). The remainder of 32 CFR Chapter XVI (except 32 CFR Part 1660 which appears in 32 CFR Part 1660 (July 1, 1981)) was published as final rules at 47 FR 4640 (February 1, 1982).

Timetable:

Action	Date	FR Cite
NPRM	12/27/85	50 FR 52955
NPRM Comment Period End	02/27/86	51 FR 3635
Final Action	00/00/00	

Small Entity: No

Agency Contact: Henry N. Williams, General Counsel, Selective Service System, 1023 31st Street, NW, Washington, DC 20435, 202 724-1167

RIN: 3240-AA01

[FR Doc. 86-5885 Filed 04-18-86; 8:45 am]

BILLING CODE 8015-01-T

Federal Register

Monday
April 21, 1986

Part XLI

Small Business Administration

Semiannual Regulatory Agenda

SBA

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Improving Government Regulations; Semiannual Agenda

AGENCY: Small Business Administration.

ACTION: Publication of the semiannual agenda of regulations under review or development by the Small Business Administration.

SUMMARY: This is SBA's 14th semiannual agenda of regulations. Although not a regulatory Agency, SBA has attempted to draft agendas that met both the criteria and the spirit of the regulatory review process. This agenda is published pursuant to Executive Order 12291 and the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., Pub. L. 96-354, effective January 1, 1981.

FOR FURTHER INFORMATION CONTACT: For further information on agenda items, the public is encouraged to contact the individual Agency official listed for the particular item.

For information concerning SBA overall Regulatory Review and Development Program or general semiannual agenda questions, contact Martin D. Teckler, Deputy General Counsel, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, 202/653-6642.

SUPPLEMENTARY INFORMATION: The SBA agenda will contain many regulations which are limited in public impact, but they are included to increase public knowledge of all SBA regulatory activities and allow for increased public participation in the review and development process.

Public comments on SBA's previous agendas have been general, and all were positive. None were directed at specific contents, nor were any changes suggested or recommended.

The agenda format has four parts. Part I, Pre-Rulemakings, includes investigations and reviews to be conducted prior to deciding whether or not to propose a rule or rule change. Part II, Proposed Rules, includes rulemaking which will be proposed during the six-month period covered by the agenda. Part III, Final Rules, includes proposed rules which will be finalized during the period covered by the agenda. Part IV, Completed Actions, includes regulations completed or withdrawn, and reviews completed since the preceding agenda.

Publication of this agenda does not impose any binding obligation on SBA with regard to any specific item in the agenda. Additional regulatory action not listed on the agenda is not precluded.

DATED: February 5, 1986.

James C. Sanders,

Administrator.

SMALL BUSINESS ADMINISTRATION (SBA) — Prerule Stage

3269. PROCUREMENT ASSISTANCE

Legal Authority: PL 98-577

CFR Citation: 13 CFR 125

Legal Deadline: None

Abstract: Review to ensure compliance with Pub. L. 98-577, the Competition in Contracting Act.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/85	
End Review	03/00/86	

Small Entity: Yes

Agency Contact: Gene VanArsdale, Director, Office of Policy and Liaison, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6588**

RIN: 3245-AA76

3270. ● SIZE STANDARDS: DREDGING

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: To examine the requirement that to be considered small, a firm must perform the dredging of at least 40 percent of the yardage with its own dredging equipment or equipment owned by another small dredging concern to see if it should be amended.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/86	
ANPRM Comment Period End	06/00/86	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 500, Washington, DC 20416, **202 653-6373**

RIN: 3245-AB02

3271. ● SIZE STANDARDS; CERTAIN RETAIL AND SERVICE INDUSTRIES

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: To review and revise, as necessary, the small business size standards for certain retail and service industries.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/86	
End Review	10/00/86	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 500, Washington, DC 20416, **202 653-6373**

RIN: 3245-AB03

SMALL BUSINESS ADMINISTRATION (SBA)

Proposed Rule Stage

3272. SIZE PROTESTS FOR SUBCONTRACTORS

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Procedures for Size Protests for subcontractors.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Yes

Agency Contact: Ruben E. Weatherholtz III, Associate Administrator, Small Business Administration, Office of Procurement & Technical Assistance, 1441 L Street, NW, Washington, DC 20416, 202 653-6635

RIN: 3245-AA25

3273. SIZE STANDARDS; TRAVEL AGENCIES

Significance: Regulatory Program

Legal Authority: 15 USC 632; 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Review of Size Standards necessitated by GSA awards of travel contracts resulted in decision to modify proposed standard.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AA58

3274. PROCUREMENT ASSISTANCE BREAK-OUT PROCUREMENT CENTER REPRESENTATIVES

Legal Authority: PL 98-577

CFR Citation: 13 CFR 125

Legal Deadline: None

Abstract: Revise regulations dealing with Break-out Procurement Center Representatives and Break-out procedures.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Undetermined

Agency Contact: Ruben E. Weatherholtz III, Associate Administrator for PTA, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6635

RIN: 3245-AA73

3275. CERTIFICATE OF COMPETENCY

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 125.5

Legal Deadline: None

Abstract: Overall revision to COC regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Yes

Agency Contact: Robert Moffitt, Director, Office of Industrial Support Serv., Small Business Administration, 1441 L Street, NW, Room 626, Washington, DC 20416, 202 653-6582

RIN: 3245-AA74

3276. SIZE STANDARDS, EXPORT TRADING COMPANIES

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Propose size standard for Export Trading Companies.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AA83

3277. REGULATIONS APPLYING SMALL BUSINESS SIZE STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Revision of substantive rules governing compliance with small business size standards.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
NPRM Comment Period End	07/00/86	

Small Entity: Yes

Agency Contact: David R. Kohler, Associate General Counsel, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AA84

3278. ● SIZE STANDARDS FOR CERTAIN INDUSTRIES (REVISION)(INCLUDING STANDARDS FOR REAL ESTATE AGENCIES, DREDGING, TRAVEL AGENCIES, WHOLESALE TRADE, CONSTRUCTION, EXPORT TRADING, ENGINEERING ETC

Significance: Regulatory Program

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Revision of various size standards.

Timetable:

Action	Date	FR Cite
Actions will be published as needs arise and as reviews of existing size standards are concluded.	00/00/00	

Small Entity: Yes

Additional Information: TITLE CONT: Services.

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 500, Washington, DC 20416, 202 653-6373

RIN: 3245-AA85

3279. POLLUTION CONTROL BONDS

Legal Authority: 15 USC 694-1; 15 USC 694-2; 15 USC 634(b)(6)

SBA **Proposed Rule Stage**

CFR Citation: 13 CFR 111

Legal Deadline: None

Abstract: Amendments to the Pollution Control Bond Program concerning eligibility policy. (Waste disposal concerns are ineligible.)

Timetable:

Action	Date	FR Cite
NPRM	01/09/86	50 FR 966
NPRM Comment Period End	03/10/86	

Small Entity: Yes

Agency Contact: Robert Lineberry, Deputy Associate Administrator/Investment, Small Business Administration, 1441 L Street, NW, Room 808, Washington, DC 20416, 202 653-6848

RIN: 3245-AA93

3280. SIZE STANDARDS: CONSTRUCTION

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Establishing an updated size standard for the construction industry.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 500, Washington, DC 20416, 202 653-6373

RIN: 3245-AA95

3281. AMENDMENTS TO SECONDARY MARKET REGULATIONS

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 122

Legal Deadline: None

Abstract: Minor revision to Secondary Market regulations to correct administrative inefficiencies.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
NPRM Comment Period End	07/00/86	

Small Entity: Yes

Agency Contact: Edwin T. Holloway, Associate Administrator/Finance & Investment, Small Business Administration, 1441 L Street, NW, Room 800, Washington, DC 20416, 202 653-6632

RIN: 3245-AA96

3282. ● NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS: RETENTION OF RECORDS

Legal Authority: 15 USC 634(b)(6); 42 USC 2000d-1

CFR Citation: 13 CFR 112; 13 CFR 113

Legal Deadline: None

Abstract: Amendments to Parts 112 and 113 of 13 C.F.R. to direct the reader to SBA Form 793 for specifics on which records to retain and for what length of time. Also, other technical corrections such as replacing the in cite to H.E.W. with a cite to H.H.S.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
NPRM Comment Period End	06/00/86	

Small Entity: Yes

Agency Contact: Doris Dockett, Acting Chief, Office of Civil Rights Compliance, Small Business Administration, 1441 L Street, NW, Room 501, Washington, DC 20416, 202 653-6054

RIN: 3245-AB01

SMALL BUSINESS ADMINISTRATION (SBA) — Final Rule Stage

3283. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT

Significance: Agency Priority

Legal Authority: 15 USC 637(a)

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: These regulations would completely revise eligibility and program management for the SBA's Minority Enterprise Program.

Timetable:

Action	Date	FR Cite
NPRM	12/22/83	48 FR 56686
Comment Period extended to 3/21/84	02/17/84	49 FR 6103
Final Action	03/00/86	

Small Entity: Yes

Agency Contact: Wilfredo J. Gonzalez, Associate Administrator, Small Business Administration, 1441 L Street, NW, Room 317, Washington, DC 20416, 202 653-6407

RIN: 3245-AA12

3284. ● SURETY BOND GUARANTEE REGULATIONS

Legal Authority: 15 USC 634(b)(6); 15 USC 694b(d)

CFR Citation: 13 CFR 115

Legal Deadline: None

Abstract: Revision of the existing regulations for SBA's Surety Bond Guarantee Program. These changes will allow SBA to vary the percentage of its guarantee depending upon SBA's experience with the surety company requesting the guarantee. It also makes the fee which SBA charges for its guarantee negotiable.

SBA

Final Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	08/19/83	48 FR 37658
ANPRM Comment Period End	10/19/83	
NPRM	08/21/85	50 FR 33766
NPRM Comment Period End	10/21/85	
Final Action	05/00/86	
Final Action Effective	07/00/86	

Small Entity: Yes

Agency Contact: Howard F. Huegel, Acting Director, Office of Special Guarantees, Small Business Administration, 4040 N. Fairfax Drive, Arlington, VA 22203, **703 235-2900**

RIN: 3245-AA20

3285. CIVIL RIGHTS COMPLIANCE: DISCRIMINATION ON THE BASIS OF HANDICAP

Legal Authority: 42 USC 2000d-1

CFR Citation: 13 CFR 136

Legal Deadline: None

Abstract: Prohibition of discrimination in SBA programs on the basis of handicap.

Timetable:

Action	Date	FR Cite
NPRM	07/02/84	49 FR 27164
NPRM Comment Period End	10/30/84	
Final Action	05/00/86	

Small Entity: No

Agency Contact: George H. Robinson, Director, Small Business Administration, Office of EEO&C, 1441 L Street, NW, Washington, DC 20416, **202 653-6050**

RIN: 3245-AA21

3286. SMALL BUSINESS DEVELOPMENT CENTER REGULATIONS

Legal Authority: 15 USC 634(b); 15 USC 637(b)(1)

CFR Citation: 13 CFR 129

Legal Deadline: None

Abstract: Authorization of professional and trade associations as identified volunteer programs under section 8(b)(1)(B) of the Small Business Act, 15 USC 637(b)(1)(B).

Timetable:

Action	Date	FR Cite
NPRM	08/09/84	49 FR 31899
NPRM Comment Period End	09/24/84	
Final Action	07/00/86	

Small Entity: Yes

Agency Contact: Barbara Jackson, Program Manager, Office of MA, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6287**

RIN: 3245-AA45

3287. SIZE STANDARDS; WHOLESALE TRADE

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Review of wholesale size standard as a result of February 9, 1984 general revision of size standards.

Timetable:

Action	Date	FR Cite
NPRM	10/01/85	50 FR 40032
NPRM Comment Period End	12/02/85	
Final Action	05/00/86	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6373**

RIN: 3245-AA64

3288. BUSINESS LOAN POLICY

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: Elimination of exception from media policy rule for radio and TV stations.

Timetable:

Action	Date	FR Cite
NPRM	04/11/85	50 FR 14248
NPRM Comment Period End	06/10/85	
Final Action	04/00/86	

Small Entity: Yes

Agency Contact: Charles R. Hertzberg, Deputy Associate Administrator for FA, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6574**

RIN: 3245-AA65

3289. SMALL BUSINESS INVESTMENT COMPANIES; COMPUTATION OF NET GAIN IN MARKETABLE SECURITIES

Legal Authority: 15 USC 634(b)(6); 15 USC 686(a)

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: Clarifies the meaning of "marketable securities" by excluding any securities which are restricted in any manner or form from the definition set forth in 13 CFR 107.303(b)(1).

Timetable:

Action	Date	FR Cite
NPRM	11/27/84	49 FR 46553
NPRM Comment Period End	12/27/84	49 FR 46553
Final Action	08/00/86	

Small Entity: No

Agency Contact: Robert G. Lineberry, Deputy Associate Administrator/Investment, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6848**

RIN: 3245-AA79

3290. SMALL BUSINESS INVESTMENT COMPANIES; LIMITATIONS ON PORTFOLIO INVESTMENTS

Legal Authority: 15 USC 687

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: Limitations on Portfolio Investments of SBIC's.

Timetable:

Action	Date	FR Cite
NPRM	11/01/84	49 FR 44062
NPRM Comment Period End	12/03/84	49 FR 44062
Comment period extended to 12/17/84	12/11/84	49 FR 48201
Final Action	08/00/86	

Small Entity: No

SBA

Final Rule Stage

Agency Contact: Robert G. Lineberry, Deputy Associate Administrator/Investment, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6848

RIN: 3245-AA80

3291. SIZE STANDARD: REAL ESTATE AGENTS

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Establishing a size standard for the real estate agents industry for the first time.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	50 FR 27418
Final Action	05/00/86	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 500, Washington, DC 20416, 202 653-6373

RIN: 3245-AA88

3292. SMALL BUSINESS INVESTMENT COMPANY ACCOUNTING STANDARDS

Legal Authority: 15 USC 687(b)

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: Accounting Standards and Financial Reporting Requirements for Small Business Investment Companies.

Timetable:

Action	Date	FR Cite
ANPRM	02/10/84	49 FR 5230
ANPRM Comment Period End	03/10/84	
NPRM	07/19/85	50 FR 29532
NPRM Comment Period End	08/19/85	
Final Action	04/00/86	

Small Entity: Yes

Agency Contact: Thomas Bresnan, Staff Accountant, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6782

RIN: 3245-AA92

3293. LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Significance: Regulatory Program

Legal Authority: 15 USC 687(c)

CFR Citation: 13 CFR 108

Legal Deadline: None

Abstract: Revision of rules governing development companies in general and, specifically, Section 503 certified development companies.

Timetable:

Action	Date	FR Cite
NPRM	07/05/85	50 FR 27751
NPRM Comment Period End	09/03/85	
Final Action	04/00/86	
Final Action Effective	04/00/86	

Small Entity: Yes

Agency Contact: LeAnn M. Oliver, Financial Analyst, Small Business Administration, 1441 L Street, NW, Room 720, Washington, DC 20416, 202 653-6076

RIN: 3245-AA97

3294. ● DISASTER LOAN PROGRAM

Legal Authority: 15 USC 634; 15 USC 636

CFR Citation: 13 CFR 123

Legal Deadline: None

Abstract: Delete requirement that at least 5 businesses in a county have suffered substantial economic injury before a Governor requests a disaster designation. Remove requirement that disaster loan funds not be used to pay certain tax delinquencies. Remove requirement that all members of board of directors or other governing body of a small agricultural cooperative qualify as small under SBA size standards.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/85	50 FR 04614
Final Action	04/00/86	
Final Action Effective	05/00/86	

Small Entity: Yes

Agency Contact: Bernard Kulik, Deputy Associate Administrator, Disaster Assistance, Small Business Administration, 1441 L Street, NW, Room 820, Washington, DC 20416, 202 653-6879

RIN: 3245-AA98

3295. ● BUSINESS LOANS; INTEREST RATES

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a)(4)

CFR Citation: 13 CFR 122

Legal Deadline: None

Abstract: Clarification to allow all loans with fluctuating interest rates to fluctuate on a monthly basis so long as the borrower consents to the monthly fluctuation.

Timetable:

Action	Date	FR Cite
NPRM	11/15/85	50 FR 47227
NPRM Comment Period End	12/16/85	
Final Action	07/00/86	
Final Action Effective	08/00/86	

Small Entity: Yes

Agency Contact: Robert Wise, Financial Analyst, Office of Portfolio Management, Small Business Administration, 1441 L Street, NW, Room 816, Washington, DC 20416, 202 653-6900

RIN: 3245-AA99

3296. ● SMALL BUSINESS SIZE STANDARDS: COMMERCIAL FISHING

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Size standard for commercial fishing firms.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/15/85	50 FR 15411
Final Action	06/00/86	
Final Action Effective	07/00/86	

Small Entity: Yes

SBA

Final Rule Stage

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 500, Washington, DC 20416, 202 653-6373

RIN: 3245-AB00

3297. ● SMALL BUSINESS SIZE STANDARDS: ENGINEERING, ARCHITECTURAL AND SURVEYING SERVICES

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Size standard for engineering, architectural and surveying firms.

Timetable:

Action	Date	FR Cite
NPRM	09/16/85	50 FR 37539
NPRM Comment Period End	11/15/85	
Extension of Comment Period to 12/16/85	11/29/85	50 FR 49055
Final Action	06/00/86	
Final Action Effective	07/00/86	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AB04

3298. ● TIME OF SIZE DETERMINATION

Significance: Agency Priority

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121.4(d) and (g)

Legal Deadline: None

Abstract: Amendment of SBA Size Regulations to require that self-certification that a concern is small must occur after SBA has accepted the procurement in support of an 8(a) firm. Size will be determined for contract purposes at the time of the cost proposal after SBA acceptance of the procurement. Subsequent changes after that point in time, except for affiliation, will not affect the size determinations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/86	
Final Action	06/00/86	
Final Action Effective	07/00/86	

Small Entity: Yes

Agency Contact: David R. Kohler, Associate General Counsel, Small Business Administration, 1441 L Street, NW, Room 706, Washington, DC 20416, 202 653-6660

RIN: 3245-AB06

SMALL BUSINESS ADMINISTRATION (SBA)

Completed Actions

3299. ELIGIBILITY REQUIREMENTS FOR CERTIFICATE OF COMPETENCY APPLICANTS

Legal Authority: 15 USC 637(b)(7)

CFR Citation: 13 CFR 125.5

Legal Deadline: None

Abstract: Revision of the conditions under which SBA will provide a certificate of competency relative to a small concern's ability to perform a government contract.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/12/82	47 FR 34972
Final Action	03/27/85	
Final Action Effective	03/27/85	50 FR 11994

Small Entity: No

Agency Contact: Robert J. Moffitt, Director, Office of Industrial Support Serv., Small Business Administration, Office of Industrial Assistance, 1441 L Street, NW, Washington, DC 20416, 202 653-7035

RIN: 3245-AA03

3300. SIZE STANDARDS: DREDGING

Significance: Regulatory Program

Legal Authority: 15 USC 632(a); 15 USC 634(b)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Size Standard for Dredging.

Timetable:

Action	Date	FR Cite
ANPRM	12/04/84	49 FR 47414
NPRM	12/04/84	49 FR 47412
ANPRM Comment Period End	01/18/85	49 FR 47414
NPRM Comment Period End	01/18/85	
Final Action	11/08/85	50 FR 46418
Final Action Effective	12/09/85	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Small Business Administration, Office of Size Standards, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AA29

3301. SIZE STANDARD FOR MARINE ENGINEERING AND NAVAL ARCHITECTURE

Significance: Regulatory Program

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Revising small business size standard for the marine engineering and naval architecture industry.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/84	
End Review	05/01/85	

Small Entity: Yes

Agency Contact: Andrew A. Canellas, Director, Office of Size Standards, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AA50

3302. SIZE STANDARDS; SHIPBUILDING AND REPAIR

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Whether ship repair component of the industry should have a separate size standard.

Timetable:

Action	Date	FR Cite
End Review	01/06/85	
Begin Review	03/01/85	
Notice to inform public of results of review	03/00/86	

Small Entity: Undetermined

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AA66

3303. PROCUREMENT ASSISTANCE - DISPOSITION OF LOGS FROM SET-ASIDE SALES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 125

Legal Deadline: None

Abstract: Disposition of logs from set-aside sales.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/85	
End Review	08/01/85	

Small Entity: Undetermined

Agency Contact: Joseph Kernan, Director, Office of Natural Resource Sales, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6078

RIN: 3245-AA77

3304. SIZE STANDARD; CONSTRUCTION

Significance: Regulatory Program

Legal Authority: 15 USC 632; 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Revision of standard for construction industry.

Timetable:

Action	Date	FR Cite
Begin Review	02/01/85	
End Review	01/06/86	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AA82

3305. SMALL BUSINESS SIZE STANDARD: FARMING

Legal Authority: 15 USC 634(b)(5)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Size standard for the farming industry.

Timetable:

Action	Date	FR Cite
Decision not to change rule	08/00/85	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 500, Washington, DC 20416, 202 653-6373

RIN: 3245-AA89

3306. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF SBA

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 117

Legal Deadline: None

Abstract: Effectuation of Age Discrimination Act of 1975.

Timetable:

Action	Date	FR Cite
NPRM	10/17/79	44 FR 60032
NPRM Comment Period End	12/16/79	
Final Action	10/11/85	50 FR 41646
Final Action Effective	10/11/85	

Small Entity: No

Agency Contact: George Robinson, Director, EEO&C, Small Business Administration, 1441 L Street, NW, Room 501, Washington, DC 20416, 202 653-6050

RIN: 3245-AA91

3307. SIZE STANDARD: TUNA FISHING

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Size standard to recognize the detrimental oceanographic effect of "El Nino" on tuna fishers.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/85	
End Review	03/01/85	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 500, Washington, DC 20416, 202 653-6373

RIN: 3245-AA94

[FR Doc. 86-4527 Filed 04-18-86; 8:45 am]

BILLING CODE 8025-01-T

Federal Register

Monday
April 21, 1986

Part XLII

Tennessee Valley Authority

Semiannual Regulatory Agenda

TVA

TENNESSEE VALLEY AUTHORITY

18 CFR Ch. XIII

Regulatory Agenda

AGENCY: Tennessee Valley Authority.

ACTION: Regulatory agenda.

SUMMARY: As a nonregulatory agency, TVA originates very few regulations and thus does not ordinarily have agenda items to announce. However, TVA has one regulation under development and is therefore publishing a regulatory agenda in voluntary compliance with Executive Order No. 12291.

FOR FURTHER INFORMATION CONTACT: For further information please contact the person listed.

W. F. Willis,

General Manager.

TENNESSEE VALLEY AUTHORITY (TVA)

Proposed Rule Stage

3308. PROTECTION OF ARCHAEOLOGICAL RESOURCES

Legal Authority: 16 USC 470aa to 470ll

CFR Citation: 18 CFR 1312

Legal Deadline: None

Abstract: The planned regulations will implement provisions of the Archaeological Resources Protection Act of 1979 by providing protection of archaeological resources on public lands in TVA custody and control. TVA will seek to protect such resources through permits authorizing excavation or removal of resources, through civil penalties for unauthorized excavation or removal, through preservation of archaeological resource collections and data, and through assuring confidentiality of information about resources when disclosure would threaten the resources. The planned regulations will supplement existing uniform regulations by assigning specific responsibilities within TVA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Maxwell D. Ramsey, Program Manager, Cultural Resources, Tennessee Valley Authority, 241 Natural Resources Building, Norris, Tennessee 37828, **615 632-6450**

RIN: 3316-AA02

[FR Doc. 86-5886 Filed 04-18-86; 8:45am]

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federal register

Monday
April 21, 1986

Part XLIII

Veterans Administration

Semiannual Regulatory Agenda

VA

VETERANS ADMINISTRATION

38 CFR Ch. I

Agenda of Federal Regulations

AGENCY: Veterans Administration.

ACTION: Publication of agenda of regulations.

SUMMARY: This agenda announces the regulations that the Veterans Administration will have under review, development or revision during the 12 month period from April 1986 to April 1987. The purpose in publishing this Agency's regulatory development activities is to allow all interested persons the opportunity to participate in the rulemaking process.

ADDRESSES: Interested persons are invited to comment on the regulations listed in the agenda by contacting the individual agency contact listed for each regulation, or by writing to: Paperwork Management and Regulations Service (731), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

FOR FURTHER INFORMATION CONTACT: Celia Winter (202) 389-2340.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (Pub. L. 96-354) require that executive agencies publish in the **Federal Register** in April and October of each year, an agenda of regulations under development and review.

The Veterans Administration has no regulations considered major under the terms of Executive Order 12291; however all of this agency's proposed rules and current rules under review except those considered to be internal agency policy management or routine regulations have been listed in accordance with section 5.(a) of the Executive Order. This agenda incorporates those categories of information required pursuant to 5 U.S.C. 602(a) and 610(c) (Regulatory Flexibility Act).

The Veterans Administration has found that all rules listed in this agenda, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in 5 U.S.C. 601-612.

The agenda has been prepared in accordance with OMB Bulletin 86-4.

DATED: February 14, 1986.

Everett Alvarez, Jr.

Acting Administrator.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3309	Evidence of Inability to Defray Necessary Expenses	2900-AA12
3310	Extensions to Community Nursing Home Care	2900-AB21
3311	Standards of Nursing Home Care for State Veterans Homes	2900-AB31
3312	Community Residential Care	2900-AB32
3313	Readjustment Counseling and Related Mental Health Services	2900-AB55
3314	Telecaption Television Decoders	2900-AB56
3315	Medical Service in the Philippines	2900-AB57
3316	Disposition of Veteran's Personal Funds and Effects on Station upon Death, or Discharge, or Unauthorized Absence, and of Funds and Effects Found on Station	2900-AB61
3317	Grants to States for Construction and Acquisition of State Home Facilities	2900-AB62
3318	Charges for Care or Medical Services	2900-AB80
3319	Adult Day Health Care	2900-AB99
3320	Use of Community Nursing Home	2900-AC04
3321	Treatment of Veterans in Non-Contiguous States, Territories and Possessions	2900-AC21
3322	Veterans Administration Federal Radiation Guidelines for Radiologic Procedures (PL 97-35)	2900-AC23
3323	Grants to States for Construction and Acquisition of State Home Facilities	2900-AC25
3324	Confidential Quality Assurance Program Records and Documents	2900-AC27
3325	Veterans Education; Foreign Medical Schools	2900-AB09
3326	Incarcerated Veterans; Commencing Dates of Subsistence Allowance; Reduction or Termination Dates of Subsistence Allowance	2900-AB26
3327	Acquisition of Property	2900-AB34
3328	Employee Fiduciaries	2900-AB50
3329	Federal Fiduciary Commissions	2900-AB52
3330	Temporary Program of Vocational Training for Certain New Pension Recipients	2900-AB53
3331	Reservists Education; New Education Program for Members of the Selected Reserve	2900-AB69
3332	Veterans Education; New Education Program for Veterans	2900-AB70
3333	1. Veterans Services Officer to Select and Appoint or Recommend for Appointment the Person or Legal Entity to Receive Veterans Administration Benefits in a Fiduciary Capacity 2. Direct Payment	2900-AB75
3334	1. Payment to the Wife or Husband of an Incompetent Veteran; 2. Legal Custodian	2900-AB76
3335	Investments by Legal Custodians	2900-AB77
3336	1. Veterans Services Officer's Action When Veteran's Estate Equals or Exceeds $1,500 2. Determination of Value of Estate; 38 USC 3203(b)(1)	2900-AB78
3337	Eligibility for Employment Services, Employment Handicap, Employment Assistance, Overview of Employment Services	2900-AB89
3338	Accountability for Authorization and Payment of Training and Rehabilitation Services	2900-AB92
3339	Applicant Status, Interrupted Status, Discontinued Status, Duties of the Vocational Rehabilitation Panel	2900-AB93
3340	Veterans Education; Effective Date of Refund Upon Disenrollment From VEAP	2900-AB98

VA

Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3341	Definition of Fraud	2900-AC01
3342	Interest and Penalties on Untimely Submission of Funding Fees by Lenders	2900-AC03
3343	Increased Coverage for Servicemen's and Veteran's Group Life Insurance	2900-AC06
3344	Computation of Entitlement Under Chapter 31	2900-AC08
3345	1. Apportionment of Benefits to Dependents; 2. Payment of Cost of Veteran's Maintenance in Institution	2900-AC10
3346	End of Flight Training in VEAP (Post-Vietnam ERA Educational Assistance Program)	2900-AC14
3347	Nonduplication - 38 U.S.C. Chapters 31, 32, 34 and 35	2900-AC16
3348	Commencing Dates of Subsistence Allowance	2900-AC18
3349	Use of Credit Reports for Refinancing and Rescheduling of VA-Guaranteed Loans and Claim Submissions	2900-AC19
3350	Appeals Regulations and Rules of Practice	2900-AC09
3351	Appeals Regulations and Rules of Practice	2900-AC11
3352	Enforcement of Nondiscrimination on the Basis of Handicap in VA Programs	2900-AA87
3353	Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance	2900-AB87
3354	Revision of Fees for Copies of VA Records	2900-AB18
3355	Effect of General Counsel Opinions	2900-AB22
3356	Inventions by Employees of Veterans Administration as Coinventors under Funding Agreements	2900-AB47
3357	Administrator's Delegations of Authority to Certain Officials (38 U.S.C. 212(a))	2900-AC05
3358	Claims for Cost of Medical Care and Services	2900-AC28
3359	Environmental Effects of VA Actions	2900-AB17
3360	Protection of Archeological Resources	2900-AC26
3361	Veterans Administration Acquisition Regulations	2900-AC12

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3362	Amend VA Regulations for the Purpose of Correcting Certain Specific Technical Points and to Make Certain Editorial Changes	2900-AB59
3363	Medical Care for Veterans Receiving Vocational Training under Chapter 15	2900-AB60
3364	Outpatient Medical Services for Eligible Persons	2900-AC20
3365	Veterans Education; Educational Assistance Test Program	2900-AA01
3366	Veterans Education; Certifications of Enrollment	2900-AA58
3367	Social Security Numbers in Veterans Benefits Matters	2900-AA95
3368	Veterans Education; Programs of Education at More Than One School	2900-AB41
3369	Veterans Education; VEAP Eligibility	2900-AB43
3370	Temporary Program for Trial Work Periods and Vocational Rehabilitation for Certain Veterans with Total Disability Ratings	2900-AB54
3371	Veterans Education; Miscellaneous Administrative Adjustments	2900-AB67
3372	Subsistence Allowance	2900-AB79
3373	Veterans Education: Entitlement Charges for Overpayments	2900-AB91
3374	Veterans Education; Limit on Reimbursement of Wages Under the Emergency Veterans' Job Training Act	2900-AB94
3375	Veterans Education; Waiver of the Two-Year Operation Requirement	2900-AB95
3376	Veterans Education: Assuring Compliance with Civil Rights Laws	2900-AC07
3377	Veterans Education; Nonmatriculated Students	2900-AC13
3378	Veterans Education; Amendments to the Veterans' Job Training Act	2900-AC15
3379	Veterans Education: Extension of the Veteran's Job Training Act	2900-AC17
3380	Appeals Regulations and Rules of Practice	2900-AB88
3381	Nondiscrimination on the Basis of Sex under Federal Assisted Education Programs and Activities	2900-AB51

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3382	Extension of Default Reporting Requirement	2900-AB35
3383	Veterans Education; Retroactive Approval of Courses	2900-AB42
3384	Veterans Education; Cancellation of Unnecessary Regulations	2900-AB44

VA

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3385	Temporary Vocational Rehabilitation Programs and Automobile and Adaptive Equipment Allowance	2900-AB65
3386	Incompetent-Estate Over $1500 and Hospitalized	2900-AB66
3387	Veterans Education; Delegation of Authority	2900-AB71
3388	Veterans Education; Right to Initially Enroll in VEAP Suspended	2900-AB73
3389	Veterans Education; Measurement of Undergraduate Courses	2900-AB90
3390	Veterans Education; Technical Changes	2900-AB97
3391	Frequency of Payment of Improved Pension	2900-AC02
3392	Appeals Regulations and Rules of Practice	2900-AB29
3393	Waiver of Overpayments; Waiver - Third Persons; Standards for Claims Collections	2900-AB33
3394	Recognition of Organizations, Representatives, Agents and Attorneys	2900-AA38
3395	Employee Acceptance of Food and Refreshments	2900-AB86

VETERANS ADMINISTRATION (VA)

Proposed Rule Stage

DEPARTMENT OF MEDICINE AND SURGERY

3309. EVIDENCE OF INABILITY TO DEFRAY NECESSARY EXPENSES

Significance: Regulatory Program

Legal Authority: 38 USC 610; 38 USC 622

CFR Citation: 38 CFR 17

Legal Deadline: None

Abstract: Legislation is pending in Congress which would amend 38 U.S.C. 610 and 622 to provide authority for an income means test for certain nonservice-connected veterans, linked to an applicant's ability to demonstrate with evidence that his/her gross annual family income is below a certain level. Under proposed legislation, these individuals would be considered unable to defray the costs of needed medical care.

Timetable:

Action	Date	FR Cite
NPRM one month following enactment	00/00/00	
Final Action four months following enactment	00/00/00	

Small Entity: No

Agency Contact: Jerome Hanes, Medical Admin. Program Specialist, Veterans Administration, Department of Medicine and Surgery(136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2337**

RIN: 2900-AA12

3310. EXTENSIONS TO COMMUNITY NURSING HOME CARE

Legal Authority: 38 USC 620

CFR Citation: 38 CFR 17.51a

Legal Deadline: None

Abstract: Existing regulations that permit an extension to an approved 6-month period of Community Nursing Home Care at VA expense are not definitive enough regarding the circumstances of an unusual nature which provide the impetus for granting such extensions. The proposed change will correct that deficiency.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Stuart E. Mount, Medical Administration Specialist, Veterans Administration, Department of Medicine & Surgery, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2851**

RIN: 2900-AB21

3311. STANDARDS OF NURSING HOME CARE FOR STATE VETERANS HOMES

Legal Authority: 38 USC 642(a)

CFR Citation: 38 CFR 17.165d

Legal Deadline: None

Abstract: The existing regulation now only refers to standards of care prescribed by the Administrator for State Veterans Homes. The proposed change will elaborate upon these standards of care in relation to State Veterans Homes.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: F. Brent Baker, Assistant State Home Program Coordinator, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3679**

RIN: 2900-AB31

3312. COMMUNITY RESIDENTIAL CARE

Legal Authority: 38 USC 630

CFR Citation: 38 CFR Not yet determined

Legal Deadline: None

Abstract: These regulations will clarify the legal status of the Community Residential Care program, setting standards and criteria for health and safety, facility resources, guidelines for costs of care, conditions under which

the agency may cease referrals to non-complying facilities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: J. R. Kelly, Chief, Community Care Programs, Veterans Administration, Department of Medicine and Surgery, Washington, DC 20420, 202 389-3692

RIN: 2900-AB32

3313. READJUSTMENT COUNSELING AND RELATED MENTAL HEALTH SERVICES

Legal Authority: 38 USC 612A

CFR Citation: 38 CFR 17.57

Legal Deadline: None

Abstract: 38 CFR 17.57 is being amended to remove any reference to a date by which a Vietnam era veteran must request readjustment counseling. This technical amendment is necessary because of changes made by PL 99-166 to Title 38 USC.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Jerome J. Hanes, Medical Administration Program Specialist, Department of Medicine and Surgery (136F), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2143

RIN: 2900-AB55

3314. TELECAPTION TELEVISION DECODERS

Legal Authority: PL 98-528

CFR Citation: 38 CFR 17.115b; 38 CFR 17.115c

Legal Deadline: None

Abstract: This law authorizes the VA to furnish assistive devises to overcome the handicap of deafness, including telecaption television decoders, to any veteran who is profoundly deaf and is entitled to compensation on account of hearing impairment. As for telecaption TV decoders, VA policy previously limited the provision of this device to veterans who suffered an aberrant or morbid mental condition as a result of deafness. The law specifically authorizes the VA to provide this device but limits the provision to profoundly deaf veterans who are entitled to compensation for a hearing impairment.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: Yes

Agency Contact: Donald N. Babb, Program Analyst, Veterans Administration, Department of Medicine & Surgery (121), 810 Vermont Ave., NW, Washington, DC 20420, 202 389-2011

RIN: 2900-AB56

3315. MEDICAL SERVICE IN THE PHILIPPINES

Legal Authority: 38 USC 624; 38 USC 632

CFR Citation: 38 CFR 17.30 to 17.40

Legal Deadline: None

Abstract: These amendments specify for whom hospital, nursing home and intermediate care, and medical services may be provided in the Republic of the Philippines.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Stuart Mount, Medical Administration Program Specialist, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2143

RIN: 2900-AB57

3316. DISPOSITION OF VETERAN'S PERSONAL FUNDS AND EFFECTS ON STATION UPON DEATH, OR DISCHARGE, OR UNAUTHORIZED ABSENCE, AND OF FUNDS AND EFFECTS FOUND ON STATION

Legal Authority: 38 USC 210c

CFR Citation: 38 CFR 12.0 to 12.24

Legal Deadline: None

Abstract: Section 208 of Public Law 94-581 provides that unclaimed property or funds and effects left by a dependent or survivor of a veteran receiving medical care at a VA facility as a CHAMPVA beneficiary will be disposed of in the same or similar manner as such property left by a veteran. Also, estates of dependents or survivors of a veteran who dies intestate and without legal heirs while a patient in any VA facility or any hospital, while being furnished care or treatment therein by the VA will escheat to the U.S. Government. Some of these regulations have not been updated since 1948, therefore, editorial changes will be made which will not affect policy.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Paul Tryhus, Medical Administration Program Specialist, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2143

RIN: 2900-AB61

3317. GRANTS TO STATES FOR CONSTRUCTION AND ACQUISITION OF STATE HOME FACILITIES

Legal Authority: 38 USC 5031 to 5037; PL 98-528

CFR Citation: 38 CFR 17.170 to 17.177

Legal Deadline: None

Abstract: The existing regulation contains construction standards which need updating. P.L. 98-528 provides for the acquisition of property for use as State Veterans Homes. The proposed revised regulations will accomplish these changes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: F. Brent Baker, State Home Program Coordinator, Veterans Administration, Department of Medicine & Surgery (182C), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-3679

RIN: 2900-AB62

3318. CHARGES FOR CARE OR MEDICAL SERVICES

Significance: Regulatory Program

Legal Authority: 38 USC 629

CFR Citation: 38 CFR 17

Legal Deadline: None

Abstract: Legislation is pending in the Congress which would amend 38 USC 629 to allow the VA to recover the cost of medical care furnished to nonservice-connected veterans from third party health insurance policies carried by these veterans and would prohibit such insurance policies from containing clauses disallowing reimbursement to Federal (VA) hospitals. No attempt will be made by the VA to collect deductibles or co-insurance payments from the veteran.

Timetable:

Action	Date	FR Cite
NPRM one month following enactment	00/00/00	
Final Action four months following enactment	00/00/00	

Small Entity: No

Agency Contact: Karen Walters, Medical Admin. Program Specialist, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2337

RIN: 2900-AB80

3319. ADULT DAY HEALTH CARE

Significance: Agency Priority

Legal Authority: 38 USC 620a

CFR Citation: 38 CFR 17.51c; 38 CFR 17.51d; 38 CFR 17.51e

Legal Deadline: None

Abstract: The VA plans to contract for adult day health care services. Standards for care safety criteria and eligibility criteria must be established before contracts can be negotiated.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: James R. Kelly, Chief, Community Care Programs, Veterans Administration, 181, Department of Medicine and Surgery, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-3692

RIN: 2900-AB99

3320. ● USE OF COMMUNITY NURSING HOME

Legal Authority: 38 USC 620(a)

CFR Citation: 38 CFR 17.51

Legal Deadline: None

Abstract: This amendment authorizes the direct transfer to a non-VA nursing home of (1) a veteran who has received VA nursing home or domiciliary care who requires long-term nursing home care and (2) a veteran who has been discharged from a hospital under the direct jurisdiction of the VA and who is currently receiving VA hospital based home health services. It also eliminates the six month limitation for veterans admitted direct from the community for service-connected disabilities. Allows for placement to community nursing homes in Alaska and Hawaii from hospitals and domiciliaries.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Paul Tryhus, Medical Administration Program Specialist, Department of Medicine and Surgery (136F), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2143

RIN: 2900-AC04

3321. ● TREATMENT OF VETERANS IN NON-CONTIGUOUS STATES, TERRITORIES AND POSSESSIONS

Legal Authority: 38 USC 601(4)(c)(v)

CFR Citation: 38 CFR 17.50b

Legal Deadline: None

Abstract: This amends and removes the Virgin Islands from any delimiting restrictions regarding contract care. Extend for 3 years, from September 30, 1985, to September 30, 1988 the authority to provide contract-care for the Commonwealth of Puerto Rico. Such care is modified for each of 3 fiscal years covered by the extension to limit obligations to a percentage of the 1985 expenditure level.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Paul Tryhus, Medical Administration Program Specialist, Department of Medicine and Surgery (136F), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2143

RIN: 2900-AC21

3322. ● VETERANS ADMINISTRATION FEDERAL RADIATION GUIDELINES FOR RADIOLOGIC PROCEDURES (PL 97-35)

Legal Authority: 38 USC 101(b) (1)

CFR Citation: 38 CFR 17, (Revision)

Legal Deadline: None

Abstract: The Veterans Administration is developing regulations for the establishment of minimum standards for the accreditation of education programs for, and certification of, persons who administer radiologic procedures. This will ensure that medical and dental radiologic procedures are consistent with rigorous safety precautions and standards. These regulations are required by (PL 97-35). They will improve the quality of patient care by reducing the need for retakes of diagnostic radiologic procedures. They will also provide for the elimination of unproductive screening programs and for optimum diagnostic information with minimum radiologic exposure. They will also assure the appropriate application of radiation to patients undergoing therapeutic treatment of disease, including nuclear medicine applications.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Arthur D. Graham, M.D., Director, Radiology Service, Department of Medicine and Surgery (114), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2434

RIN: 2900-AC23

3323. ● GRANTS TO STATES FOR CONSTRUCTION AND ACQUISITION OF STATE HOME FACILITIES

Legal Authority: 38 USC 5035; PL 99-166

CFR Citation: 38 CFR 17.173

Legal Deadline: None

Abstract: Public Law 99-166 provides a requirement for the Administrator to defer approving an application if, by July 1 following receipt of a VA notice of availability of funds, adequate State financial support has not been provided. Funds intended for a deferred application will be applied to the next nursing home project(s) on the list that has met VA requirements and has adequate financial support and that the Administrator determines to be most in need. The deferred application will be accorded priority for approval the next fiscal year.

Timetable:

Action	Date	FR Cite
NPRM	12/00/86	

Small Entity: No

Agency Contact: F. Brent Baker, State Home Program Coordinator, Department of Medicine and Surgery (182C), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3679**

RIN: 2900-AC25

3324. ● CONFIDENTIAL QUALITY ASSURANCE PROGRAM RECORDS AND DOCUMENTS

Legal Authority: 38 USC 3305; 38 USC 4151; 38 USC 4152

CFR Citation: 38 CFR 17. (Revision)

Legal Deadline: None

Abstract: Final regulations implementing 38 USC 3305 were made effective Oct. 22, 1982. Those regulations govern the VA's QA (quality assurance) program activities and records and documents which are made confidential and privileged. Sec. 3305 prohibits the VA from designating any QA program activity, for the purpose of confidentiality, unless such activity has been specified in regulation. PL 99-166 amends 38 USC 4151 and 4152 to require that QA program activities include an evaluation of the quality of surgical care in DM&S, as evidenced by outcome measures of mortality and morbidity; a report to Congress indicating deficiencies in the quality of care is required. 38 USC 3305 was amended to clarify that aggregate statistical data is not to be made confidential provided individuals are not identified. The definitions and descriptions of the QA program are outdated; unreflective of a systems' approach, and too restrictive to accommodate periodic policy developments or redirections within DM&S. No alternatives are being considered. There are no potential costs to the action. The benefits would be in the form of programmatic improvements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Robert Lubran, Health System Specialist, Department of Medicine and Surgery (10Q), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2600**

RIN: 2900-AC27

DEPARTMENT OF VETERANS BENEFITS

3325. VETERANS EDUCATION; FOREIGN MEDICAL SCHOOLS

Legal Authority: 38 USC 1676

CFR Citation: 38 CFR 21.4260

Legal Deadline: None

Abstract: Provides additional criteria a foreign medical school must meet before a veteran's enrollment in the school's courses may be approved. The Veterans Administration is considering whether to require a foreign medical school to meet all or some of the criteria it must meet in order to participate in the Guaranteed Student Loan Program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: June C. Schaeffer, Ass'st Dir. for Policy and Program Admin., Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB09

3326. INCARCERATED VETERANS; COMMENCING DATES OF SUBSISTENCE ALLOWANCE; REDUCTION OR TERMINATION DATES OF SUBSISTENCE ALLOWANCE

Legal Authority: 38 USC 1508; 38 USC 1780; 38 USC 3012

CFR Citation: 38 CFR 21.276; 38 CFR 21.322; 38 CFR 21.324

Legal Deadline: None

Abstract: The regulations implement provisions of 1508 & 1780 which change the condition under which payment of subsistence allowance may be made to an incarcerated veteran pursuing a program of vocational rehabilitation under chapter 31, title 38, U.S. Code. The regulations implementing provisions of 3012 implement provisions establishing new dates for terminating payment of additional amounts of subsistence allowance for dependents of veterans in vocational rehabilitation programs under chapter 31. Issuance of regulations is required. There are no significant cost increases or savings as a result of these changes.

Timetable:

Action	Date	FR Cite
NPRM	01/16/86	51 FR 2408
NPRM Comment Period End	03/17/86	
Final Action	05/00/86	

Small Entity: No

Agency Contact: Dr. Karen Boies, Asst. Dir., Policy & Program Development, Veterans Administration, Dept. of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2886**

RIN: 2900-AB26

3327. ACQUISITION OF PROPERTY

Significance: Regulatory Program

Legal Authority: 38 USC 210(c); 38 USC 1816(a); PL 98-369, Sec 2512

CFR Citation: 38 CFR 36.4320; 38 CFR 36.4319(f); 38 CFR 36.4321(a); 38 CFR 36.4300

Legal Deadline: None

Abstract: There are currently no specific regulatory requirements as to when the VA may or may not accept conveyance of a property on which the VA-guaranteed loan securing it has been foreclosed. Pursuant to PL 98-369 the changed regulation will provide formulas and specifically define when the VA may acquire a property. The changed regulations will also clarify establishment of a cut off date for claim computation in cases in which liquidation of a loan is unduly delayed.

VA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Raymond Brodie, Assistant Director for Loan Management, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3668**

RIN: 2900-AB34

3328. EMPLOYEE FIDUCIARIES

Legal Authority: 38 USC 210

CFR Citation: 38 CFR 0.735-21

Legal Deadline: None

Abstract: The existing regulation falls under the general rules of conduct for employees. The intended change will bar most employees from becoming fiduciaries for beneficiaries of VA benefits and establish an exemption to the bar under a limited number of circumstances such as when the employee is a close relative.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (274), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3644**

RIN: 2900-AB50

3329. FEDERAL FIDUCIARY COMMISSIONS

Legal Authority: PL 98-223, Sec 207; 38 USC 3202(a)

CFR Citation: 38 CFR 13.64

Legal Deadline: None

Abstract: This is a new regulation which gives the Veterans Services Officer authority to allow certain fiduciaries to obtain a modest fee from the incompetent beneficiary's estate for fiduciary services rendered.

Timetable:

Action	Date	FR Cite
NPRM	02/07/86	51 FR 4774
NPRM Comment Period End	03/24/86	
Final Action	07/00/86	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (274), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3644**

RIN: 2900-AB52

3330. TEMPORARY PROGRAM OF VOCATIONAL TRAINING FOR CERTAIN NEW PENSION RECIPIENTS

Significance: Regulatory Program

Legal Authority: PL 98-543, Sec 301

CFR Citation: 38 CFR 21.6000, series (new)

Legal Deadline: None

Abstract: The pilot program is directed to evaluating the effectiveness of vocational training and related services in restoring veterans to gainful employment and realizing cost benefits. During the period February 1, 1985, through January 31, 1989, veterans awarded pension may be eligible for up to 24 months or more of vocational training to prepare for and enter employment. Under this program every veteran under age 50 who begins to receive a pension award on or after February 1, 1985, will participate in a vocational evaluation to be arranged by the VA. Veterans who are age 50 and older and are awarded pension after February 1, 1985, may apply for an evaluation of their ability to profit from vocational training. Vocational training for up to 24 months or more and up to 18 months of employment services will be provided for program participants. A veteran will continue to receive pension during the period of training and employment services. Pension will be reduced or terminated following adjustment in employment when work income exceeds the annual income limitation applicable to pension.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: Dr. Karen G. Boies, Asst. Director, Policy & Program Development, Veterans Administration, Department of Veterans Benefits (282), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2886**

RIN: 2900-AB53

3331. RESERVISTS EDUCATION; NEW EDUCATION PROGRAM FOR MEMBERS OF THE SELECTED RESERVE

Legal Authority: 10 USC 2131 et seq

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: A new education program for members of the Selected Reserve has been established by law. Regulations are needed so that the new program may be properly administered.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: Undetermined

Agency Contact: June C. Schaeffer, Ass'st Dir. for Policy and Program Admin., Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB69

3332. VETERANS EDUCATION; NEW EDUCATION PROGRAM FOR VETERANS

Legal Authority: 38 USC 1401 et seq

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: A new education program for veterans and service members has been established by law. Regulations are needed so that the new program may be properly administered.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: Undetermined

Agency Contact: June C. Schaeffer, Ass'st Director for Policy and Program Admin, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB70

3333. 1. VETERANS SERVICES OFFICER TO SELECT AND APPOINT OR RECOMMEND FOR APPOINTMENT THE PERSON OR LEGAL ENTITY TO RECEIVE VETERANS ADMINISTRATION BENEFITS IN A FIDUCIARY CAPACITY 2. DIRECT PAYMENT

Legal Authority: 38 USC 3202(a)

CFR Citation: 38 CFR 13.55; 38 CFR 13.56

Legal Deadline: None

Abstract: 38 CFR 13.55 authorizes the VSO to select and appoint a fiduciary and defines the types of payees authorized to receive payments in fiduciary cases. The intended change updates the authority language to more closely reflect changes to 38 USC 3202; removes gender specific terminology and reference to mental illness; and, further clarifies the types of payees available for selection.

38 CFR 13.56 defines classes of beneficiaries who may be paid directly. The intended change clarifies the conditions for direct payment.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: **William B. Saliski, Jr.**, Program Analyst, Veterans Administration, Department of Veterans Benefits (274), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3644**

RIN: 2900-AB75

3334. 1. PAYMENT TO THE WIFE OR HUSBAND OF AN INCOMPETENT VETERAN 2. LEGAL CUSTODIAN

Legal Authority: 38 USC 3202

CFR Citation: 38 CFR 13.57; 38 CFR 13.58

Legal Deadline: None

Abstract: 38 CFR 13.57 specifies types of VA benefits that may be paid to spouse payee. The intended change broadens the class of payments to include VA insurance.

38 CFR 13.58 explains in part duties expected of a legal custodian. The intended change will clarify the custodian's authority to purchase a burial agreement for the incompetent beneficiary.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: **William B. Saliski, Jr.**, Program Analyst, Veterans Administration, Department of Veterans Benefits (274), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3644**

RIN: 2900-AB76

3335. INVESTMENTS BY LEGAL CUSTODIANS

Legal Authority: 38 USC 3202

CFR Citation: 38 CFR 13.103

Legal Deadline: None

Abstract: The regulation gives Federally appointed legal custodian fiduciaries authority to invest surplus VA funds in savings bonds, or interest or dividend-paying accounts in State or Federally insured institutions. The intended regulation will give authority for investments in pre-need burial plans.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: **William B. Saliski, Jr.**, Program Analyst, Veterans Administration, Department of Veterans Benefits (274), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3644**

RIN: 2900-AB77

3336. 1. VETERANS SERVICES OFFICER'S ACTION WHEN VETERAN'S ESTATE EQUALS OR EXCEEDS $1,500 2. DETERMINATION OF VALUE OF ESTATE; 38 USC 3203(B)(1)

Legal Authority: 38 USC 3203(b)(1); PL 98-543, Sec 402

CFR Citation: 38 CFR 13.108; 38 CFR 13.109

Legal Deadline: None

Abstract: 38 CFR 13.108 defines the VSO's action and responsibility when a veteran is subject to discontinuance of payments under 38 USC 3203(b)(1). The intended change simplifies the title, updates the language of subsection (a) and further defines the VSO responsibilities regarding waiver of discontinuance under PL 98-543.

38 CFR 13.109 defines estate for purposes of the $1,500 limitation. The intended change further defines assets and incorporates two new exclusions on the basis of PL 98-543 and an unpublished General Counsel's opinion.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: **William B. Saliski, Jr.**, Program Analyst, Veterans Administration, Department of Veterans Benefits (274), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3644**

RIN: 2900-AB78

3337. ELIGIBILITY FOR EMPLOYMENT SERVICES, EMPLOYMENT HANDICAP, EMPLOYMENT ASSISTANCE, OVERVIEW OF EMPLOYMENT SERVICES

Legal Authority: 38 USC 1501; 38 USC 1502; 38 USC 1505(b); 38 USC 1516; 38 USC 1517

CFR Citation: 38 CFR 21.47; 38 CFR 21.51; 38 CFR 21.73; 38 CFR 21.250

Legal Deadline: None

Abstract: The VA has determined that employment assistance may be provided a veteran eligible for chapter 31, if the veteran though trained and qualified for suitable employment, has an employment handicap that prevents him or her from obtaining such employment, even if he or she is not a prior participant in a vocational rehabilitation program. It has previously been held that eligibility for employment services was limited to veterans who were current or prior participants under chapter 31.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: Dr. Karen Boies, Assistant Dir., Policy and Program Dev., Veterans Administration, 282, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2886

RIN: 2900-AB89

3338. ACCOUNTABILITY FOR AUTHORIZATION AND PAYMENT OF TRAINING AND REHABILITATION SERVICES

Legal Authority: 38 USC 1515(a) (4)

CFR Citation: 38 CFR 21.430(c)(1) and (2)

Legal Deadline: None

Abstract: The VA is proposing to increase the amounts which VR&C (Vocational Rehabilitation and Counseling) staff may approve for training and rehabilitation services. The change reflects increases in cost of training and rehabilitation services which have occurred since 1981 and administrative expenses. The change will improve program administration by allowing VR&C Officers and Directors to focus on those cases in which additional review is appropriate.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Dr. Karen Boies, Assistant Dir., Policy and Program Dev., Veterans Administration, 282, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2886

RIN: 2900-AB92

3339. APPLICANT STATUS, INTERRUPTED STATUS, DISCONTINUED STATUS, DUTIES OF THE VOCATIONAL REHABILITATION PANEL

Legal Authority: 38 USC 1502; 38 USC 1506; 38 USC 1507; 38 USC 1508; 38 USC 1510; 38 USC 1511

CFR Citation: 38 CFR 21.62; 38 CFR 21.182; 38 CFR 21.197; 38 CFR 21.198

Legal Deadline: None

Abstract: Current policies require follow-up of veterans who have previously clearly indicated they are not interested in vocational rehabilitation services. The VA is proposing to eliminate the provisions requiring such follow-up.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: Dr. Karen Boies, Assistant Dir., Policy and Program Dev., Veterans Administration, 282, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2886

RIN: 2900-AB93

3340. VETERANS EDUCATION; EFFECTIVE DATE OF REFUND UPON DISENROLLMENT FROM VEAP

Legal Authority: 38 USC 1602; 38 USC 1623; 38 USC 1632

CFR Citation: 38 CFR 21.5064(b)

Legal Deadline: None

Abstract: The law provides a few veterans with the opportunity to choose between receiving benefits under the Vietnam Era G.I. Bill or VEAP. Once such a veteran begins receiving benefits under the Vietnam Era G.I. Bill, he or she may never receive benefits under VEAP. Current regulations do not provide for a refund of the veteran's contributions to the VEAP fund when this situation occurs unless the veteran asks for a refund. The VA is considering permitting a refund even if the veteran did not apply for one.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: June C. Schaeffer, Assist. Dir. for Policy & Program Admin., Veterans Administration, 225C, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AB98

3341. DEFINITION OF FRAUD

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.1(aa), New; 38 CFR 3.901

Legal Deadline: None

Abstract: The definition of fraud for veterans' benefits purposes is being placed in the general definitions section and is being amended to include acts of omission as well as acts of commission. This action will allow a finding of fraud in certain cases where a beneficiary receives or retains benefits based on a knowing failure to provide necessary information.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, 211B, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-3005

RIN: 2900-AC01

3342. INTEREST AND PENALTIES ON UNTIMELY SUBMISSION OF FUNDING FEES BY LENDERS

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1)

CFR Citation: 38 CFR 36

Legal Deadline: None

Abstract: Public Law 97-253, the Omnibus Budget Reconciliation Act of 1982 (38 U.S.C. 1829) establishes that a funding fee will be collected on VA loans but the law does not establish any time limits within which it must be paid to the VA. Current VA Loan Guaranty procedures allow lenders up to 60 days from the loan closing date to remit loan funding fees and this delay in their collection and deposit has resulted in a significant amount of potential interest lost to the Federal government. The proposed regulation would require lenders to submit the fees to the VA within a 15 day period from the loan closing date and would implement penalty charges and interest assessments on delinquent submissions. Adoption of this regulation should improve collection timeliness and result in the collection of the interest income that is currently being lost as well as income from interest and penalty charges.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Veterans Administration, 264, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3042**

RIN: 2900-AC03

3343. ● INCREASED COVERAGE FOR SERVICEMEN'S AND VETERAN'S GROUP LIFE INSURANCE

Legal Authority: 38 USC 767; 38 USC 777; PL 99-166, Sec 401

CFR Citation: 38 CFR 9.1 to 9.8, (Revision); 38 CFR 9.16, (Revision); 38 CFR 9.22, (Revision); 38 CFR 9.27, (Revision); 38 CFR 9.36, (Revision)

Legal Deadline: None

Abstract: Section 401 of PL 99-166 increases the maximum amount of coverage available under the Servicemen's and Veteran's Group Life Insurance programs to $50,000. It also extends eligibility for Veteran's Group Life Insurance to members of the Individual Ready Reserves and Inactive National Guard. Regulations are being amended to reflect these changes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Paul F. Koons, Assistant Director for Insurance, Department of Veterans Benefits (290A), Veterans Administration, Veterans Administration Insurance Center, P.O. Box 8079, Philadelphia, PA 19101, **215 951-5360**

RIN: 2900-AC06

3344. ● COMPUTATION OF ENTITLEMENT UNDER CHAPTER 31

Legal Authority: 38 USC 1505

CFR Citation: 38 CFR Not yet determined

Legal Deadline: None

Abstract: To establish a specific method for determining entitlement changes under chapter 31. In view of the number of education and training programs now authorized under title 38, a specific statement of chapter 31 policy for determining entitlement changes is needed.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Dr. Karen G. Boies, Assistant Director, Policy and Program Development, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2886**

RIN: 2900-AC08

3345. ● 1. APPORTIONMENT OF BENEFITS TO DEPENDENTS 2. PAYMENT OF COST OF VETERAN'S MAINTENANCE IN INSTITUTION

Legal Authority: 38 USC 210; 38 USC 3202; 38 USC 3203; PL 98-543, Sec 402

CFR Citation: 38 CFR 13.70; 38 CFR 13.71

Legal Deadline: None

Abstract: 38 CFR 13.70 defines the conditions under which the Veterans Services Officer may recommend an apportionment of benefits to dependents. The proposed amendment will clarify these conditions. The amendment will also remove a reference to mental illness as the sole criteria for a rating of incompetency.

38 CFR 13.71 is to be amended to make clear that the signing of an institutional award agreement does not waive an institution's right to claim payments under 38 USC 641. This action is the result of an unpublished General Counsel opinion.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Government Levels Affected: State

Agency Contact: William Saliski, Program Analyst, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3644**

RIN: 2900-AC10

3346. ● END OF FLIGHT TRAINING IN VEAP (POST-VIETNAM ERA EDUCATIONAL ASSISTANCE PROGRAM)

Legal Authority: PL 97-35, Sec 2003

CFR Citation: 38 CFR 21.5021; 38 CFR 21.5072; 38 CFR 21.5132; 38 CFR 21.5137; 38 CFR 21.5138; 38 CFR 21.5250

Legal Deadline: None

Abstract: The Omnibus Budget Reconciliation Act of 1981 provided that people eligible for educational assistance under VEAP could not enroll in flight training for the first time after Sept. 30, 1981. Those people who enrolled in flight training during September 1981 could receive educational assistance only during that month. A person who enrolled in flight training before September 1, 1981 could receive educational assistance only if the continuity of his or her enrollment was not broken. No one has received educational assistance for flight training under VEAP during fiscal year 1985. Consequently, the continuity of everyone's enrollment has been broken. Educational assistance may no longer be paid for flight training under VEAP. This proposal eliminates all reference to flight training under VEAP.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration, Veterans Administration, Education Service (225), Dept. of Vet. Ben., 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AC14

3347. ● NONDUPLICATION - 38 U.S.C. CHAPTERS 31, 32, 34 AND 35

Legal Authority: 38 USC 1781

CFR Citation: 38 CFR 21.21

Legal Deadline: None

Abstract: 38 USC 1781(b) provides that no veteran may receive benefits concurrently for pursuit of the same program of education under chapter 30, 31, 32, 34 and 35 of this title. This does not preclude receipt of benefits for different programs of education pursued under different chapters. 38 CFR 21.21 is being amended to reflect this change in the law.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Dr. Karen G. Boies, Assistant Director, Policy and Program Development, Veterans Administration, Department of Veterans Benefits, 810 Vermont Ave., NW, Washington, DC 20420, **202 389-2886**

RIN: 2900-AC16

3348. ● COMMENCING DATES OF SUBSISTENCE ALLOWANCE

Legal Authority: 38 USC 1508

CFR Citation: 38 CFR 21.322

Legal Deadline: None

Abstract: The regulation is being revised to specify that payment for dependents may not be made earlier than the date of the dependent's existence in those cases in which dependency benefits are to be paid after the veteran enters or reenters the rehabilitation program. This represents a clarification of current policy, rather than a change in policy.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: No

Agency Contact: Dr. Karen G. Boies, Assistant Director, Policy and Program Development, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2886**

RIN: 2900-AC18

3349. ● USE OF CREDIT REPORTS FOR REFINANCING AND RESCHEDULING OF VA-GUARANTEED LOANS AND CLAIM SUBMISSIONS

Legal Authority: 38 USC 210(c) (1); 38 USC 1803(c) (1); 38 USC 1819(g); OMB Circular A-129

CFR Citation: 38 CFR 36.4200; 38 CFR 36.4300

Legal Deadline: None

Abstract: OMB Circular A-129 requires agencies managing Federal credit programs to obtain credit reports for all new applicants, when refinancing, and when loans are rescheduled in order to verify the information presented in the application. The circular further provides that rescheduling or reamortization shall be permitted only when it is in the best interest of the Government and where the agency has determined that recovery of all or a portion of the amount owed is reasonably assured. Credit reports must also be required in connection with claims on defaulted guaranteed loans to facilitate agency determinations of the next collection steps to be pursued. These revisions will enable VA to better determine whether a proposed loan reamortization is in the best interest of the government and will facilitate improvements in debt collection practices.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits (264), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3042**

RIN: 2900-AC19

BOARD OF VETERANS APPEALS

3350. ● APPEALS REGULATIONS AND RULES OF PRACTICE

Legal Authority: 38 USC 4002(b); 38 USC 4005

CFR Citation: 38 CFR 19.168, (Revision); 38 CFR 19.170, (Revision)

Legal Deadline: None

Abstract: These regulations are being amended to provide appellants with a copy of the tape recording of hearing proceedings. The Board would continue to provide written transcripts when the case is remanded and when good cause has been shown.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Jan Donsbach, Special (Legal) Assistant, Board of Veterans Appeals (OIC), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2978**

RIN: 2900-AC09

3351. ● APPEALS REGULATIONS AND RULES OF PRACTICE

Legal Authority: 38 USC 3401; 38 USC 3404; 38 USC 4005(b)(2)

CFR Citation: 38 CFR 19.152, (Revision); 38 CFR 19.156, (Revision)

Legal Deadline: None

Abstract: These regulations will be amended to allow attorneys to be employed by service organizations and to allow legal interns, law students and paralegals to work with attorneys who are presenting appeals in any capacity.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	

Small Entity: No

Agency Contact: Jan Donsbach, Special (Legal) Assistant, Board of Veterans Appeals (OIC), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2978**

RIN: 2900-AC11

EQUAL OPPORTUNITY STAFF

3352. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN VA PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 38 CFR 15

Legal Deadline: None

Abstract: Provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, as it applies to programs or activities conducted by the VA. Section 504 prohibits discrimination on the basis of handicap. There is no other alternative to the issuance of this regulation since it implements a legislative mandate. Qualified handicapped individuals will be assured of equal participation in programs or activities conducted by the VA.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

VA

Proposed Rule Stage

Agency Contact: Ana M. del Toro, Equal Opportunity Specialist, Veterans Administration, Office of Equal Opportunity (006B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2150

RIN: 2900-AA87

3353. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 29 USC 794

CFR Citation: 38 CFR 18.423(c); 38 CFR 18.401 to 18.426, App. A

Legal Deadline: None

Abstract: To incorporate a reference to the Uniform Federal Accessibility Standards (UFAS) and update the list of Federal financial assistance programs administered by the VA. The existing regulations require that new construction and alteration of facilities be made in an accessible manner. The regulations provide that new construction or alteration of facilities in conformance with the American National Standard Specifications for Making Building and Facilities Accessible to, and Usable by, the Physically Handicapped (ANSI A117.1-1961 (B 1971)) shall constitute compliance with the accessibility requirements for new construction and alteration of facilities. The proposed revision will replace the current standard with the UFAS, published under the Architectural Barriers Act of 1968. Because some facilities subject to the accessibility requirements of section 504 of the Rehabilitation Act of 1973 are also subject to the accessibility requirements of the Architectural Barriers Act, this proposal would eliminate any potential conflict between standards enforced under the two statutes.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Agency Contact: Ana M. Del Toro, Equal Employment Specialist, Veterans Administration, Office of Equal Opportunity (006B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2150

RIN: 2900-AB87

OFFICE OF THE GENERAL COUNSEL

3354. REVISION OF FEES FOR COPIES OF VA RECORDS

Legal Authority: 38 USC 3302; 5 USC 552(a)(4)(A); 5 USC 552a(f)(5)

CFR Citation: 38 CFR 1.526; 38 CFR 1.555; 38 CFR 1.577(f)

Legal Deadline: None

Abstract: Revises VA fee schedules currently in effect for the Privacy Act, the Freedom of Information Act, and 38 U.S.C. Sec 3301 to remove inconsistencies and establish a comprehensive uniform fee schedule. The alternative would be to leave the regulations unchanged. This would result in continued confusion in their application and loss of revenue to the Government since an increase in the fees is contemplated. There is no increased cost to the Government due to these changes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: David N. Stone, Director, Veterans Administration, Paperwork Management and Regulations Service, Office of Information Management & Statistic, 810 Vermont Ave., NW, Washington, DC 20420, 202 389-3616

RIN: 2900-AB18

3355. EFFECT OF GENERAL COUNSEL OPINIONS

Legal Authority: 38 USC 210(c)(1); 38 USC 4004(c)

CFR Citation: 38 CFR 14.507

Legal Deadline: None

Abstract: Clarifies the effect of General Counsel opinions with respect to binding and precedential legal interpretations. No alternatives are being considered. The change will assist VA personnel in understanding the effect of General Counsel opinions. It will benefit the public by enhancing the accessibility of General Counsel opinions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: No

Agency Contact: Andrew J. Mullen, Deputy Assistant General Counsel, Veterans Administration, Office of the General Counsel, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2440

RIN: 2900-AB22

3356. INVENTIONS BY EMPLOYEES OF VETERANS ADMINISTRATION AS COINVENTORS UNDER FUNDING AGREEMENTS

Legal Authority: 35 USC 200 to 207

CFR Citation: 38 CFR 1.635 to 1.643

Legal Deadline: None

Abstract: Under affiliation agreements between VA Medical Centers and local Colleges or Universities, VA employees and University employees are sometimes coinventors. Universities have requested VA to assign its interest in any such inventions to the University. Pub. L. No. 96-517 authorizes the VA to so assign its interest in certain circumstances, provided the invention was made under a funding agreement between the agency and the coinventing entity. These regulations will set forth the procedure and criteria for determination of patent right ownership in these situations. No costs will be imposed on the public. The public will benefit from consolidation of patent rights on one entity because this facilitates licensing and marketing of the invention, and thereby makes the invention available for public use.

Timetable:

Action	Date	FR Cite
Awaiting DOC action	00/00/00	

Small Entity: No

Agency Contact: Diana M. Bloss, Deputy Assistant General Counsel (024B), Veterans Administration, Office of General Counsel, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-3651

RIN: 2900-AB47

VA

Proposed Rule Stage

3357. ● ADMINISTRATOR'S DELEGATIONS OF AUTHORITY TO CERTAIN OFFICIALS (38 U.S.C. 212(A))

Legal Authority: 38 USC 629

CFR Citation: 38 CFR 2.6(e)

Legal Deadline: None

Abstract: Legislation is pending in the Congress which would amend 38 USC 629 to allow the VA to recover the cost of medical care furnished to nonservice-connected veterans from third party health insurance policies carried by these veterans and would prohibit such insurance policies from containing clauses disallowing reimbursement to Federal (VA) hospitals. The amendment will also clarify the Administrator's authority to compromise, settle or waive a claim to recover such costs. If enacted, this regulation will be amended to delegate the Administrator's compromise authority to the Office of General Counsel.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: E. Douglas Bradshaw, Jr., Deputy Assistant General Counsel, Office of the General Counsel (021B), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2252

RIN: 2900-AC05

3358. ● CLAIMS FOR COST OF MEDICAL CARE AND SERVICES

Legal Authority: 38 USC 629

CFR Citation: 38 CFR 14.619(c)

Legal Deadline: None

Abstract: Legislation is pending in the Congress which would amend 38 USC 629 to allow the VA to recover the cost of medical care furnished to nonservice-connected veterans from third party health insurance policies carried by these veterans and would prohibit such insurance policies from containing clauses disallowing reimbursement to Federal (VA) hospitals. If enacted this regulation will be amended to cite the new statutory authority.

Timetable:

Action	Date	FR Cite
NPRM one month following enactment	00/00/00	
Final Action four months following enactment	00/00/00	

Small Entity: No

Agency Contact: E. Douglas Bradshaw, Jr., Deputy Assistant General Counsel, Office of the General Counsel (021B), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2252

RIN: 2900-AC28

OFFICE OF CONSTRUCTION

3359. ENVIRONMENTAL EFFECTS OF VA ACTIONS

Legal Authority: 42 USC 4231 et seq; EO 11514; EO 11991; 40 CFR 1500 to 1508

CFR Citation: 38 CFR 26

Legal Deadline: None

Abstract: To implement provisions of National Environmental Policy Act of 1969 and EO 11514, as amended by EO 11991, and to provide policy and procedures for VA officials regarding environmental considerations when authorizing any VA action that affects the environment in the United States.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: Jon Baer, Director, Land Management Service, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2922

RIN: 2900-AB17

3360. ● PROTECTION OF ARCHEOLOGICAL RESOURCES

Legal Authority: 16 USC 470ii Archeological Resources Protection Act

CFR Citation: 38 CFR Not yet determined

Legal Deadline: None

Abstract: The Act requires that Federal land managers promulgate rules and regulations consistent with Uniform Regulations as may be appropriate to carry out his/her function and authorities under the Act to protect archeological resources on Federal lands. This rule making will enable the VA to protect archeological resources on VA-managed public lands by issuing permits for authorized excavations and/or removal of archeological resources, by imposing civil penalties for unauthorized excavation, removal, alteration, damage or defacement of archeological resources, by providing for the preservation of archeological collections and data, and by ensuring confidentiality of information about archeological resources when disclosure would threaten the resources.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1986

Affected Sectors: None

Agency Contact: Gjore J. Mollenhoff, Historic Preservation Officer, Office of Construction (08A1), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-3447

RIN: 2900-AC26

OFFICE OF PROCUREMENT AND SUPPLY

3361. ● VETERANS ADMINISTRATION ACQUISITION REGULATIONS

Legal Authority: 38 USC 210; 40 USC 486(c); PL 98-369

CFR Citation: 48 CFR 802, (Revision); 48 CFR 805, (Revision); 48 CFR 806, (New); 48 CFR 813, (Revision); 48 CFR 814, (Revision); 48 CFR 815, (Revision); 48 CFR 833, (Revision); 48 CFR 852, (Revision)

Legal Deadline: Statutory, April 1, 1985

Abstract: This proposed VA Acquisition Regulation provides necessary implementation and supplementation of the Federal Acquisition Regulation provisions implementing the Competition in Contracting Act. The Federal Acquisition provisions include significant restructuring of the FAR system and requires agency development of pertinent coverage in their respective regulations. This VA Acquisition Regulation will comply with the FAR requirements.

VA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: No

Agency Contact: Chris A. Figg, Chief, Policy Division, Office of Procurement & Supply (91), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2334**

RIN: 2900-AC12

VETERANS ADMINISTRATION (VA)

Final Rule Stage

DEPARTMENT OF MEDICINE AND SURGERY

3362. AMEND VA REGULATIONS FOR THE PURPOSE OF CORRECTING CERTAIN SPECIFIC TECHNICAL POINTS AND TO MAKE CERTAIN EDITORIAL CHANGES

Legal Authority: 38 USC 628

CFR Citation: 38 CFR 17.61; 38 CFR 17.80 to 17.85

Legal Deadline: None

Abstract: To clearly reflect the action to be taken when a patient breaks a treatment appointment. Increase the maximum allowance for prosthetic repairs and more clearly define the eligibility requirement for the benefit.

Timetable:

Action	Date	FR Cite
NPRM	07/23/85	50 FR 29990
NPRM Comment Period End	08/22/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Stuart Mount, Medical Administration Program Specialist, Veterans Administration, Department of Medicine and Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2143**

RIN: 2900-AB59

3363. MEDICAL CARE FOR VETERANS RECEIVING VOCATIONAL TRAINING UNDER CHAPTER 15

Legal Authority: 38 USC 524; 38 USC 525; PL 98-543

CFR Citation: 38 CFR 17.56

Legal Deadline: None

Abstract: Section 301 of P.L. 98-543 authorizes the VA to provide certain benefits to those nonservice-connected veterans entitled to VA pension who are participating in a VA program of vocational training. Medical benefits authorized are analogous to those authorized to service-connected veterans participating in a VA vocational rehabilitation program under 38 USC Chapter 31, such as hospital care and medical services.

Timetable:

Action	Date	FR Cite
NPRM	01/09/86	51 FR 992
Final Action	06/00/86	

Small Entity: No

Agency Contact: Paul Tryhus, Medical Administration Program Specialist, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2143**

RIN: 2900-AB60

3364. ● OUTPATIENT MEDICAL SERVICES FOR ELIGIBLE PERSONS

Legal Authority: 38 USC 612 (f) (1)

CFR Citation: 38 CFR 17.60(f)

Legal Deadline: None

Abstract: This extends follow-up medical services on an outpatient or ambulatory basis to a veteran who has received nursing home or domiciliary care and who requires such services for a period generally not to exceed 12 months following discharge, to complete treatment incident to such care.

Timetable:

Action	Date	FR Cite
Final Action	06/00/86	

Small Entity: No

Agency Contact: Paul Tryhus, Medical Administration Program Specialist, Department of Medicine and Surgery (136F), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2143**

RIN: 2900-AC20

DEPARTMENT OF VETERANS BENEFITS

3365. VETERANS EDUCATION; EDUCATIONAL ASSISTANCE TEST PROGRAM

Legal Authority: PL 96-342

CFR Citation: 38 CFR 21.5701 to 5744, (new)

Legal Deadline: None

Abstract: Some provisions in The Department of Defense Authorization Act, 1981 established an educational program for some veterans who enlisted or reenlisted in the Army, Navy, Marine Corps or Air Force after September 30, 1980 and before October 1, 1981. The VA is implementing this program, and will issue regulations to implement it.

Timetable:

Action	Date	FR Cite
NPRM	12/11/85	50 FR 50632
Final Action	06/00/86	

Small Entity: No

Agency Contact: June C. Schaeffer, Assist. Dir. for Policy & Program Admin., Veterans Administration, 225C, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AA01

3366. VETERANS EDUCATION; CERTIFICATIONS OF ENROLLMENT

Legal Authority: PL 96-466

CFR Citation: 38 CFR 21.4137; 38 CFR 21.4203; 38 CFR 21.4204

Legal Deadline: None

Abstract: Limits certifications of enrollment to one term, quarter or semester at a time. This will prevent overpayments which the VA is making because of late reports of reductions or terminations in training.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	48 FR 30151
NPRM Comment Period End	08/01/83	
Final Action	09/00/86	

Small Entity: No

Agency Contact: June Schaeffer, Ass't Dir. for Policy & Prog Administration, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AA58

3367. SOCIAL SECURITY NUMBERS IN VETERANS BENEFITS MATTERS

Legal Authority: 38 USC 210(c); PL 97-365, Sec 4

CFR Citation: 38 CFR 1.575

Legal Deadline: None

Abstract: Authorizes the collection and disclosure to the IRS, of the social security numbers from applicants for guaranteed, direct, or vendee loans, and from other program participants. This amendment is required by section 4 of Pub. L. 97-365, the Debt Collection Act of 1982, and by OMB Circular A-129, in order to increase the efficiency of Government-wide efforts to collect debts owed the United States and to improve credit management procedures.

Timetable:

Action	Date	FR Cite
NPRM	08/02/84	49 FR 30980
NPRM Comment Period End	09/04/84	
Final Action	04/00/86	

Small Entity: No

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-3042

RIN: 2900-AA95

3368. VETERANS EDUCATION; PROGRAMS OF EDUCATION AT MORE THAN ONE SCHOOL

Legal Authority: 38 USC 1652

CFR Citation: 38 CFR 21.4252

Legal Deadline: None

Abstract: The VA wishes to amend this regulation to recognize that the first portion of the subjects or courses in a baccalaureate program beyond those necessary for an associate degree may be given at a private as well as a public 2-year college. The amendment will also address the fact that the remainder of these programs may be offered at private as well as a public 4-year college or university.

Timetable:

Action	Date	FR Cite
NPRM	01/08/86	51 FR 764
Final Action	06/00/86	

Small Entity: No

Agency Contact: June C. Schaeffer, Ass't Director for Policy & Program Admin., Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AB41

3369. VETERANS EDUCATION; VEAP ELIGIBILITY

Legal Authority: PL 98-223

CFR Citation: 38 CFR 21.5022; 38 CFR 21.5040; 38 CFR 21.5058; 38 CFR 21.5060

Legal Deadline: None

Abstract: These regulations implement those provisions of the Veterans' Compensation and Program Improvements Amendments of 1984 which affect the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP). The most far-reaching provision permits those veterans who are eligible for both VEAP and the G.I. Bill to elect which one they will receive benefits under.

Timetable:

Action	Date	FR Cite
NPRM	09/17/85	50 FR 37700
Final Action	03/00/86	

Small Entity: No

Agency Contact: June C. Schaeffer, Asst. Dir. for Policy & Program Admin., Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AB43

3370. TEMPORARY PROGRAM FOR TRIAL WORK PERIODS AND VOCATIONAL REHABILITATION FOR CERTAIN VETERANS WITH TOTAL DISABILITY RATINGS

Significance: Regulatory Program

Legal Authority: PL 98-543, Sec 111

CFR Citation: 38 CFR 21.6500, series (new)

Legal Deadline: None

Abstract: The pilot program is directed at evaluating the effectiveness of a program of employment and/or vocational rehabilitation services in enabling veterans in receipt of disability ratings by virtue of individual unemployability to become employed. During the period from February 1, 1985, through January 31, 1989, the veteran with a total disability rating due to IU (Individual Unemployability) who wishes to return to work will be protected for 12 consecutive months of employment. The VA will provide vocational rehabilitation and/or employment services to assist veterans to train for or to secure employment. A veteran with an IU rating prior to February 1, 1985, may choose to use these employment services or be considered for training under the VA vocational rehabilitation program. In either case, the veteran's IU rating remains protected for 12 months if he or she secures employment. For veterans receiving an IU rating from February 1, 1985, and through January 31, 1989, an evaluation to determine if a vocational goal is feasible is required, and if it is, lack of participation will be considered in the veteran's next review of eligibility.

Timetable:

Action	Date	FR Cite
NPRM	10/22/85	50 FR 42726
NPRM Comment Period End	12/23/85	
Final Action Effective	03/00/86	

Small Entity: No

Agency Contact: Dr. Karen G. Boies, Asst. Director, Policy & Program Development, Veterans Administration, Department of Veterans Benefits (282), 810 Vermont Ave, NW, Washington, DC 20420, 202 389-2886

RIN: 2900-AB54

VA

Final Rule Stage

3371. VETERANS EDUCATION; MISCELLANEOUS ADMINISTRATIVE ADJUSTMENTS

Legal Authority: PL 98-525

CFR Citation: 38 CFR 21.1022; 38 CFR 21.3022; 38 CFR 21.4005; 38 CFR 21.4009; 38 CFR 21.4020; 38 CFR 21.4022; 38 CFR 21.4134; 38 CFR 21.4153; 38 CFR 21.4201; 38 CFR 21.4206; 38 CFR 21.4207; 38 CFR 21.4209; 38 CFR 21.4250

Legal Deadline: None

Abstract: The Veterans' Educational Assistance Act of 1984 established a new educational program for veterans and service members, and a new educational program for members of the Selected Reserves. Some of the provisions of the new programs affect the administration of the GI Bill for Vietnam Era veterans. The affected regulations will be brought into agreement with the law.

Timetable:

Action	Date	FR Cite
NPRM	11/14/85	50 FR 47066
NPRM Comment Period End	12/12/85	
Final Action	06/00/86	

Small Entity: No

Agency Contact: June C. Schaeffer, Ass'st Director for Policy and Program Admin, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB67

3372. SUBSISTENCE ALLOWANCE

Legal Authority: PL 98-543, Sec 201

CFR Citation: 38 CFR 21.260

Legal Deadline: None

Abstract: Public Law 98-543 increased the rate for payment of subsistence allowance by 10 percent effective October 1, 1984. Issuance of regulations is required. There are no significant cost savings or increases as a result of this change.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/84	
NPRM	09/25/85	50 FR 38862
NPRM Comment Period End	10/25/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Dr. Karen G. Boies, Asst. Director, Policy & Program Development, Veterans Administration, Department of Veterans Benefits (282), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2886**

RIN: 2900-AB79

3373. VETERANS EDUCATION: ENTITLEMENT CHARGES FOR OVERPAYMENTS

Legal Authority: 38 USC 1671

CFR Citation: 38 CFR 21.1045(h)

Legal Deadline: None

Abstract: Interest, administrative costs of collection, and marshal fees are charged to veterans or eligible persons with outstanding overpayments of educational assistance allowance. The pertinent sections of the Code of Federal Regulations will be amended to state that when such an overpayment is discharged in bankruptcy, the unrecovered portion of interest, administrative costs of collection, court costs and marshal fees will not result in a charge against a veteran's or eligible person's entitlement.

Timetable:

Action	Date	FR Cite
NPRM	11/01/85	50 FR 45629
NPRM Comment Period End	12/03/85	
Final Action	05/00/86	

Small Entity: No

Agency Contact: June C. Schaeffer, Assist. Dir. for Policy & Program Admin., Veterans Administration, 225C, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB91

3374. VETERANS EDUCATION; LIMIT ON REIMBURSEMENT OF WAGES UNDER THE EMERGENCY VETERANS' JOB TRAINING ACT

Legal Authority: PL 98-77

CFR Citation: 38 CFR 21.4632(e); 38 CFR 21.4634

Legal Deadline: None

Abstract: A few employers have been circumventing the intent of the Emergency Veterans' Job Training Act in order to receive more than 50% of the wages paid to veterans training under the Act. An additional limitation will be placed on the amount payable on behalf of a veteran. The limitation will prevent this abuse.

Timetable:

Action	Date	FR Cite
Final Action Effective	09/08/80	
NPRM	12/11/85	50 FR 50642
NPRM Comment Period End	01/10/86	
Final Action	05/00/86	

Small Entity: Undetermined

Agency Contact: June C. Schaeffer, Assist. Dir. for Policy & Program Admin., Veterans Administration, 225C, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB94

3375. VETERANS EDUCATION; WAIVER OF THE TWO-YEAR OPERATION REQUIREMENT

Legal Authority: 38 USC 1789(b)

CFR Citation: 38 CFR 21.4251(g)

Legal Deadline: None

Abstract: The law generally requires a course to be in operation for two years before it can be approved for VA training. There are several exceptions to this general rule and a provision for waiver. This change will make a waiver easier to obtain for a course offered pursuant to a contract with the Department of Transportation at a Coast Guard station.

Timetable:

Action	Date	FR Cite
NPRM	08/26/85	50 FR 34722
NPRM Comment Period End	09/25/85	50 FR 34722
Final Action	04/00/86	

Small Entity: No

Agency Contact: June C. Schaeffer, Assist. Dir. for Policy & Program Admin., Veterans Administration, 225C, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB95

3376. ● VETERANS EDUCATION: ASSURING COMPLIANCE WITH CIVIL RIGHTS LAWS

Legal Authority: 42 USC 2000; 20 USC 1681; 29 USC 794; 42 USC 6101

CFR Citation: 38 CFR 21.4258; 38 CFR 21.4303

Legal Deadline: None

Abstract: This proposal will set forth the responsibility State approving agencies have regarding implementation of the nation's equal opportunity laws. State approving agencies have been carrying out their responsibilities in regard to Title VI, Civil Rights Act of 1964 under contract with the VA. The VA intends to modify the contract to cover other equal opportunity laws.

Timetable:

Action	Date	FR Cite
NPRM	12/11/85	50 FR 50641
Final Action	05/00/86	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program, Administration, Veterans Administration, Education Service (225), Department of Veterans Benefits, 810 Vermont Ave. NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AC07

3377. ● VETERANS EDUCATION; NONMATRICULATED STUDENTS

Legal Authority: 38 USC 1652

CFR Citation: 38 CFR 21.4252

Legal Deadline: None

Abstract: The law forbids payment of GI Bill benefits to veterans who are not in a program of education. For several years the VA has had rules for determining whether or not veterans are in a program of education if they are planning on taking courses at two colleges or universities sequentially, but have not matriculated at either one. The VA has found that these rules are too restrictive. This proposal will liberalize those rules.

Timetable:

Action	Date	FR Cite
NPRM	01/08/86	51 FR 00764
Final Action Effective	07/00/86	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration, Veterans Administration, Education Service, Dept. of Vet. Ben. (225), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AC13

3378. ● VETERANS EDUCATION; AMENDMENTS TO THE VETERANS' JOB TRAINING ACT

Legal Authority: PL 99-238, Sec 201

CFR Citation: 38 CFR 21.4600; 38 CFR 21.4610; 38 CFR 21.4632

Legal Deadline: None

Abstract: The Veterans' Job Training Act has been amended by the Veterans' Compensation Rate Increase and Job Training Amendments of 1985. The Regulations implementing the Veterans' Job Training Act must be amended accordingly.

Timetable:

Action	Date	FR Cite
Final Action	05/00/86	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration, Veterans Administration, Education Service (225), Dept. of Vet. Ben., 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AC15

3379. ● VETERANS EDUCATION: EXTENSION OF THE VETERAN'S JOB TRAINING ACT

Legal Authority: PL 99-108

CFR Citation: 38 CFR 21.4632

Legal Deadline: None

Abstract: As provided by PL 99-108, this amended regulation changes the deadline for beginning a training program under the Veteran's Job Training Act from September 1, 1985 to July 1, 1986.

Timetable:

Action	Date	FR Cite
Final Action	04/00/86	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Policy and Program Administration, Veterans Administration, Education Service (225), Department of Veterans Benefits, 810 Vermont Avenue, NW Washington, DC 20420, **202 389-2092**

RIN: 2900-AC17

BOARD OF VETERANS APPEALS

3380. APPEALS REGULATIONS AND RULES OF PRACTICE

Legal Authority: 38 USC 4002(b); 38 USC 4005(d)(3); PL 98-144

CFR Citation: 38 CFR 19.129(c),(New); 38 CFR 19.132,(Revision)

Legal Deadline: None

Abstract: The Board of Veterans Appeals Plans to: (1) add a new subparagraph to 38 CFR 19.129 to explain that a response to a Supplemental Statement of the Case is optional, (2) add Martin Luther King, Jr.'s birthday to a list of legal holidays cited in 38 CFR 19.132.

Timetable:

Action	Date	FR Cite
NPRM	12/11/85	50 FR 50632
NPRM Comment Period End	01/10/86	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Jan Donsbach, Special (Legal) Assistant, Veterans Administration, Board of Veterans Appeals, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2978**

RIN: 2900-AB88

EQUAL OPPORTUNITY STAFF

3381. NONDISCRIMINATION ON THE BASIS OF SEX UNDER FEDERAL ASSISTED EDUCATION PROGRAMS AND ACTIVITIES

Legal Authority: 20 USC 1681 et seq; 38 USC 210(a); EO 12250

CFR Citation: 38 CFR 18

Legal Deadline: None

Abstract: To establish standards and procedures for enforcing Title IX of the Education Amendments of 1972 in educational programs and activities receiving Federal financial assistance from the VA. Title IX prohibits discrimination on the basis of sex. There are no alternatives to the issuance of the regulations.

VA

Final Rule Stage

Participants, potential participants and the public in general will benefit from Federally assisted programs provided free from prohibited discrimination based on sex.

Timetable:

Action	Date	FR Cite
NPRM	04/25/79	44 FR 24320
NPRM Comment Period End	05/25/79	
Final Action	07/00/86	

Small Entity: Undetermined

Agency Contact: Ana M. del Toro, Equal Opportunity Specialist, Veterans Administration, Office of Equal Opportunity (006B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2150

RIN: 2900-AB51

VETERANS ADMINISTRATION (VA)

Completed Actions

3382. EXTENSION OF DEFAULT REPORTING REQUIREMENT

CFR Citation: 38 CFR 36.4600(c)(1)

Completed:

Reason	Date	FR Cite
Final Action	02/06/86	51 FR 4596
Final Action Effective	01/10/86	

Small Entity: No

Agency Contact: Raymond Brodie 202 389-3668

RIN: 2900-AB35

3383. VETERANS EDUCATION; RETROACTIVE APPROVAL OF COURSES

CFR Citation: 38 CFR 21.4131; 38 CFR 21.4132

Completed:

Reason	Date	FR Cite
Final Action	11/26/85	50 FR 48580
Final Action Effective	12/26/85	

Small Entity: No

Agency Contact: June C. Schaeffer 202 389-2092

RIN: 2900-AB42

3384. VETERANS EDUCATION; CANCELLATION OF UNNECESSARY REGULATIONS

CFR Citation: 38 CFR 21.4136; 38 CFR 21.4137; 38 CFR 21.4235; 38 CFR 21.4237

Completed:

Reason	Date	FR Cite
Final Action	09/09/85	50 FR 36578
Final Action Effective	08/15/85	

Small Entity: No

Agency Contact: June C. Schaeffer 202 389-2092

RIN: 2900-AB44

3385. TEMPORARY VOCATIONAL REHABILITATION PROGRAMS AND AUTOMOBILE AND ADAPTIVE EQUIPMENT ALLOWANCE

CFR Citation: 38 CFR 3.341; 38 CFR 3.342; 38 CFR 3.343

Completed:

Reason	Date	FR Cite
Final Action	12/26/85	50 FR 52774
Final Action Effective	02/01/85	

Small Entity: No

Agency Contact: Robert M. White 202 389-3005

RIN: 2900-AB65

3386. INCOMPETENT-ESTATE OVER $1500 AND HOSPITALIZED

CFR Citation: 38 CFR 3.556; 38 CFR 3.557; 38 CFR 3.558

Completed:

Reason	Date	FR Cite
Final Action	12/11/85	50 FR 50615
Final Action Effective	10/24/84	

Small Entity: No

Agency Contact: Robert M. White 202 389-3005

RIN: 2900-AB66

3387. VETERANS EDUCATION; DELEGATION OF AUTHORITY

CFR Citation: 38 CFR 21.4001

Completed:

Reason	Date	FR Cite
Final Action	11/13/85	50 FR 46763
Final Action Effective	11/05/85	

Small Entity: No

Agency Contact: June C. Schaeffer 202 389-2092

RIN: 2900-AB71

3388. VETERANS EDUCATION; RIGHT TO INITIALLY ENROLL IN VEAP SUSPENDED

CFR Citation: 38 CFR 21.5054

Completed:

Reason	Date	FR Cite
Final Action	01/21/86	51 FR 2694
Final Action Effective	10/19/84	

Small Entity: No

Agency Contact: June C. Schaeffer 202 389-2092

RIN: 2900-AB73

3389. VETERANS EDUCATION; MEASUREMENT OF UNDERGRADUATE COURSES

CFR Citation: 38 CFR 21.4272(f)

Completed:

Reason	Date	FR Cite
Final Action	02/21/86	

Small Entity: No

Agency Contact: June C. Schaeffer 202 389-2092

RIN: 2900-AB90

3390. VETERANS EDUCATION; TECHNICAL CHANGES

CFR Citation: 38 CFR 21.4136(g); 38 CFR 21.4253(e); 38 CFR 21.4270(b)

VA

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	10/24/85	50 FR 43134
Final Action Effective	10/17/85	

Small Entity: No

Agency Contact: June C. Schaeffer 202 389-2092

RIN: 2900-AB97

3391. FREQUENCY OF PAYMENT OF IMPROVED PENSION

CFR Citation: 38 CFR 3.30

Completed:

Reason	Date	FR Cite
Final Action	01/15/86	51 FR 1789
Final Action Effective	12/01/85	

Small Entity: No

Agency Contact: Robert M. White 202 389-3005

RIN: 2900-AC02

3392. APPEALS REGULATIONS AND RULES OF PRACTICE

CFR Citation: 38 CFR 19.2; 38 CFR 19.157; 38 CFR 19.176; 38 CFR 19.179

Completed:

Reason	Date	FR Cite
Final Action	09/11/85	50 FR 36992
Final Action Effective	10/11/85	

Small Entity: No

Agency Contact: Jan Donsbach 202 389-2978

RIN: 2900-AB29

3393. WAIVER OF OVERPAYMENTS WAIVER - THIRD PERSONS STANDARDS FOR CLAIMS COLLECTIONS

CFR Citation: 38 CFR 1.962; 38 CFR 1.963(c); 38 CFR 1.900, series (new)

Completed:

Reason	Date	FR Cite
Final Action	09/25/85	50 FR 38802
Final Action Effective	09/03/85	

Small Entity: No

Agency Contact: Peter T. Mulhern 202 389-3405

RIN: 2900-AB33

3394. RECOGNITION OF ORGANIZATIONS, REPRESENTATIVES, AGENTS AND ATTORNEYS

CFR Citation: 38 CFR 14.664; 38 CFR 14.627 to 14.637

Completed:

Reason	Date	FR Cite
Withdrawn	12/16/85	

Small Entity: No

Agency Contact: Andrew J. Mullen 202 389-2440

RIN: 2900-AA38

3395. EMPLOYEE ACCEPTANCE OF FOOD AND REFRESHMENTS

CFR Citation: 38 CFR 0.735-11(b)(2)

Completed:

Reason	Date	FR Cite
Withdrawn	01/28/86	

Small Entity: No

Agency Contact: Audley Hendricks 202 389-3671

RIN: 2900-AB86

[FR Doc. 86-5794 Filed 04-18-86; 8:45 am]

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federal register

Monday
April 21, 1986

Part XLIV

Department of Defense/General Services Administration/ National Aeronautics and Space Administration

Federal Acquisition Regulation; Semiannual Regulatory Agenda

FAR

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. 1

Unified Agenda of Federal Regulations

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council, in compliance with Executive Order 12291, Federal Regulation. This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process.

The FAR Secretariat has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions, however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. 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 dates shown.

FOR FURTHER INFORMATION CONTACT: Margaret A. Willis, FAR Secretariat, (202) 523-4755.

SUPPLEMENTARY INFORMATION: DOD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the Federal Acquisition Regulation (FAR) and prescribe the FAR system. Revisions to the FAR are made through periodic issuance of Federal Acquisition Circulars (FAC's). None of the regulations listed in this agenda are considered major under Executive Order 12291, Federal Regulation.

DATED: March 6, 1986.

Lawrence J. Rizzi,

Director, Office of Federal Acquisition and Regulatory Policy.

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Proposed Rule Stage

3396. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 83-7)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 22

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to provide Governmentwide acquisition policy with respect to labor standards for contracts involving construction.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA12

3397. AMENDMENT TO FEDERAL ACQUISITION (FAR CASE 83-9)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 53

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to revise SF 295, Summary Subcontracting Report, and related instructions to clarify Labor Surplus Area Subcontracting Program reporting instructions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA21

3398. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-31)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 32

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to implement the Debt Collection Act.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA26

3399. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-32)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 13; 48 CFR 52

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to include, for use in small purchases, a clause on federal, state, and local taxes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA28

FAR

Proposed Rule Stage

3400. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-45)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 35

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to implement OFPP Letter 84-1 on Federally Funded Research and Development Centers.

Timetable:

Action	Date	FR Cite
NPRM	05/15/86	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Steets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA29

3401. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-33)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 3

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to exclude debarred and suspended contractors from conducting business with the Government as agents or representatives of other contractors.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA39

3402. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-30)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 32

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to implement the Prompt Payment Act and OMB Circular A-125.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA40

3403. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-75

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 45; 48 CFR 52

Legal Deadline: None

Abstract: Amend the FAR to clarify the contractor's responsibility for Government-furnished property under service contracts performed at Government installations.

Timetable:

Action	Date	FR Cite
NPRM	05/15/86	

Small Entity: Yes

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA61

3404. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-58

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 32; 48 CFR 52

Legal Deadline: None

Abstract: Amend the FAR to adjust customary progress payment rates commensurate with recent trends in interest rates in the private sector, and to promote uniformity throughout the FAR system on these rates.

Timetable:

Action	Date	FR Cite
NPRM	05/15/86	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA84

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Final Rule Stage

3405. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-10

Legal Authority: 40 USC 486 (c); 42 USC 2453 (c); 10 USC Chapter 137

CFR Citation: 48 CFR 7; 48 CFR 15; 48 CFR 19; 48 CFR 34; 48 CFR 52

Legal Deadline: Statutory, May 1, 1985

Abstract: (1) Implement Sec. 1213 of Pub. L. 98-525 and Sec. 201 of Pub. L. 98-577 by (a) requiring that the contracting officer, prior to contracting, review the acquisition history of the supplies or services and the description of the supplies, and (b) specifying new requirements applicable to planning for the solicitation of a major system production contract; (2) Implement Sec. 1245 of Pub. L. 98-525 and Sec. 501 of Pub. L. 98-577 by specifying that offerors/contractors (a) are required to distribute costs within contracts on a basis that ensures that unit prices of supplies are in proportion to the item's base cost, (b) may be required to identify supplies that they will not manufacture or to which they will not contribute significant value, and (c) are required to flow the requirement down to subcontractors; (3) Implement Sec.

1216 of Pub. L. 98-525 and Sec. 204 of Pub. L. 98-577 by requiring offerors/contractors in certain acquisitions to certify that the prices offered for those items of supply that the contractor offers for sale to the public are no higher than any lower price charged to any other customer during the preceding 60 days, or submit a written justification for any (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: differences; (4) Implement Sec. 402 of Pub. L. 98-577 by (a) widening the area where subcontracting possibilities are considered to exist, (b) further specifying the types of acquisitions that are to be considered for contracting and subcontracting with small and small disadvantaged business concerns, and (c) stating the policy of the United States that its prime contractors establish procedures to ensure timely payments to small and small disadvantaged subcontractors; and (5) Implement Sec. 1211 of Pub. L. 98-525 and Sec. 102 of Pub. L. 98-577 by specifying a definition of "major system."

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA00

3406. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-9

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 12; 48 CFR 33; 48 CFR 52

Legal Deadline: None

Abstract: To revise the FAR to comply with revised Department of Justice advice concerning the General Accounting Office (GAO) "stay" provisions in 31 U.S.C. 3553(c) and (d) and the GAO "damages" provision in 31 U.S.C. 3554(c) regarding payment of costs of filing and pursuing a protest and preparing the bid and proposal.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/20/85	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA01

3407. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-11

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 3; 48 CFR 7; 48 CFR 9; 48 CFR 14; 48 CFR 15; 48 CFR 52

Legal Deadline: Statutory, May 1, 1985

Abstract: To revise the FAR to (1) Prohibit contractors and subcontractors from asserting or agreeing to unreasonable restrictions on direct sales by subcontractors to the Government; (2) Prescribe policies, procedures, and a solicitation provision for gathering and using information from offerors to assist the Government in planning the most advantageous quantities in which supplies should be purchased; and (3) Prescribe policies, procedures, and a solicitation provision regarding the establishment and enforcement of qualification requirements for sources and products.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/85	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA02

3408. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-20)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 36; 48 CFR 53

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to add a definition and guidance regarding the acquisition of architect-engineer services.

Timetable:

Action	Date	FR Cite
NPRM	03/15/85	50 FR 10516
NPRM Comment Period End	04/14/85	50 FR 10516
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA11

3409. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-39)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 27; 48 CFR 52

Legal Deadline: Statutory, October 19, 1985

Abstract: Amend the Federal Acquisition Regulation to provide Governmentwide acquisition policy with respect to rights in data and copyrights.

Timetable:

Action	Date	FR Cite
NPRM	08/15/85	50 FR 32870
NPRM Comment Period End	09/30/85	50 FR 32870
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA14

3410. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-14)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None

FAR

Final Rule Stage

Abstract: Amend the Federal Acquisition Regulation to revise the contract clause entitled "Women-Owned Small Businesses" to (a) define "small business concern", (b) expand the definition of "women-owned small businesses are small business concerns", and (c) to specify that the contractor, acting in good faith, may rely on written representations by its subcontractors regarding their status as women-owned small businesses.

Timetable:

Action	Date	FR Cite
NPRM	03/22/85	50 FR 11523
NPRM Comment Period End	05/21/85	50 FR 11523
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA15

3411. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-27)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 3

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to add a new subpart (Subpart 3.7) on voiding and rescinding contracts.

Timetable:

Action	Date	FR Cite
NPRM	05/31/85	50 FR 23157
NPRM Comment Period End	07/01/85	50 FR 23157
Final Action	06/15/86	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA16

3412. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-7)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: Statutory, April 7, 1986

Abstract: Amend the Federal Acquisition Regulation to resolve certain problems associated with establishing the reasonableness of the cost of corporate aircraft.

Timetable:

Action	Date	FR Cite
NPRM	03/05/85	50 FR 8752
NPRM Comment Period End	05/06/85	50 FR 8752
Final Action	04/07/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA18

3413. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-3)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to raise the threshold of applicability from $10,000 to $25,000 with respect to the contract clause on "Utilization of Women-Owned Small Businesses" in order to reflect a corresponding increase in the Small Purchase limitation.

Timetable:

Action	Date	FR Cite
NPRM	01/30/85	50 FR 4241
NPRM Comment Period End	04/01/85	50 FR 4241
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA19

3414. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-54)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: Statutory, April 7, 1986

Abstract: Amend the Federal Acquisition Regulation to provide coverage in the contract cost principles with respect to the allowability of public relations costs.

Timetable:

Action	Date	FR Cite
NPRM	02/21/85	50 FR 7199
NPRM Comment Period End	04/22/85	50 FR 7199
Final Action	04/07/86	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA22

3415. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-53)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 9; 48 CFR 19

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to bring the FAR into conformance with section 8(b)(7) of the Small Business Act with the award of a contract to a small business pending final determination of its eligibility for award under the Walsh-Healey Public Contracts Act.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA24

3416. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-26)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: Public comment was solicited as to--

(a) The manner in which the language in the changes clauses in the Federal Acquisition Regulation is being applied; and

(b) Whether the clauses are consistently understood or need to be revised and clarified.

Timetable:

Action	Date	FR Cite
ANPRM	05/23/85	50 FR 21313
ANPRM Comment Period End	07/22/85	50 FR 21313
Final Action	05/15/86	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA31

3417. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-39)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 8

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to conform with revisions in Part 51 of 41 U.S.C. 46-48c regarding Purchases from the Blind and Other Severely Handicapped.

Timetable:

Action	Date	FR Cite
Final Action	05/15/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA32

3418. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-16)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to revise the contract cost principle on allowability of costs for compensated personal absences.

Timetable:

Action	Date	FR Cite
NPRM	07/13/84	49 FR 28571
NPRM Comment Period End	09/11/84	49 FR 28571
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA33

3419. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-40)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 14; 48 CFR 15; 48 CFR 16

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to require inclusion of contract identification codes on Standard Form 26, Award/Contract, and Standard Form 33, Solicitation, Offer, and Award.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA34

3420. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-16)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 14; 48 CFR 52

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to provide guidance under the rules of sealed bidding with respect to acceptable evidence in establishing the date of mailing of a late bid.

Timetable:

Action	Date	FR Cite
NPRM	03/22/85	50 FR 11522
NPRM Comment Period End	05/21/85	50 FR 11522
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA35

3421. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-22)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 49; 48 CFR 52

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to reinstate, in the termination clause for cost reimbursement contracts, certain language that was used in the Defense Acquisition Regulation and the Federal Procurement Regulations.

Timetable:

Action	Date	FR Cite
Final Action	05/15/86	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA36

3422. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-13)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 15

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to reinstate rules that were in the Defense Acquisition Regulation regarding items or work efforts to be included in make or buy programs.

FAR

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	07/12/84	49 FR 28421
NPRM Comment Period End	09/10/84	49 FR 28421
Final Action	06/15/86	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA37

3423. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-26)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 32; 48 CFR 52

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to provide a greater degree of flexibility with respect to retainage of funds from construction contract progress payments.

Timetable:

Action	Date	FR Cite
NPRM	02/21/85	50 FR 7200
NPRM Comment Period End	04/22/85	50 FR 7200
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA43

3424. ● FEDERAL ACQUISITION REGULATION (FAR) FAR CASE 85-28

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453 (c)

CFR Citation: 48 CFR 15; 48 CFR 52

Legal Deadline: Statutory, May 1, 1985

Abstract: Amend the FAR to implement Section 1245 of Pub L 98-525 and Sec 501 of Pub L 98-577 by specifying that offerors/contractors are (a) required to distribute costs within contracts on a basis that ensures that unit prices of supplies are in proportion to the item's base cost, (b) may be required to identify supplies that they will not manufacture or to which they will not contribute significant value and (c) are required to flow the requirement down to subcontractors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	50 FR 27560
Final Action	04/00/86	

Small Entity: No

Agency Contact: MARGARET A. WILLIS, FAR SECRETARIAT, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18TH & F STREETS, NW, WASHINGTON, DC 20405, 202 523-4755

RIN: 9000-AA45

3425. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-62

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453 (c)

CFR Citation: 48 CFR 8; 48 CFR 38

Legal Deadline: None

Abstract: Amend the FAR to include coverage concerning the International Federal Supply Schedule program developed by the General Services Administration to provide sources of supply to US Government activities located overseas.

Timetable:

Action	Date	FR Cite
Final Action	05/15/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA46

3426. ● FEDERAL ACQUISITION REGULATION (FAR) FAR CASE 85-63

Legal Authority: 40 USC 486 (c); 10 USC Chapter 137; 42 USC 2453 (c)

CFR Citation: 48 CFR 31

Legal Deadline: Statutory, April 7, 1986

Abstract: Amend the FAR to provide that any cost made specifically unallowable under FAR 31.205, Selected costs, cannot be allowed under any other section of FAR Subpart 31.2, Contracts with Commercial Organizations.

Timetable:

Action	Date	FR Cite
NPRM	12/19/85	50 FR 51776
NPRM Comment Period End	01/21/86	
Final Action	04/07/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA49

3427. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-64

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: Statutory, April 7, 1986

Abstract: Amend the FAR to clarify the contract cost principle applicable to contractor costs of company - furnished automobiles.

Timetable:

Action	Date	FR Cite
NPRM	12/19/85	50 FR 51776
NPRM Comment Period End	01/21/86	
Final Action	04/07/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA50

3428. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-65

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 40 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: Statutory, April 7, 1986

Abstract: Amend the FAR to implement Congressional direction regarding the costs of membership in social, dining, and country clubs.

Timetable:

Action	Date	FR Cite
NPRM	12/19/85	50 FR 51777
NPRM Comment Period End	01/21/86	
Final Action	04/07/86	

FAR

Final Rule Stage

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Street, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA51

3429. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-66

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: Statutory, April 7, 1986

Abstract: Amend the FAR to define those costs which are unallowable under covered contracts with respect to professional and consulting services, including legal services.

Timetable:

Action	Date	FR Cite
NPRM	12/19/85	50 FR 51778
NPRM Comment Period End	01/21/86	
Final Action	04/07/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA52

3430. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-67

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: Statutory, April 7, 1986

Abstract: Amend the FAR to define those costs which are unallowable under covered contracts with respect to executive branch lobbying.

Timetable:

Action	Date	FR Cite
NPRM	12/19/85	50 FR 51778
NPRM Comment Period End	01/21/86	
Final Action	04/07/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA53

3431. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-68

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: Statutory, April 7, 1986

Abstract: Amend the FAR to add a new contract cost principle to prohibit Government reimbursement of the costs of alcoholic beverages.

Timetable:

Action	Date	FR Cite
NPRM	12/19/85	50 FR 51779
NPRM Comment Period End	01/21/86	
Final Action	04/07/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Street, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA54

3432. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-69

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 46

Legal Deadline: None

Abstract: Amend the FAR to clarify the prescriptive language with respect to the use of the contract clause entitled "Inspection of Research and Development (Short Form)."

Timetable:

Action	Date	FR Cite
Final Action	06/15/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA55

3433. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-70

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 13; 48 CFR 14; 48 CFR 15; 48 CFR 43; 48 CFR 53

Legal Deadline: None

Abstract: Amend the FAR to convert Standard Form 36, Continuation Sheet, to an Optional Form.

Timetable:

Action	Date	FR Cite
Final Action	06/15/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA56

3434. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-71

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: Statutory, April 7, 1986

Abstract: Amend the FAR to limit allowable selling costs to market planning costs and direct selling.

Timetable:

Action	Date	FR Cite
NPRM	12/24/85	50 FR 52727
NPRM Comment Period End	02/10/86	
Final Action	04/07/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, Dc 20405, 202 523-4755

RIN: 9000-AA57

3435. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-72

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 15

Legal Deadline: None

Abstract: Amend the FAR to add a requirement that oral requests for best and final offers be confirmed in writing.

Timetable:

Action	Date	FR Cite
Final Action	05/15/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA58

3436. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-74

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: Amend the FAR to clarify terminology in the small business concern representation concerning the source of manufactured supplies.

Timetable:

Action	Date	FR Cite
Final Action	05/15/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Street, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA60

3437. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 86-4

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 9; 48 CFR 36

Legal Deadline: None

Abstract: Amend the FAR to provide appropriate cross references with respect to construction contractor performance evaluation reports.

Timetable:

Action	Date	FR Cite
Final Action	07/15/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Street, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA63

3438. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 86-5

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 1

Legal Deadline: None

Abstract: Amend the FAR to state that the FAR system is in accordance with Office of Federal Procurement Policy Letter 85-1 and that the FAR system does not include internal agency guidance as described in FAR 1.301(a)(2).

Timetable:

Action	Date	FR Cite
Final Action	06/15/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Street, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA64

3439. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 86-6

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 46; 48 CFR 52

Legal Deadline: None

Abstract: Amend the FAR to correct the contract clause entitled "Inspection of Construction."

Timetable:

Action	Date	FR Cite
Final Action	06/15/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, Dc 20405, 202 523-4755

RIN: 9000-AA65

3440. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 86-7

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 13

Legal Deadline: None

Abstract: Amend the FAR to incorporate the Treasury Department's increase in the imprest fund limitation from $150 to $500.

Timetable:

Action	Date	FR Cite
Final Action	05/15/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA66

3441. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 86-8

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 15

Legal Deadline: None

Abstract: Amend the FAR to clarify the coverage with respect to waiver of the requirement for submission of subcontractor certified cost or pricing data.

Timetable:

Action	Date	FR Cite
Final Action	07/15/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, Dc 20405, 202 523-4755

RIN: 9000-AA67

3442. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-32

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 15; 48 CFR 52

Legal Deadline: Statutory, May 1, 1985

Abstract: Amend the FAR to implement Sec 1216 of Pub L 98-525 and Sec 204 of Pub L 98-577 by requiring offerors/contractors in certain acquisitions to certify that the prices offered for those items of supply that the contractor offers for sale to the public are no higher than any lower price charged to any other customer during the preceding 60 days or submit a written justification for any differences.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	50 FR 27560
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA68

3443. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-43

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: Amend the FAR to alleviate inequities in contract clauses regarding FOB origin.

Timetable:

Action	Date	FR Cite
NPRM	11/22/85	50 FR 48332
NPRM Comment Period End	01/21/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA69

3444. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-44

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: Amend the FAR to revise the contract cost principle on compensation for personal services to make unallowable under Government contracts the amount of rebates and purchase discounts granted to employees on contractor produced products or services.

Timetable:

Action	Date	FR Cite
NPRM	10/09/85	50 FR 41179
NPRM Comment Period End	12/09/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A.Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA70

3445. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-45

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 45

Legal Deadline: None

Abstract: Amend the FAR to include the term "contractor-acquired property" in the FAR definition of Government property.

Timetable:

Action	Date	FR Cite
Final Action	05/15/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Street, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA71

3446. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-46

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 8

Legal Deadline: None

Abstract: Amend the FAR to provide current instructions concerning the purchase of identical items from commercial sources at prices lower than their Multiple Award Schedule counterparts.

Timetable:

Action	Date	FR Cite
Final Action	05/15/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA(VRS - FAR Secretariat), 18th & F Street, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA72

3447. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-47

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 27; 48 CFR 52

Legal Deadline: Statutory, November 1, 1985

Abstract: Amend the FAR to implement Pub L 98-525 and Pub L 98-577 concerning the validation of restrictive markings on technical data delivered by a contractor to the Government.

Timetable:

Action	Date	FR Cite
NPRM	10/03/85	50 FR 40416
NPRM Comment Period End	01/09/86	50 FR 45442
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA73

3448. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-48

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: Amend the FAR to revise the contract cost principle on insurance and indemnification to make premiums for retroactive or backdated insurance expressly unallowable on Government contracts.

Timetable:

Action	Date	FR Cite
NPRM	10/21/85	50 FR 42657
NPRM Comment Period End	11/20/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Street, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA74

3449. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-49

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 52

Legal Deadline: Statutory, April 7, 1986

Abstract: Amend the FAR to revise language in the contract clauses entitled "Cost Accounting Standards" and "Disclosure and Consistency of Cost Accounting Practices" concerning changes in the interest rate charged contractors, predicated on the passage of the 1986 Defense Authorization Act.

Timetable:

Action	Date	FR Cite
NPRM	10/28/85	50 FR 43643
NPRM Comment Period End	11/27/85	
Final Action	04/07/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA75

3450. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-50

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 19

Legal Deadline: None

Abstract: Amend the FAR to provide guidance to contracting officers concerning Small Business Administration breakout procurement center representatives.

Timetable:

Action	Date	FR Cite
Final Action	05/15/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA76

3451. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-51

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: Amend the FAR to revise the contract cost principle on advance agreements to highlight training and education costs as an example of costs for which advance agreements may be particularly important.

Timetable:

Action	Date	FR Cite
NPRM	11/01/85	50 FR 45708
NPRM Comment Period End	12/31/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Street, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA77

3452. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-52

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 12; 48 CFR 52

Legal Deadline: None

Abstract: Amend the FAR to update coverage on Priorities and Allocations to conform with Department of Commerce regulations on the subject.

Timetable:

Action	Date	FR Cite
Final Action	05/15/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Street, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA78

3453. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-53

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: Amend the FAR to revise the contract cost principle on relocation costs to clarify language defining the time requirement for a permanent change of station, correct the list of allowable relocation costs, and clarify the allowability of relocation costs of employees who are hired, relocated, and returned to their point of hire in connection with specific contracts or long-term field projects.

Timetable:

Action	Date	FR Cite
NPRM	11/26/85	50 FR 48735
NPRM Comment Period End	01/27/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA79

3454. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-54

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: Statutory, April 7, 1986

Abstract: Amend the FAR to provide (a) an evaluation tool for judging the reasonableness of compensation costs for personal services under Government contracts and (b) a framework for dealing with possible Government challenges of cost reasonableness.

Timetable:

Action	Date	FR Cite
NPRM	12/03/85	50 FR 49662
NPRM Comment Period End	02/03/86	
Final Action	04/07/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Street, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA80

3455. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-55

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: Statutory, April 7, 1986

Abstract: Amend the FAR to revise the contract cost principle on employee morale, health, welfare, food services, and dormitory costs and credits to expand the areas to be considered in the administration of the cafeteria and dormitory break-even requirement of the regulation.

Timetable:

Action	Date	FR Cite
NPRM	12/03/85	50 FR 49662
NPRM Comment Period End	02/03/86	
Final Action	04/07/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA81

3456. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-56

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 15; 48 CFR 52

Legal Deadline: None

Abstract: Amend the FAR to prescribe a new solicitation provision entitled "Evaluation of Offers for Multiple Awards."

Timetable:

Action	Date	FR Cite
Final Action	05/15/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Street, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA82

3457. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-57

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 45

Legal Deadline: None

Abstract: Amend the FAR to add coverage on contractor use and rental of Government property.

Timetable:

Action	Date	FR Cite
Final Action	05/15/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Street, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA83

3458. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASES 85-59

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 8; 48 CFR 52

Legal Deadline: None

Abstract: Amend the FAR to prescribe a new contract clause entitled "Tagging of Leased Vehicles."

Timetable:

Action	Date	FR Cite
Final Action	05/15/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA85

3459. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-60

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 15

Legal Deadline: None

Abstract: Amend the FAR to provide internal procedures to be used by the Government when cost or pricing data is deficient or when the contractor denies access to cost or pricing data or records essential to the review of the proposal.

Timetable:

Action	Date	FR Cite
Final Action	05/15/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA86

3460. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-73

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: Statutory, April 7, 1986

Abstract: Amend the FAR to implement section 911 of Pub L 99-145 concerning contract cost principles on contributions and donations, fines and penalties, and defense of fraud proceedings.

Timetable:

Action	Date	FR Cite
NPRM	12/27/85	50 FR 53088
NPRM Comment Period End	01/27/86	
Final Action	04/07/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA88

3461. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-76

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 36

Legal Deadline: None

Abstract: Amend the FAR to include in coverage on presolicitation notices in construction contracting, a cross reference to pertinent relevant guidance

FAR

Final Rule Stage

on disclosure of the magnitude of construction projects.

Timetable:

Action	Date	FR Cite
Final Action	05/15/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA89

3462. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-61

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 19

Legal Deadline: None

Abstract: Amend the FAR to relocate guidance concerning long standing contractual relationships as a factor in determinations concerning subcontracting possibilities.

Timetable:

Action	Date	FR Cite
Final Action	05/15/86	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA90

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Completed Actions

3463. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-34)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to delete unnecessary verbiage from the contract clause entitled "Government Property (Cost Reimbursement, Time-and-Material, or Labor-Hour Contracts)."

Timetable:

Action	Date	FR Cite
Final Action	01/20/86	51 FR 2648

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA10

3464. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-42)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to correct an inappropriate cross reference in the contract clause entitled Payments Under Time-and-Materials and Labor-Hour Contracts, and provide a necessary alternate to the clause to tailor it for use in labor-hour contracts.

Timetable:

Action	Date	FR Cite
Final Action	01/20/86	51 FR 2648

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA13

3465. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-35)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to ensure that foreign selling costs are not reimbursed on contracts for U.S. Government requirements, and comply with Sec. 8102 of the FY 1985 Continuing Resolution pertaining to the Department of Defense.

Timetable:

Action	Date	FR Cite
Final Action	01/20/86	51 FR 2648

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA17

3466. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-21)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 4

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to clarify the terms "classified information" and "information" and reference "Executive Order 12356" in the definition in Subpart 4.4, "Safeguarding Classified Information Within Industry."

Timetable:

Action	Date	FR Cite
Final Action	01/20/86	51 FR 2648

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA20

3467. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-20)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 53

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to discontinue Standard Form 36, Continuation Sheet.

Timetable:

Action	Date	FR Cite
Withdrawn	12/12/85	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA23

3468. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-33)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 45

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to bring the dollar ceiling specified with respect to records of Government property into alignment with the corresponding dollar ceiling in the pertinent contract clause prescription.

Timetable:

Action	Date	FR Cite
Final Action	01/20/86	51 FR 2648

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA25

3469. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-29)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 53

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to illustrate the revised SF 279, FPDS Individual Contract Action Report (Over $10,000), which has been revised to reflect the requirements of Pub. L. 98-369.

Timetable:

Action	Date	FR Cite
Final Action	01/20/86	51 FR 2648

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA27

3470. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-24)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 14; 48 CFR 15; 48 CFR 52

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to convert to contract clauses the solicitation provisions entitled "Order of Precedence."

Timetable:

Action	Date	FR Cite
Final Action	01/20/86	51 FR 2648

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA30

3471. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-19)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 25

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to correct an inappropriate cross reference in Part 25, Foreign Acquisition.

Timetable:

Action	Date	FR Cite
Final Action	01/20/86	51 FR 2648

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA38

3472. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASES 84-7, 84-48, 85-22, AND 85-40)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 19

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to incorporate revised small business size standards, add pertinent definitions, and accommodate the Small Business Administration's revisions to 13 CFR 121, as published in the Federal Register on February 15, 1985.

Timetable:

Action	Date	FR Cite
Final Action	01/20/86	51 FR 2648

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA41

3473. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-41)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 36

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to reference SF 1420, Performance Evaluation (Construction), in the paragraph of the text that specifies the conditions under which such construction performance evaluations are to be accomplished.

Timetable:

Action	Date	FR Cite
Final Action	01/20/86	51 FR 2648

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA42

3474. ● FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 84-52

Legal Authority: 40 USC 486(E)486(e); 10 USC Chapter 137; 42 USC 245(c)

CFR Citation: 48 CFR 4; 48 CFR 5; 48 CFR 6; 48 CFR 7; 48 CFR 10; 48 CFR 13; 48 CFR 15; 48 CFR 17; 48 CFR 19; 48 CFR 34; 48 CFR 52

Legal Deadline: Statutory, April 1, 1985

Abstract: Amend the Federal Acquisition Regulation to implement the Competition in Contracting Act of 1984.

Timetable:

Action	Date	FR Cite
Final Action	12/23/85	50 FR 52428

Small Entity: Yes

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000-AA44

[FR Doc. 86-5887 Filed 04-18-86; 8:45am]

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federal register

Monday
April 21, 1986

Part XLV

Commodity Futures Trading Commission

Semiannual Regulatory Agenda

CFTC

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of regulatory flexibility agenda.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of significant rules which the Commission expects to propose or promulgate over the next year. The Commission welcomes comments from small entities and others upon the subject area of the agenda.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Harold L. Hardman, Esquire, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 (202) 254-9880.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601, et seq. ("RFA"), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that:

(a) During the months of October and April of each year, each agency shall publish in the **Federal Register** a regulatory flexibility agenda which shall contain:

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

5 U.S.C. 602(a). Accordingly, the Commission has prepared an agenda of significant rules which it presently expects may be considered during the course of the next year. The agenda lists all significant rules which may be considered by the Commission within the next year, irrespective of their potential impact on small entities.[1]

The Commission's agenda represents its best estimate at this time of significant rules which will be considered sometime over the next twelve months.[2] In this regard, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda, or requires an agency to consider or act on any matter listed in such agenda."

The Commission is publishing its April 1986 Regulatory Flexibility Agenda as part of the April 1986 "Unified Agenda of Federal Regulations." The "Unified Agenda of Federal Regulations" is coordinated by the Office of Management and Budget pursuant to Executive Order 12291. While participation by executive agencies in the Agenda is mandatory, independent agencies, such as the Commission, participate in the Unified Agenda on a voluntary basis.

The Commission's April 1986 Regulatory Flexibility Agenda is set forth below.

Issued in Washington, D.C., on March 6, 1986, by the Commission.

Jean A. Webb,

Secretary of the Commission.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3475	Regulations Governing the Offer and Sale of Foreign Futures and Option Contracts in the United States	3038-AA33
3476	Review of Exchange Disciplinary Actions	3038-AA49

[1] The Commission has published its definitions of small entity to be used by the Commission in connection with rulemaking proceedings. 47 FR 18618 (Apr. 30, 1982). Pursuant to those definitions, the Commission is not required to list many of the agenda items contained in this regulatory flexibility agenda. *See* 5 U.S.C. 602(a)(1). Moreover, the Commission has previously certified, pursuant to section 605 of the RFA, 5 U.S.C. 605, that certain items contained in this agenda will not have a significant economic impact on a substantial number of small entities. Accordingly, listing of an event in this regulatory flexibility agenda should not, in any event, be taken as a determination that a rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. However, the Commission hopes that the publication of an agenda which includes significant rules, regardless of their potential impact on small entities, may serve the public generally by providing an early and meaningful opportunity to participate in and comment on the formulation of new or revised regulations.

[2] In addition to publishing the regulatory flexibility agenda, the Commission also makes available to the public, on a monthly basis, a calendar listing rules that the Commission intends to consider that month.

CFTC

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3477	Regulations Permitting the Grant, Offer and Sale of Options on Physical Commodities (Dealer Options)	3038-AA03
3478	Minimum Financial and Related Reporting Requirements for Futures Commission Merchants	3038-AA10
3479	Commodity Options; Margins	3038-AA34
3480	Activities of Persons Possessing Material, Nonpublic Information	3038-AA39
3481	Margining of Exchange - Traded Commodity Option Positions	3038-AA43
3482	Transfer or Liquidation of Open Commodity Contracts Carried by a Clearing Member Futures Commission Merchant	3038-AA44
3483	Domestic Exchange-Traded Commodity Options: Expansion of the Pilot Program for Options on Agricultural Futures Contracts	3038-AA47
3484	Domestic Exchange-Traded Commodity Options: Revisions to Pilot Programs for Non-Agricultural Options Contracts	3038-AA48
3485	Commission Records and Information; Records Maintained on Individuals	3038-AA50
3486	Transfer of Registration Processing Functions	3038-AA51

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3487	Regulation of Leverage Transactions	3038-AA04
3488	Reporting Requirements for Contract Markets, Futures Commission Merchants, Clearing Members, and Traders	3038-AA38
3489	Trade Time-Sequencing Standards and Exchange Audit Trail Systems	3038-AA40
3490	Domestic Exchange-Traded Commodity Options: Expansion of the Pilot Program for Options on Non-Agricultural Futures Contracts	3038-AA46

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Proposed Rule Stage

3475. REGULATIONS GOVERNING THE OFFER AND SALE OF FOREIGN FUTURES AND OPTION CONTRACTS IN THE UNITED STATES

Legal Authority: 7 USC 2; 7 USC 6(b); 7 USC 6c

CFR Citation: Not yet determined

Abstract: The Division of Trading and Markets will prepare for Commission consideration proposed rules governing the domestic offer and sale of futures contracts and options traded on or subject to the rules of a foreign board of trade. The proposed rules are intended to implement the provisions of Sections 2(a)(1)(A), 4(b) and 4c of the Commodity Exchange Act which invest the Commission with exclusive jurisdiction over the offer and sale of such instruments in the United States.

Timetable:

Action	Date	FR Cite
ANPRM	07/25/84	
NPRM	06/00/86	

Small Entity: Undetermined

Agency Contact: Jane C. Kang, Esquire, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, **202 254-8955**

RIN: 3038-AA33

3476. ● REVIEW OF EXCHANGE DISCIPLINARY ACTIONS

Legal Authority: 7 USC 12a; 7 USC 12c

CFR Citation: 17 CFR 9

Abstract: The Division of Trading and Markets ("Division") intends to propose amendments to the Commission's Part 9 rules governing Commission review of exchange disciplinary, access denial, and other adverse actions to facilitate the review of such actions. The proposed amendments are intended to (1) streamline the procedures, (2) clarify the types of actions for which the Commission will accept review and (3) establish standards pursuant to which the Commission will affirm, reverse or otherwise affect an exchange action.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Phillip V. McGuire, Esquire, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K St., NW, Washington, DC 20581, **202 254-8955**

RIN: 3038-AA49

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Final Rule Stage

3477. REGULATIONS PERMITTING THE GRANT, OFFER AND SALE OF OPTIONS ON PHYSICAL COMMODITIES (DEALER OPTIONS)

Legal Authority: 7 USC 6c(b) Commodity Exchange Act, Sec 4c(b); 7 USC 6c(d) Commodity Exchange Act, Sec 4c(d); 7 USC 12a(5) Commodity Exchange Act, Sec 8a(5)

CFR Citation: 17 CFR 1; 17 CFR 3; 17 CFR 32

Abstract: Congress has directed the Commission to issue regulations permitting grantors and futures commission merchants to grant, offer and sell so-called "dealer options" on certain physical commodities subject to certain conditions specified by statute and such other uniform and reasonable requirements as the Commission may prescribe. At present, the only persons who may lawfully grant dealer options are United States domiciles who, on May 1, 1978, were in the business of buying, selling, producing or otherwise using that commodity. The Commission has reproposed rules, principally concerning registration of dealer option grantors, requirements for the segregation of customer funds, disclosure to customers and prospective customers, and minimum financial requirements. The Commission intends to re-evaluate the proposed rules in light of regulatory changes that have occurred since 1980.

Timetable:

Action	Date	FR Cite
NPRM	12/20/78	43 FR 59396
NPRM	04/27/81	46 FR 23469
ANPRM	05/17/85	50 FR 10786
Final Action	00/00/00	

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Robert H. Rosenfeld, Esquire, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038-AA03

3478. MINIMUM FINANCIAL AND RELATED REPORTING REQUIREMENTS FOR FUTURES COMMISSION MERCHANTS

Legal Authority: 7 USC 6d Commodity Exchange Act, Sec 4d; 7 USC 6f Commodity Exchange Act, Sec 4f; 7 USC 12a Commodity Exchange Act, Sec 8a

CFR Citation: 17 CFR 1.17

Abstract: The Commission has revised the proposed amendments to the Commission's minimum financial and related reporting requirements which had been pending final action. As revised, the proposed amendments would: (1) clarify the treatment to be accorded to securities in current assets, whether or not such securities are subject to repurchase agreements; (2) require FCMs to calculate a concentration charge in computing their adjusted net capital; (3) change the treatment of debit/deficit accounts; and (4) clarify the requirements for and the treatment of a guaranteed account.

Timetable:

Action	Date	FR Cite
NPRM	06/25/80	45 FR 42633
NPRM	12/01/80	45 FR 79498
NPRM	08/05/85	50 FR 31612
Final Action	00/00/00	

Small Entity: No

Agency Contact: Lawrence Patent or Gary Miller, Assoc. Chief Counsel and Asst. Chief Acct., Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038-AA10

3479. COMMODITY OPTIONS; MARGINS

Legal Authority: 7 USC 6c Commodity Exchange Act, Sec 4c; 7 USC 6d Commodity Exchange Act, Sec 4d; 7 USC 6f Commodity Exchange Act, Sec 4f; 7 USC 7 Commodity Exchange Act, Sec 5; 7 USC 7a Commodity Exchange Act, Sec 5a; 7 USC 12a(5) Commodity Exchange Act, Sec 8a(5)

CFR Citation: 17 CFR 1; 17 CFR 33

Abstract: The Commission is proposing to amend Commission regulation 33.4(a)(2), which currently provides that a contract market applying for designation to trade commodity option contracts must require full payment of option premiums by the contract market's clearing organization. Under the proposed rule amendment, a contract market could choose instead to adopt rules permitting its members to make a deposit with respect to the option premium, subject to certain proposed requirements. In addition, the Commission is proposing to amend regulations 1.3, 1.12 and 1.17 to reflect in its minimum financial requirements for futures commission merchants the margin treatment which may be accorded option positions under proposed amendments to regulation 33.4(a)(2).

Timetable:

Action	Date	FR Cite
ANPRM	03/15/83	48 FR 10857
Rule-related Notice	10/31/83	48 FR 50073
NPRM	03/09/84	49 FR 8937
Final Action	12/31/86	

Small Entity: Undetermined

Agency Contact: Robert H. Rosenfeld, Esquire, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038-AA34

3480. ACTIVITIES OF PERSONS POSSESSING MATERIAL, NONPUBLIC INFORMATION

Legal Authority: 7 USC 5 Commodity Exchange Act, Sec 3; 7 USC 6b Commodity Exchange Act, Sec 4b; 7 USC 7 Commodity Exchange Act, Sec 5; 7 USC 7a Commodity Exchange Act, Sec 5a; 7 USC 8 Commodity Exchange Act, Sec 6; 7 USC 13a Commodity Exchange Act, Sec 6b; 7 USC 12 Commodity Exchange Act, Sec 8; 7 USC 12a Commodity Exchange Act, Sec 8a; 7 USC 13 Commodity Exchange Act, Sec 9

CFR Citation: 17 CFR 1

Abstract: The Commission has proposed to adopt regulation 1.59 which would require designated self-regulatory organizations to adopt rules that prohibit their employees from trading certain futures or options contracts which are related to their employment responsibilities and from divulging material, nonpublic information obtained as a result of employment at the self-regulatory organization. It also would be a violation of proposed regulation 1.59 for an employee to divulge material, nonpublic information obtained by reason of employment at a self-regulatory organization.

Timetable:

Action	Date	FR Cite
ANPRM Comment Period End	06/11/85	50 FR 24533
Final Action	06/00/86	

Small Entity: No

Agency Contact: De'Ana Hamilton-Brown, Attorney, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038-AA39

3481. MARGINING OF EXCHANGE - TRADED COMMODITY OPTION POSITIONS

Legal Authority: 7 USC 2 Commodity Exchange Act, Sec. 2(a)(1)(A); 7 USC 2a Commodity Exchange Act, Sec. 2(a)(1)(B); 7 USC 6c(c) Commodity Exchange Act, Sec. 4c(c); 7 USC 6d Commodity Exchange Act, Sec. 4d; 7 USC 7 Commodity Exchange Act, Sec. 5; 7 USC 7a Commodity Exchange Act, Sec. 5a; 7 USC 12a(5) Commodity Exchange Act, Sec. 8a(5)

CFR Citation: 17 CFR 33

Abstract: The Commission has proposed to adopt a guideline pursuant to which the Commission will review and approve the rules of designated contract markets relating to the margining of option positions. The proposed guideline is intended to serve as a basis for ensuring, to the extent possible, that the margin assessed by contract markets on option positions both long and short, is commensurate with the risk assumed.

Timetable:

Action	Date	FR Cite
NPRM	08/05/85	50 FR 31625
Final Action	00/00/00	

Small Entity: No

Agency Contact: Kevin M. Foley, Chief Counsel, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038-AA43

3482. TRANSFER OR LIQUIDATION OF OPEN COMMODITY CONTRACTS CARRIED BY A CLEARING MEMBER FUTURES COMMISSION MERCHANT

Legal Authority: 7 USC 2 Commodity Exchange Act, Sec. 2(a)(1)(A); 7 USC 2a Commodity Exchange Act, Sec. 2(a)(1)(B); 7 USC 6c(c) Commodity Exchange Act, Sec. 4c(c); 7 USC 6d Commodity Exchange Act, Sec. 4d; 7 USC 7 Commodity Exchange Act, Sec. 5; 7 USC 7a Commodity Exchange Act, Sec. 5a; 7 USC 12a(5) Commodity Exchange Act, Sec. 8a(5); 7 USC 24 Commodity Exchange Act, Sec. 24

CFR Citation: 17 CFR 1; 17 CFR 190

Abstract: The Commission has requested comment on whether it should propose rules requiring each contract market and its related clearing association to adopt regulations governing the procedure pursuant to which the open commodity contracts carried by a clearing member futures commission merchant ("FCM") which has defaulted on a margin obligation are transferred or liquidated. The Commission also has requested comment on whether it should amend its rules relating to liquidation of open positions in the event of a commodity broker bankruptcy. Comments will assist the Commission in determining whether it should propose rules which would provide express general guidelines to contract markets and their related clearing organizations for addressing similar default situations and thereby eliminate ad hoc procedures.

Timetable:

Action	Date	FR Cite
ANPRM	08/05/85	50 FR 31623
Final Action	00/00/00	

Small Entity: No

Agency Contact: Kevin M. Foley, Chief Counsel, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038-AA44

3483. ● DOMESTIC EXCHANGE-TRADED COMMODITY OPTIONS: EXPANSION OF THE PILOT PROGRAM FOR OPTIONS ON AGRICULTURAL FUTURES CONTRACTS

Legal Authority: 7 USC 2; 7 USC 6c(a); 7 USC 6c(c); 7 USC 12a

CFR Citation: 17 CFR 33.4

Abstract: On January 17, 1984, the Commission adopted rules establishing a three year pilot program for the trading of options on futures contracts in domestic agricultural commodities. 49 FR 2752 (Jan. 23, 1984). This pilot program provides that a board of trade may be designated as an option contract market on not more than two domestic agricultural futures contracts. In the spring of 1985, the Commission received two petitions to amend Commission rule 33.4(a)(6)(i) in order to expand the pilot program for options on futures contracts on domestic agricultural commodities from the current level of two per exchange to five per exchange. The Commission published for comment the substance of the rule suggested by the petitioner as a proposed rule amendment on April 15, 1985. 50 FR 14178. The Commission now is considering the comments received, and whether to adopt the proposed rules as final.

Timetable:

Action	Date	FR Cite
NPRM	04/15/85	50 FR 14718
Final Action	06/30/86	

Small Entity: No

Agency Contact: Paul M. Architzel, Chief Counsel, Commodity Futures Trading Commission, Division of Economic Analysis, 2033 K St., NW, Washington, DC 20581, 202 254-6990

RIN: 3038-AA47

3484. ● DOMESTIC EXCHANGE-TRADED COMMODITY OPTIONS: REVISIONS TO PILOT PROGRAMS FOR NON-AGRICULTURAL OPTIONS CONTRACTS

Legal Authority: 7 USC 2; 7 USC 4; 7 USC 6c(a); 7 USC 6c(b); 7 USC 6c(c); 7 USC 7; 7 USC 7a; 7 USC 8; 7 USC 12a

CFR Citation: 17 CFR 1; 17 CFR 5; 17 CFR 16; 17 CFR 21; 17 CFR 33

Abstract: In late 1981 the Commission published final rules governing a three-year pilot program for exchange-traded commodity options. Options trading began on October 1, 1982 following the designation of the first option contract markets. That three-year period expired on October 1, 1985. The Commission is reevaluating the option rules, including whether to make permanent exchange trading of options on non-agricultural futures contracts or to retain the program's current pilot status.

Timetable:

Action	Date	FR Cite
NPRM	08/30/85	50 FR 35247
Final Action	06/30/86	

Small Entity: No

Additional Information: Additional Agency Contact: Kenneth M. Rosenzweig, Associate Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K St., N.W., Washington, D.C. 20581.

CFTC — Final Rule Stage

Agency Contact: Paul M. Architzel, Chief Counsel, Commodity Futures Trading Commission, Division of Economic Analysis, 2033 K St., NW, Washington, DC 20581, **202 254-6990**

RIN: 3038-AA48

3485. ● COMMISSION RECORDS AND INFORMATION; RECORDS MAINTAINED ON INDIVIDUALS

Legal Authority: 7 USC 4a(j); 5 USC 552; 5 USC 552a

CFR Citation: 17 CFR 145; 17 CFR 146

Abstract: The Commission has proposed to revise its regulations governing requests for Commission records under the Freedom of Information Act ("FOIA") and petitions for confidential treatment of records submitted to the Commission. These revisions are designed to clarify the procedures for submitting and processing FOIA and confidential treatment requests and to reflect recent developments in federal case law. The Commission also is proposing to make one amendment to its Privacy Act regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/04/85	50 FR 45833
Final Action	03/31/86	

Small Entity: Not Applicable

Agency Contact: Daniel Goodman, Esq. or Tena Friery, Commodity Futures Trading Commission, Office of the General Counsel, 2033 K St., NW, Washington, DC 20581, **202 254-9880**

RIN: 3038-AA50

3486. ● TRANSFER OF REGISTRATION PROCESSING FUNCTIONS

Legal Authority: 7 USC 12a(10); 7 USC 12a(5)

CFR Citation: 17 CFR 3

Abstract: The Commission previously has issued Orders authorizing the National Futures Association ("NFA"), pursuant to section 8a(10) of the Commodity Exchange Act ("Act"), to perform various portions of the Commission's registration functions and responsibilities under the Act. 49 FR 39518 (Oct. 9, 1984), 50 FR 34885 (Aug. 28, 1985). The Division of Trading and Markets ("Division") now intends to develop a plan for the transfer of the Commission's registration processing functions with respect to floor brokers to one or more self-regulatory organizations in order to convert Commission registration activities in this regard to oversight and review of certain administrative actions. The Division has identified alternatives for the transfer of these registration processing functions to the National Futures Association and, in connection therewith, has forwarded to NFA a proposed plan for its consideration before seeking the views of the several contract markets. Upon approval of the transfer plan, the Division will proceed with its implementation.

Timetable:

Action	Date	FR Cite
Final Action	10/00/86	

Small Entity: No

Agency Contact: Kevin Foley and Phillip McGuire, Chief Counsel and Esq., Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K St., NW, Washington, DC 20581, **202 254-8955**

RIN: 3038-AA51

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Completed Actions

3487. REGULATION OF LEVERAGE TRANSACTIONS

CFR Citation: 17 CFR 1; 17 CFR 3; 17 CFR 4; 17 CFR 31; 17 CFR 145; 17 CFR 147; 17 CFR 190

Completed:

Reason	Date	FR Cite
Final Action	08/06/85	50 FR 36405

Small Entity: No

Agency Contact: Lawrence B. Patent 202 254-8955

RIN: 3038-AA04

3488. REPORTING REQUIREMENTS FOR CONTRACT MARKETS, FUTURES COMMISSION MERCHANTS, CLEARING MEMBERS, AND TRADERS

CFR Citation: 17 CFR 16; 17 CFR 17; 17 CFR 18; 17 CFR 21

Completed:

Reason	Date	FR Cite
Final Action	02/07/86	51 FR 4712

Small Entity: No

Agency Contact: Lamont L. Reese 202 254-3310

RIN: 3038-AA38

3489. TRADE TIME-SEQUENCING STANDARDS AND EXCHANGE AUDIT TRAIL SYSTEMS

CFR Citation: 17 CFR 1

Completed:

Reason	Date	FR Cite
Final Action	01/15/86	51 FR 2684

Small Entity: Not Applicable

Agency Contact: Thomas M. McGivern 202 254-8955

RIN: 3038-AA40

3490. ●DOMESTIC EXCHANGE-TRADED COMMODITY OPTIONS: EXPANSION OF THE PILOT PROGRAM FOR OPTIONS ON NON-AGRICULTURAL FUTURES CONTRACTS

CFR Citation: 17 CFR 33.4

Completed:

Reason	Date	FR Cite
Final Action	11/04/85	50 FR 45811

Small Entity: No

Agency Contact: Paul M. Architzel 202 254-6990

RIN: 3038-AA46

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federal register

Monday
April 21, 1986

Part XLVI

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CPSC

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Semiannual Regulatory Flexibility and Unified Agendas

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of regulatory flexibility and unified agendas.

SUMMARY: The Regulatory Flexibility Act (RFA) requires each Federal agency to publish twice each year a regulatory flexibility agenda listing for a 12-month period rules expected to be proposed or promulgated which may have a significant economic impact on a substantial number of small entities. In this document, the Commission publishes its eleventh semiannual regulatory flexibility agenda.

Additionally, although not required to do so, the Commission has elected to comply voluntarily with those provisions of Executive Order 12291 which require executive agencies to publish an agenda of regulatory actions under development or review during the succeeding 12 months by the agency and which further provide that such an agenda may be combined with an agency's regulatory flexibility agenda published in accordance with the RFA.

DATE: The Commission welcomes comments from small entities, including small businesses, small organizations, and small governmental units, upon each subject area of the agenda. Written comments concerning the agenda should be received in the Office of the Secretary by June 30, 1986.

ADDRESS: Comments on the regulatory flexibility agenda should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 492-6800, and should be titled "Regulatory Flexibility Agenda."

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact: Allen F. Brauninger, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 492-6980. All inquiries from the press and broadcast media should be directed to Lou Brott, Office of Public Affairs, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (202) 634-7780. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "Contact" for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601 et seq.), contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the Act (5 U.S.C. 602) requires each agency to publish twice each year a regulatory flexibility agenda containing a brief description of any rule expected to be proposed or promulgated which may have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the objectives and legal basis for each agenda item and a schedule for acting on each item, as well as the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

In addition, President Reagan's Executive Order 12291 requires executive agencies to publish, twice each year, a regulatory agenda of proposed regulations under development or review and further states that such an agenda may be combined with an agenda published under the RFA. While the Commission, as an independent regulatory agency, is not required to follow Executive Order 12291, the Commission is complying voluntarily with those provisions concerning publication of a regulatory agenda.

The eleventh semiannual regulatory flexibility agenda, published below, lists for a 12-month period anticipated regulatory activities under development or review. These include all such activities, not only those which may have a significant economic impact on a substantial number of small entities.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda. All agency contacts have the same address: Consumer Product Safety Commission, Washington, D.C. 20207.

The Commission received one comment in response to the regulatory agenda published in the **Federal Register** of October 29, 1985 (50 FR 44882). That comment concerned the review of a rule exempting certain toy caps from classification as "banned hazardous substances" under provisions of the Federal Hazardous Substances Act if specified conditions are met. The staff is preparing a briefing package on its review of this rule for consideration by the Commission, and will include this comment in the briefing package.

DATED: March 21, 1986.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3491	Upholstered furniture cigarette flammability standard	3041-AA01
3492	Petition CP 82-6. Petition to initiate a mandatory standard to limit the formaldehyde that could be released from pressed wood products made with urea-formaldehyde resins	3041-AA03
3493	Asbestos in selected consumer products	3041-AA11
3494	Rule review	3041-AA19

CPSC

Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3495	Rule review	3041-AA20
3496	Requirements for the special packaging of household substances; advance notice of proposed rulemaking and notice of opportunity for oral presentations	3041-AA22
3497	Rule review	3041-AA24
3498	Rule review	3041-AA25
3499	Exemption from classification as a banned toy or other banned article for use by children -- caps (paper or plastic)	3041-AA35
3500	Petition HP 84-1. Petition to request amendment to the regulations on electrical toys to exempt electronic video games	3041-AA41
3501	Petition HP 84-2. Petition to request amendments to electrical toy regulations (16 CFR 1505)	3041-AA49
3502	All-Terrain Vehicles	3041-AA53
3503	Petition PP 85-1. Petition for exemption of certain effervescent tablets containing aspirin from requirements for child-resistant packaging	3041-AA55
3504	Petition PP 85-2. Petition for rule to make disposable lighters child-resistant	3041-AA56
3505	Petition HP 85-1. Petition requesting ban of household products containing methylene chloride	3041-AA58

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3506	Flammability classification regulations	3041-AA05
3507	Federal Hazardous Substances Act regulations for first aid labeling of products containing more than 5 percent of benzene or 10 percent of toluene, xylene, or petroleum distillates	3041-AA52
3508	Supplemental definition for the Federal Hazardous Substances Act definition of "strong sensitizer"	3041-AA54
3509	Substantial product hazard reports	3041-AA57
3510	Declaration that certain household substances (paint strippers and spray paints) containing methylene chloride are hazardous substances	3041-AA59

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3511	Petition AP 83-1. Petition to require labeling of constrained-spring twist-on connectors with aluminum wire	3041-AA21
3512	Petition AP 83-2. Petition to require a labeling rule for crimp type electrical connectors	3041-AA26

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Prerule Stage

3491. UPHOLSTERED FURNITURE CIGARETTE FLAMMABILITY STANDARD

Legal Authority: 15 USC 1193 FFA; 15 USC 1194 FFA

CFR Citation: 16 CFR 1633

Abstract: The Commission continued cooperative efforts with the upholstered furniture industry to improve the cigarette ignition resistance of upholstered furniture. In 1981, the Commission voted to defer mandatory regulatory action on upholstered furniture in order to work with manufacturers participating in the Voluntary Action Program (VAP) of the Upholstered Furniture Action Council (UFAC) on improvements in the cigarette ignition resistance of upholstered furniture. A 1984 evaluation of upholstered furniture produced by UFAC participating companies indicated that these changes can be expected to result in a significant improvement in the cigarette ignition resistance of upholstered furniture. These tests also indicated that furniture without box welts and furniture covered with predominantly cellulosic fabrics ignited relatively easily, and represented a continuing problem. A new fire retardant treatment for polyurethane foam currently under evaluation may provide the needed improvement.

CPSC

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Affected Sectors: 25 FURNITURE AND FIXTURES

Agency Contact: James Hoebel, Program Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, 301 492-6554

RIN: 3041-AA01

3492. PETITION CP 82-6. PETITION TO INITIATE A MANDATORY STANDARD TO LIMIT THE FORMALDEHYDE THAT COULD BE RELEASED FROM PRESSED WOOD PRODUCTS MADE WITH UREA-FORMALDEHYDE RESINS

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 2051 Consumer Product Safety Act; 15 USC 2058 Consumer Product Safety Act

CFR Citation: Not yet determined

Abstract: The Commission staff completed a study on consumer exposure to formaldehyde emissions from pressed-wood products in February 1986. The Commission will consider this study in determining whether any further action by the Commission is warranted to address any hazard to consumers which may be associated with exposure to formaldehyde from pressed-wood products. The Commission will also consider this study in deciding whether to grant or deny a petition from Consumer Federation of America requesting the Commission to issue a mandatory consumer product safety standard to limit the amount of formaldehyde which can be released from pressed-wood products made with urea-formaldehyde resin. A decision is anticipated in April 1986.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: James Hoebel, Program Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, 301 492-6554

RIN: 3041-AA03

3493. ASBESTOS IN SELECTED CONSUMER PRODUCTS

Legal Authority: 15 USC 1261 et seq FHSA; 15 USC 2058 CPSA; 15 USC 2080(b) CPSA

CFR Citation: Not yet determined

Abstract: Hazard information shows that asbestos presents a risk of cancer and respiratory disease. The staff is compiling information for the use of the Commission in deciding whether additional regulatory action with regard to asbestos in consumer products may be appropriate. The staff is scheduled to brief the Commission on this topic in May 1986. The Commission has tested several consumer products for release of asbestos fibers, and is a charter member of the Federal Asbestos Task Force.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/79	44 FR 60057
Notice of availability of CHAP report	05/25/83	48 FR 23473

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Abbie Gerber, Project Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, 301 492-6554

RIN: 3041-AA11

3494. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 2051 et seq CPSA

CFR Citation: 16 CFR 1009; 16 CFR 1019; 16 CFR 1115; 16 CFR 1201; 16 CFR 1202; 16 CFR 1205; 16 CFR 1207; 16 CFR 1209; 16 CFR 1212; 16 CFR 1301; 16 CFR 1302; 16 CFR 1303; 16 CFR 1304; 16 CFR 1305; 16 CFR 1401; ...

Abstract: In June of 1985, The staff transmitted to the Commission a report concerning the economic impact on small businesses of seventeen (17) rules and standards issued under provisions of the Consumer Product Safety Act. This report was prepared as part of a review of existing rules required by the Regulatory Flexibility Act. The staff is revising the report in response to comments received from the Commission. The staff anticipates that the revised report will be sent to the Commission in April 1986.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	10/22/82	47 FR 46861
Publication in Federal Register - Completion of review activity	10/22/82	
Public Comment Period Ends	12/27/82	
Commission vote to approve Final Action	04/00/86	

Small Entity: Yes

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, 301 492-6980

RIN: 3041-AA19

3495. RULE REVIEW

Legal Authority: 5 USC 610 RFA; 15 USC 1193 FFA; 15 USC 1194 FFA; 15 USC 2079 CPSA

CFR Citation: 16 CFR 1608; 16 CFR 1610; 16 CFR 1611; 16 CFR 1615; 16 CFR 1616; 16 CFR 1630; 16 CFR 1631; 16 CFR 1632

Abstract: On February 2, 1984, the Commission published a Federal Register Notice listing eight (8) rules and standards issued under the Flammable Fabrics Act, and soliciting comments on those rules. The Commission will review these rules under the provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without change.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	02/02/84	49 FR 4103
Public Comment Period Ends	04/02/84	49 FR 4103

Next Action Undetermined

Small Entity: Yes

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041-AA20

3496. REQUIREMENTS FOR THE SPECIAL PACKAGING OF HOUSEHOLD SUBSTANCES; ADVANCE NOTICE OF PROPOSED RULEMAKING AND NOTICE OF OPPORTUNITY FOR ORAL PRESENTATIONS

Legal Authority: 15 USC 1472 PPPA; 15 USC 1473 PPPA

CFR Citation: 16 CFR 1700.20

Abstract: On January 19, 1983 the Commission published an Advanced Notice of Proposed Rulemaking soliciting comments on ways to amend the existing child resistant packaging requirements to improve the effectiveness and efficiency of these requirements. In June, 1985, the Commission staff completed testing to determine the feasibility of using some of the alternate procedures for evaluation of child resistant packaging described in the ANPR. The staff anticipates transmittal of a briefing package to the Commission in May, 1986, which will include an analysis of comments received in response to the ANPR and recommendations regarding revision of existing requirements for child resistant packaging.

Timetable:

Action	Date	FR Cite
ANPRM	01/19/83	48 FR 2389
ANPRM Comment Period End	03/21/83	48 FR 2389

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Virginia A. White, Project Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, **301 492-6554**

RIN: 3041-AA22

3497. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 1471 PPPA

CFR Citation: 16 CFR 1700; 16 CFR 1701; 16 CFR 1702; 16 CFR 1704

Abstract: The Commission plans to publish a Federal Register Notice listing four (4) rules and standards issued under the Poison Prevention Packaging Act, and soliciting comments on those rules. The Commission will review these rules under the provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without change.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041-AA24

3498. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 1261 FHSA

CFR Citation: 16 CFR 1500; 16 CFR 1501; 16 CFR 1505; 16 CFR 1507; 16 CFR 1508; 16 CFR 1509; 16 CFR 1510; 16 CFR 1511; 16 CFR 1512

Abstract: On February 22, 1984, the Commission published a Federal Register Notice listing nine (9) rules and standards issued under the Federal Hazardous Substances Act, soliciting comments on those rules. The Commission will review these rules under provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without change.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	02/22/84	49 FR 6504
Public Comment Period Ends	04/23/84	49 FR 6504

Next Action Undetermined

Small Entity: Yes

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041-AA25

3499. EXEMPTION FROM CLASSIFICATION AS A BANNED TOY OR OTHER BANNED ARTICLE FOR USE BY CHILDREN -- CAPS (PAPER OR PLASTIC)

Legal Authority: 15 USC 1261(f)1(D); 15 USC 1262(e)(1); 15 USC 2079(a); 15 USC 1261(q)(1)(a); 15 USC 1261(s)

CFR Citation: 16 CFR 1500.18(a)(5); 16 CFR 1500.86(a)(6)

Abstract: For more than ten years a regulation has existed under the Federal Hazardous Substances Act that was an "interim" regulation. Caps producing sound levels in the range of 138-158 decibels have been banned, but are exempt from the ban if they are properly labeled and if firms producing them report to the Commission on programs to reduce the sound levels. In the near future, the staff will send a memorandum to the Commission discussing whether the rule should be continued in its present form, modified, or revoked. The memorandum will also present the staff's recommendations for Commission action with regard to the rule.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Linda Glatz, Project Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, **301 492-6554**

RIN: 3041-AA35

3500. PETITION HP 84-1, PETITION TO REQUEST AMENDMENT TO THE REGULATIONS ON ELECTRICAL TOYS TO EXEMPT ELECTRONIC VIDEO GAMES

Legal Authority: 15 USC 1261 FHSA; 15 USC 1262 FHSA

CFR Citation: 16 CFR 1505

Abstract: In correspondence dated December 21, 1983, the Consumer Electronic Group of the Electronic Industries Association petitioned the Commission to request an amendment to the regulation on electrical toys that would exempt electronic video games from coverage. If the Commission

grants the petition it will proceed to develop an exemption to the standard.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Melvin Spencer, Assistant Program Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, **301 492-6554**

RIN: 3041-AA41

3501. PETITION HP 84-2. PETITION TO REQUEST AMENDMENTS TO ELECTRICAL TOY REGULATIONS (16 CFR 1505)

Legal Authority: 15 USC 1261 FHSA; 15 USC 1262 FHSA

CFR Citation: 16 CFR 1505

Abstract: In correspondence dated March 8, 1984, the Toy Manufacturers of America petitioned the Commission to amend the requirements for electronically operated toys or other articles electronically operated and intended for use by children. If the Commission grants the petition it will begin a rulemaking proceeding to amend the regulation as requested by the petitioner.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Melvin Spencer, Assistant Program Manager, Consumer Product Safety Commission, Office of Program Management, Washington, D. C. 20207, **301 492-6554**

RIN: 3041-AA49

3502. ALL-TERRAIN VEHICLES

Significance: Agency Priority

Legal Authority: 15 USC 2051 et seq CPSA; 15 USC 1262(f) FHSA

CFR Citation: Not yet determined

Abstract: On May 31, 1985, the Commission published an advance notice of proposed rulemaking (ANPR) to announce its preliminary determination that an unreasonable risk of injury may be associated with all-terrain vehicles. An all-terrain vehicle (ATV) is a motorized machine intended to be ridden by one person and designed for off-road use for recreational and other purposes. ATVs are manufactured in three-wheel and four-wheel designs. The ANPR solicited written comments concerning risks of injury which may be associated with ATVs, rulemaking and other actions authorized by the Consumer Product Safety Act and the Federal Hazardous Substances Act to address such risks of injury; and alternatives to regulatory action, including voluntary standards. The ANPR also announced that the Commission would conduct public hearings to obtain information related to the safety of ATVs. Hearings were conducted in five cities during the months of May through October 1985. A sixth hearing is scheduled for March 25, 1986 in Anchorage, Alaska.

Timetable:

Action	Date	FR Cite
ANPRM	05/31/85	50 FR 23139
ANPRM Comment Period End	09/30/85	50 FR 31391
On 08/02/85 (50 FR 31391) the ANPRM Comment Period was extended to	09/30/85	
Commission will receive regulatory briefing	09/00/86	

Small Entity: Undetermined

Additional Information: Commission will receive a regulatory options briefing package in late September, 1986.

Agency Contact: Nick Marchica, Chairman, ATV Task Force, Consumer Product Safety Commission, Office of Program Management, Washington, D. C. 20207, **301 492-6554**

RIN: 3041-AA53

3503. PETITION PP 85-1. PETITION FOR EXEMPTION OF CERTAIN EFFERVESCENT TABLETS CONTAINING ASPIRIN FROM REQUIREMENTS FOR CHILD-RESISTANT PACKAGING

Legal Authority: 15 USC 1471 et seq. PPPA

CFR Citation: 16 CFR 1700.14(a)(1)(i)

Abstract: By letter dated March 25, 1985, Miles Laboratories, Inc. petitioned the Commission to amend existing provisions of 16 CFR 1700.14(a)(1)(i) which exempt certain effervescent tablets containing aspirin from requirements for child-resistant packaging. The amendment requested by this petition would increase the percentage of aspirin allowed in products eligible for the exemption from 10 per cent to 15 per cent and would specify the required carbon dioxide content in terms of the quantity per tablet rather than the quantity per grain of aspirin. The staff expects to transmit a briefing package concerning the petition to the Commission in April, 1986. If the Commission grants this petition, it will publish a proposed amendment in the Federal Register to solicit written comments from all interested parties.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Virginia White, Senior Project Manager, Consumer Product Safety Commission, Office of Program Management, Washington, D. C. 20207, **301 492-6554**

RIN: 3041-AA55

3504. PETITION PP 85-2. PETITION FOR RULE TO MAKE DISPOSABLE LIGHTERS CHILD-RESISTANT

Legal Authority: 15 USC 1471 et seq. PPPA

CFR Citation: Not yet determined

Abstract: On May 3, 1985, the Commission received a petition from Diane L. Denton, R.N., requesting the Commission to initiate a rulemaking proceeding to establish requirements applicable to disposable lighters to make those products child-resistant. Information available to the Commission staff indicates that a significant number of young children die each year from fires involving disposable lighters. However, this information is not adequate to determine what action, if any, could be taken to reduce this hazard. In February, 1986, the Commission directed the staff to acquire information about possible means of addressing risks of death and injury to young children associated with disposable lighters. When the staff obtains this information, the Commission will consider the petition.

CPSC

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: L. J. Sharman, Project Manager, Consumer Product Safety Commission, Office of Program Management, Washington, D. C. 20207, 301 492-6554

RIN: 3041-AA56

3505. ● PETITION HP 85-1. PETITION REQUESTING BAN OF HOUSEHOLD PRODUCTS CONTAINING METHYLENE CHLORIDE

Legal Authority: 15 USC 1261(q)(1)(B) FHSA; 15 USC 1262(a) FHSA

CFR Citation: 16 CFR 1500

Abstract: On September 3, 1985, the Consumer Federation of America (CFA) petitioned the Commission to begin a proceeding for issuance of a rule under provisions of section 3(a) of the Federal Hazardous Substances Act (FHSA) to declare that household products containing methylene chloride are hazardous substances. By letter dated December 20, 1985, CFA amended the petition to request initiation of a proceeding to declare household products containing methylene chloride to be "banned hazardous substances" under provisions of section 2(q)(1)(B) of the FHSA upon issuance of the rule to classify such products as hazardous substances. Methylene chloride is a solvent used in paint strippers, spray paints, and other consumer products. On February 27, 1986, the Commission voted to propose a rule to declare household products containing methylene chloride to be hazardous substances. This decision has the effect of granting CFA's request of September 3, 1985. If the Commission grants the remainder of the petition, it will publish an advance notice of proposed rulemaking under provisions of the FHSA.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Sandra Eberle, Program Manager, Consumer Product Safety Commission, Office of Program Management, Washington, D.C. 20207, 301 492-6554

RIN: 3041-AA58

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Proposed Rule Stage

3506. FLAMMABILITY CLASSIFICATION REGULATIONS

Legal Authority: 15 USC 1261(l) FHSA; 15 USC 1269(a) FHSA

CFR Citation: 16 CFR 1500.3(b)(10); 16 CFR 1500.3(c)(6); 16 CFR 1500.43

Abstract: On April 26, 1984, the Commission published in the Federal Register a proposal to amend its regulations for classifying extremely flammable, flammable and combustible hazardous substances which release ignitible vapors. The staff has completed its analysis of issues raised by comments on the proposal and a briefing package for the Commission. The staff briefed the Commission and presented options for final action on April 3, 1986. If issued on a final basis, the proposed amendments would bring the Commission's test method and flammability classification procedures into general conformity with the practices of other federal agencies and voluntary standards setting organizations.

Timetable:

Action	Date	FR Cite
NPRM	04/26/84	49 FR 17956
NPRM Comment Period End	08/24/84	49 FR 17956

Next Action Undetermined

Small Entity: No

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, 301 492-6980

RIN: 3041-AA05

3507. FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS FOR FIRST AID LABELING OF PRODUCTS CONTAINING MORE THAN 5 PERCENT OF BENZENE OR 10 PERCENT OF TOLUENE, XYLENE, OR PETROLEUM DISTILLATES

Legal Authority: 15 USC 1261(p)(1) FHSA

CFR Citation: 16 CFR 1500.14(b)(3)

Abstract: On December 13, 1985, the Commission proposed a regulation to amend the FHSA regulations for first aid labeling of products containing more than 5 per cent of benzene or 10 per cent of toluene, xylene, or petroleum distillates by eliminating the current requirement that such labeling must contain the direction "if swallowed, do not induce vomiting." Current expert opinion is that the decision of whether to induce vomiting as a first aid treatment should be made on a case-by-case basis, depending on the toxicity of the individual product and the amount ingested. In May, 1986, the staff expects to send a briefing package to the Commission with an analysis of comments on the proposed amendment.

Timetable:

Action	Date	FR Cite
NPRM	12/13/85	50 FR 50918
NPRM Comment Period End	02/11/86	50 FR 50918

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Virginia A. White, Project Manager, Consumer Product Safety Commission, Office of Program Management, Washington, D. C.20207, 301 492-6554

RIN: 3041-AA52

3508. SUPPLEMENTAL DEFINITION FOR THE FEDERAL HAZARDOUS SUBSTANCES ACT DEFINITION OF "STRONG SENSITIZER"

Legal Authority: 15 USC 1261 FHSA; 15 USC 1269 FHSA

CFR Citation: 16 CFR 1500.3(c)(5)

Abstract: On November 7, 1985, the Commission proposed a regulation to define the term "strong sensitizer" to supplement the the definition of that term set forth in the Federal Hazardous Substances Act. The supplemental definition explains how the statutory definition will be applied, and provides criteria to be used by the Commission in designating substances as "strong sensitizers" for purposes of the FHSA. The Commission received no comments on the proposed amendment. The staff anticipates that the draft of a final amendment will be transmitted to the Commission in April, 1986.

Timetable:

Action	Date	FR Cite
NPRM	11/07/85	50 FR 46300
NPRM Comment Period End	01/06/86	50 FR 46300

Next Action Undetermined

Small Entity: No

Agency Contact: Virginia White, Senior Project Manager, Consumer Product Safety Commission, Office of Program Management, Washington, D. C. 210207, **301 492-6554**

RIN: 3041-AA54

3509. ● SUBSTANTIAL PRODUCT HAZARD REPORTS

Legal Authority: 15 USC 2064

CFR Citation: 16 CFR 1115

Abstract: On December 28, 1984, the Commission published a notice in the Federal Register to invite written comments on a statement of enforcement policy concerning substantial product hazard reports which the Commission had published on April 6, 1984. The policy statement clarified the Commission's interpretation of requirements for reporting substantial product hazards established by section 15 of the Consumer Product Safety Act. The staff has completed an analysis of issues raised by the comments, and has drafted a Federal Register notice to respond to comments. In March 1986, the staff briefed the Commission on issues presented by the comments. In April, 1986, the Commission is expected to decide whether to approve publication of the draft Federal Register notice.

Timetable:

Action	Date	FR Cite
Enforcement policy statement	04/06/84	49 FR 13820
Notice of opportunity to submit written comments on policy	12/28/84	49 FR 50373
Comment period extendedto 3/15/85	02/14/85	50 FR 6157

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: David Thome, Director, Division of Corrective Actions, Consumer Product Safety Commission, Directorate for Compliance and, Administrative Litigation, Washington, D.C. 20207, **301 492-6608**

RIN: 3041-AA57

3510. ● DECLARATION THAT CERTAIN HOUSEHOLD SUBSTANCES (PAINT STRIPPERS AND SPRAY PAINTS) CONTAINING METHYLENE CHLORIDE ARE HAZARDOUS SUBSTANCES

Legal Authority: 15 USC 1261 FHSA; 15 USC 1262 FHSA

CFR Citation: 16 CFR 1500.12(a)(2)

Abstract: On February 27, 1986, the Commission decided to propose a rule declaring household products that contain methylene chloride to be hazardous substances under the Federal Hazardous Substances Act. These products include some paint strippers and spray paints. The Commission's concern arises from animal tests showing that methylene chloride is a carcinogen by inhalation, and studies indicating a significant human exposure as a result of reasonably foreseeable use of products containing methylene chloride. If issued on a final basis, this rule would resolve uncertainty about whether these products are hazardous substances. The Commission directed the staff to prepare a draft of a proposed rule for consideration by the Commission. The initiation of this rulemaking proceeding grants one part of a petition (HP 85-1) from the Consumer Federation of America. The Commission has not yet acted on a second part of that petition which requests a ban of household products containing methylene chloride. A rule declaring the products in question to be hazardous substances would have the effect of requiring cautionary labeling under provisions of the Federal (cont.)

Timetable:

Action	Date	FR Cite
NPRM	05/29/86	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: Hazardous Substances Act. The Commission also decided to work with industry and consumer groups to develop appropriate labeling and other voluntary actions to reduce consumer exposure to methylene chloride.

Agency Contact: Sandra Eberle, Program Manager, Consumer Product Safety Commission, Office of Program Management, Washington, D.C. 20207, **301 492-6554**

RIN: 3041-AA59

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) Completed Actions

3511. PETITION AP 83-1. PETITION TO REQUIRE LABELING OF CONSTRAINED-SPRING TWIST-ON CONNECTORS WITH ALUMINUM WIRE

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Final Action - Commission decision - petition denied	12/04/85	

Small Entity: Undetermined

Agency Contact: Melvin Spencer 301 492-6554

RIN: 3041-AA21

CPSC

Completed Actions

3512. PETITION AP 83-2. PETITION TO REQUIRE A LABELING RULE FOR CRIMP TYPE ELECTRICAL CONNECTORS

CFR Citation: 00 CFR Not Yet Determined

Completed:

Reason	Date	FR Cite
Final Action - Commission decision - petition denied	12/04/85	

Small Entity: Undetermined

Agency Contact: Melvin Spencer 301 492-6554

RIN: 3041-AA26

[FR Doc. 86-6915 Filed 04-18-86; 8:45 am]

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federal register

Monday
April 21, 1986

Part XLVII

Farm Credit Administration

Semiannual Regulatory Agenda

FCA

FARM CREDIT ADMINISTRATION

12 CFR Ch. VI

Unified Agenda of Federal Regulations

AGENCY: Farm Credit Administration.

ACTION: Department Unified Agenda of Regulations and review list.

SUMMARY: The Farm Credit Administration, as an independent regulatory agency in voluntary compliance with Executive Order 12291, sets forth the following agenda of regulations which it will have under development and review during the period of April 1986 through October 1986.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Peoples, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, (703-883-4020).

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601, et seq.), contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small entities. Farm Credit Administration ("FCA") regulations which apply to Farm Credit System banks and associations do not and will not have a substantial impact on small entities. None of the entities regulated by the FCA fall within the definition of small entities in the Regulatory Flexibility Act. While many associations through which banks lend are smaller in size than their banks, they are not independently operated, as they are closely supervised by the banks, which must approve most of their operating policies. The associations rely exclusively on their supervising banks for their source of funds. Furthermore, the associations do not compete with each other since, as with their supervising banks, each serves only a particular geographic area.

While FCA is an independent Agency exempt from Executive Order 12291, we believe that participating in this joint publication will further the public interest by including FCA in a single source of information concerning current and projected rulemaking and reviews of existing regulations.

On December 23, 1985, the President signed Pub. L. 99-205, the Farm Credit Amendments Act of 1985, which will require an extensive reorganization and rewriting of a major portion of the regulations of the FCA. The FCA is at the very beginning stages of this process. Therefore, many anticipated changes are not fully reflected in this submission but will be reflected in the October agenda.

DATED: March 13, 1986.

Donald E. Wilkinson,

Acting Chairman.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3513	Farm Credit Administration	3052-AA00
3514	Senior Deputy Governor, Deputy Governors and General Counsel	3052-AA01
3515	Other Administrative Units	3052-AA02
3516	Farm Credit Districts and Institutions	3052-AA03
3517	Part 601 - Employee Responsibilities and Conduct	3052-AA04
3518	Part 602 - Releasing Information	3052-AA05
3519	Part 602 - Releasing Information	3052-AA06
3520	Part 603 - Privacy Act Regulations	3052-AA07
3521	Part 604 - Meetings of the Federal Farm Credit Board	3052-AA08
3522	Limitation on Special Assignments	3052-AA09
3523	Cooperative Eligibility	3052-AA11
3524	Part 614 - Loan Policies and Operations	3052-AA12
3525	Loans Outside of Bank's Territory - Banks for Cooperatives	3052-AA13
3526	Methods of Financing	3052-AA36
3527	Obligations Eligible for Discount or Purchase	3052-AA37
3528	Part 615 - Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations	3052-AA38
3529	Overall Review of 12 CFR Parts 611 - 618	3052-AA48
3530	Part 602 - Releasing Information	3052-AA50
3531	Banks for Cooperatives	3052-AA51
3532	Part 614 - Loan Policies and Operations Subpart Q -- Banks for Cooperatives Financing International Trade	3052-AA52
3533	Part 601 - Employee Responsibilities and Conduct	3052-AA53
3534	Banks for Cooperatives	3052-AA54
3535	Part 603 - Privacy Act Regulations	3052-AA55
3536	Part 611 - Organization	3052-AA56
3537	Part 612 - Personnel Administration, Subpart A -- Human Resources Management	3052-AA57
3538	Part 614 - Loan Policies and Operations	3052-AA58
3539	Part 615 - Funding and Fiscal Affairs	3052-AA60
3540	Part 615 - Funding and Fiscal Affairs	3052-AA61
3541	Equal Housing Lender Poster	3052-AA62
3542	Part 617 - Examination, Audits and Investigations	3052-AA64
3543	Publication of Reports	3052-AA65
3544	Part 606 - Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Farm Credit Administration	3052-AA67

FCA

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3545	Disclosure of Information on Reports to Shareholders-- Parts 602, 620 and 621	3052-AA49
3546	Incorporation of Service Organizations	3052-AA66
3547	General	3052-AA69
3548	Real and personal property	3052-AA70

FARM CREDIT ADMINISTRATION (FCA)

Prerule Stage

3513. FARM CREDIT ADMINISTRATION

Legal Authority: PL 92-181; PL 96-592; 12 USC 1141(b)

CFR Citation: 12 CFR 600.1

Abstract: Technical amendment - change of address for Farm Credit Administration.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA00

3514. SENIOR DEPUTY GOVERNOR, DEPUTY GOVERNORS AND GENERAL COUNSEL

Legal Authority: PL 92-181; PL 96-592; 12 USC 2211; 12 USC 2252(a)(16)

CFR Citation: 12 CFR 600.4

Abstract: Technical amendment - correct various titles and reference incorporation of Fiscal Agency.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA01

3515. OTHER ADMINISTRATIVE UNITS

Legal Authority: PL 92-181; 12 USC 2252(a)(16)

CFR Citation: 12 CFR 600.5

Abstract: Technical amendment - to reflect current organizational divisions and sections.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA02

3516. FARM CREDIT DISTRICTS AND INSTITUTIONS

Legal Authority: PL 92-181; 12 USC 2252(a)(16)

CFR Citation: 12 CFR 600.10

Abstract: Technical amendment - to correct address of various district banks.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

FCA

Prerule Stage

RIN: 3052-AA03

3517. PART 601 - EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: PL 92-181; 12 USC 2252(a)(16)

CFR Citation: 12 CFR 601.101; 12 CFR 601.126; 12 CFR 601.127; 12 CFR 601.140; 12 CFR 601.176

Abstract: Technical amendments - to correct division and agency name changes.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA04

3518. PART 602 - RELEASING INFORMATION

Legal Authority: PL 92-181; 12 USC 2246; 12 USC 2252(a)(16)

CFR Citation: 12 CFR 602.200 to 602.245; 12 CFR 614.4015; 12 CFR 617.7080; 12 CFR 618.8300 to 618.8350

Abstract: Clarify existing policies and procedures with respect to the release of information and/or documents obtained in or resulting from the conduct of official business by employees of the Farm Credit Administration and the Farm Credit System.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA05

3519. PART 602 - RELEASING INFORMATION

Legal Authority: PL 92-181; 12 USC 2252(a)(16)

CFR Citation: 12 CFR 602.260; 12 CFR 602.261

Abstract: Technical amendments to correct division and agency name changes.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA06

3520. PART 603 - PRIVACY ACT REGULATIONS

Legal Authority: PL 92-181; 12 USC 2252(a)(16)

CFR Citation: 12 CFR 603.300; 12 CFR 603.310; 12 CFR 603.340

Abstract: Technical amendments - to indicate agency, division and address changes.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean,VA 22102-5090, **703 883-4020**

RIN: 3052-AA07

3521. PART 604 - MEETINGS OF THE FEDERAL FARM CREDIT BOARD

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 604.300; 12 CFR 604.305; 12 CFR 604.310; 12 CFR 604.315; 12 CFR 604.320; 12 CFR 604.325; 12 CFR 604.330; 12 CFR 604.335; 12 CFR 604.340

Abstract: Technical amendments - renumber entire Part to coincide with numbering system used on other Parts. Sections 604.325 and 604.340 will reflect agency, division and address changes.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA08

3522. LIMITATION ON SPECIAL ASSIGNMENTS

Legal Authority: PL 92-181; PL 96-592; 12 USC 2211

CFR Citation: 12 CFR 611.1031

Abstract: Technical amendment - to indicate incorporation of Fiscal Agency.

FCA

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA09

3523. COOPERATIVE ELIGIBILITY

Legal Authority: PL 92-181; 12 USC 2129

CFR Citation: 12 CFR 613.3110

Abstract: Amend eligibility standards for cooperatives, and reference services of cooperatives.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA11

3524. PART 614 - LOAN POLICIES AND OPERATIONS

Legal Authority: PL 92-181; PL 96-592; 12 USC 2211

CFR Citation: 12 CFR 614.4710; 12 CFR 614.4900

Abstract: Technical amendments - to indicate Fiscal Agency incorporation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA12

3525. LOANS OUTSIDE OF BANK'S TERRITORY - BANKS FOR COOPERATIVES

Legal Authority: PL 92-181; PL 96-592; 12 USC 2128

CFR Citation: 12 CFR 614.4080

Abstract: Amend international trade financing regulations to eliminate statutory conflict and address the issue of which bank will finance particular international transactions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA13

3526. METHODS OF FINANCING

Legal Authority: PL 92-181; PL 96-592; 12 USC 2075

CFR Citation: 12 CFR 614.4600

Abstract: Loan qualification to be qualified as to eligibility requirements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA36

3527. OBLIGATIONS ELIGIBLE FOR DISCOUNT OR PURCHASE

Legal Authority: PL 92-181; PL 96-592; 12 USC 2075

CFR Citation: 12 CFR 614.4610

Abstract: Loan participations to be qualified as to eligibility requirements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA37

3528. PART 615 - FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS

Legal Authority: PL 92-181; PL 96-592; 12 USC 2211

CFR Citation: 12 CFR 615.5010; 12 CFR 615.5103; 12 CFR 615.5105

FCA

Prerule Stage

Abstract: Technical amendments - to indicate Fiscal Agency incorporation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA38

3529. OVERALL REVIEW OF 12 CFR PARTS 611 - 618

Legal Authority: 12 USC 2252(a)(16); PL 92-181; 12 USC 2227; 12 USC 2183; 12 USC 2129; 12 USC 2253; 12 USC 2226; 12 USC 2071; 12 USC 2011

CFR Citation: 12 CFR 611.1010(c); 12 CFR 611.1140; 12 CFR 612.2110; 12 CFR 612.2120(b); 12 CFR 612.2080; 12 CFR 612.2090; 12 CFR 613.3020(c); 12 CFR 613.3040; 12 CFR 613.3110(a)(4); 12 CFR 613.3110(b)(2); 12 CFR 614.4015; 12 CFR 614.4051; 12 CFR 614.4070; 12 CFR 614.4130; 12 CFR 614.4160(c); ...

Abstract: Under review by FCA staff to determine whether to recommend the elimination or retention of existing FCA regulatory approval requirements affecting the operations of Farm Credit System institutions or replacement with regulatory guidelines.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL CFR CITATIONS: 12 CFR 614.4165(f); 12 CFR 614.4190(b); 12 CFR 614.4190(c); 12 CFR 614.4281; 12 CFR 614.4330(a); 12 CFR 614.4354(a)(4); 12 CFR 614.4354(e); 12 CFR 614.4460; 12 CFR 614.4511; 12 CFR 614.4630(a); 12 CFR 614.4630(b); 12 CFR 615.5040; 12 CFR 615.5102; 12 CFR 615.5103; 12 CFR 615.5104; 12 CFR 615.5105; 12 CFR 615.5135; 12 CFR 615.5330(a); 12 CFR 615.5340; 12 CFR 615.5370; 12 CFR 615.5420; 12 CFR 615.5453; 12 CFR 615.5550; 12 CFR 615.5160; 12 CFR 615.5220; 12 CFR 615.5290; 12 CFR 615.5320; 12 CFR 614.4345; 12 CFR 614.4450; 12 CFR 614.4455; 12 CFR 615.5100; 12 CFR 615.5140(a)(15); 12 CFR 613.3045; 12 CFR 614.4080; CFR 614.4120; 12 CFR 614.4210; 12 CFR 614.4220; 12 CFR 614.4261; 12 CFR 614.4334(c); 12 CFR 614.4770; 12 CFR 614.4710; 12 CFR 614.4720; 12 CFR 614.4800; 12 CFR 614.4900; 12 CFR 615.5151; 12 CFR 615.5320(b)(1); 12 CFR 615.5400; 12 CFR 618.8020

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA48

3530. PART 602 - RELEASING INFORMATION

Legal Authority: 12 USC 2246; 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 602.200; 12 CFR 602.205; 12 CFR 602.215; 12 CFR 602.265

Abstract: Technical amendments to correct division and agency title changes and agency address.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA50

3531. BANKS FOR COOPERATIVES

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 614.4354

Abstract: Changes in lending limits for banks for cooperatives.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA51

3532. PART 614 - LOAN POLICIES AND OPERATIONS SUBPART Q -- BANKS FOR COOPERATIVES FINANCING INTERNATIONAL TRADE

Legal Authority: 12 USC 2128; 12 USC 2252(a)(16); PL 92-181

CFR Citation: Not yet determined

Abstract: Regulation to define "substantial benefit" as it refers to banks for cooperatives ability to enter into international financing agreements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA52

3533. PART 601 - EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 601.130; 12 CFR 601.150; 12 CFR 601.165; 12 CFR 601.170; 12 CFR 601.180

Abstract: Technical amendments to correct division names and agency titles. Correct reference to OPM.

FCA

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4020

RIN: 3052-AA53

3534. BANKS FOR COOPERATIVES

Legal Authority: 12 USC 2243; PL 92-181; 12 USC 2252(a)(16)

CFR Citation: 12 CFR 600.60

Abstract: Technical amendment to correct reference to location of Central Bank for Cooperatives.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4020

RIN: 3052-AA54

3535. PART 603 - PRIVACY ACT REGULATIONS

Legal Authority: 12 USC 2246; 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 603.315; 12 CFR 603.320; 12 CFR 603.325; 12 CFR 603.330; 12 CFR 603.335

Abstract: Technical amendments to indicate agency title and address changes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4020

RIN: 3052-AA55

3536. PART 611 - ORGANIZATION

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 611.300; 12 CFR 611.500; 12 CFR 611.1031; 12 CFR 611.1100

Abstract: Technical amendments to indicate agency title, division and address changes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4020

RIN: 3052-AA56

3537. PART 612 - PERSONNEL ADMINISTRATION, SUBPART A -- HUMAN RESOURCES MANAGEMENT

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 612.2000; 12 CFR 612.2080; 12 CFR 612.2120

Abstract: Technical amendments to indicate agency names and division changes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4020

RIN: 3052-AA57

3538. PART 614 - LOAN POLICIES AND OPERATIONS

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 614.4051; 12 CFR 614.4530; 12 CFR 614.4710; 12 CFR 614.4900

Abstract: Technical amendments to indicate title and division changes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4020

RIN: 3052-AA58

3539. PART 615 - FUNDING AND FISCAL AFFAIRS

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 615.5135; 12 CFR 615.5140; 12 CFR 615.5143; 12 CFR 615.5150; 12 CFR 615.5151; 12 CFR 615.5160; 12 CFR 615.5136; 12 CFR 615.5141; 12 CFR 615.5142; 12 CFR 615.5144

Abstract: Amendments to broaden, yet control, types of eligible investments.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4020

RIN: 3052-AA60

3540. PART 615 - FUNDING AND FISCAL AFFAIRS

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 615.5495; 12 CFR 615.5496

Abstract: Technical amendments to reflect current organizational, division, and section changes and to correct

FCA — Prerule Stage

reference to Fiscal Agency.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA61

3541. EQUAL HOUSING LENDER POSTER

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 613.3170

Abstract: Technical amendment to indicate agency, division, and address changes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA62

3542. PART 617 - EXAMINATION, AUDITS AND INVESTIGATIONS

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 617.7000; 12 CFR 617.7010; 12 CFR 617.7020; 12 CFR 617.7030; 12 CFR 617.7050; 12 CFR 617.7080; 12 CFR 617.7100; 12 CFR 617.7110; 12 CFR 617.7120

Abstract: Technical amendments to reflect organizational changes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA64

3543. PUBLICATION OF REPORTS

Legal Authority: 12 USC 2252(a)(16); PL 92-181

CFR Citation: 12 CFR 618.8200

Abstract: Technical amendment to change dates combined financial statements are published.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA65

3544. PART 606 - ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE FARM CREDIT ADMINISTRATION

Legal Authority: 12 USC 2252(a)(16); PL 92-181; 29 USC 794

CFR Citation: 12 CFR 601.601-699

Abstract: Provide enforcement of section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap, as it applies to the programs or activities conducted by the Farm Credit Administration.

Timetable:

Action	Date	FR Cite
NPRM	12/18/85	50 FR 51540
NPRM Comment Period End	02/17/86	50 FR 51540

Next Action Undetermined

Small Entity: No

Additional Information: For additional information contact: Gary L. Norton Office of General Counsel Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090 (703) 883-4020

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA67

FARM CREDIT ADMINISTRATION (FCA) — Completed Actions

3545. DISCLOSURE OF INFORMATION ON REPORTS TO SHAREHOLDERS--PARTS 602, 620 AND 621

CFR Citation: 12 CFR 602.250; 12 CFR 620.1; 12 CFR 620.2; 12 CFR 620.3; 12 CFR 620.10; 12 CFR 620.11; 12 CFR 621.1; 12 CFR 621.2; 12 CFR 621.3; 12 CFR 621.4; 12 CFR 621.5; 12 CFR 621.6; 12 CFR 621.7; 12 CFR 621.10; 12 CFR 621.11; ...

Completed:

Reason	Date	FR Cite
Final Action	03/13/86	51 FR 8644

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA49

3546. INCORPORATION OF SERVICE ORGANIZATIONS

CFR Citation: 12 CFR 611.1150

Completed:

Reason	Date	FR Cite
Final Action	11/08/85	50 FR 46417
Final Action Effective	12/15/85	51 FR 2472

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA66

3547. GENERAL

CFR Citation: 12 CFR 614.4330

Completed:

Reason	Date	FR Cite
Final Action	11/14/85	50 FR 47043
Final Action Effective	01/21/86	51 FR 4891

Small Entity: No

FCA

Completed Actions

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA69

3548. REAL AND PERSONAL PROPERTY

CFR Citation: 12 CFR 615.5150(a); 12 CFR 615.5150(b)

Completed:

Reason	Date	FR Cite
Final Action	11/26/85	50 FR 48553
Final Action Effective	01/31/86	51 FR 4891

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA70

[FR Doc. 86-6293 Filed 04-18-86; 8:45 am]

BILLING CODE 6705-01-T

federal register

Monday
April 21, 1986

Part XLVIII

Federal Communications Commission

Semiannual Regulatory Agenda

FCC

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulations; April 1986

AGENCY: Federal Communications Commission.

ACTION: Publication of the Unified Agenda of Federal Regulations.

SUMMARY: The Commission publishes in the "Unified Agenda of Federal Regulations" to provide the public with adequate notice of major and other significant proceedings under development or review. The agenda also provides the CFR Citations and Legal Authorities which govern these proceedings. Because we are in the process of developing a more efficient way of disseminating FCC agenda information to the public, we have reduced submission of the agenda to the **Federal Register** to include only those items that pertain to the Regulatory Flexibility Act, as amended by 94 Stat. 1167, 5 U.S.C. 605. We will shortly make a decision as how best to disseminate FCC agenda information other than that pertaining to the Regulatory Flexibility Act. Any information required on previously submitted items can be obtained by contacting Miss Claudette Pride on (202) 632-3906.

ADDRESS: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Claudette Pride, Management Planning and Program Evaluation Office, (202) 632-3906.

SUPPLEMENTARY INFORMATION:

Unified Agenda of major and other significant proceedings

The Commission encourages public participation in the FCC rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared an agenda of important proceedings now in progress. OMB will publish the Unified Agenda in the **Federal Register** in April and October of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

A Docket Number - is assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry in regard to the matter under consideration. Since January 1, 1978, the Commission has used docket numbers which consist of the last two digits of the calendar year in which the docket was established plus a sequential number which begins at 1 with the first docket initiated during a calendar year (e.g., Docket 80-1 or Docket 83-1). The abbreviation for the responsible Bureau usually precedes the docket number, as in "Docket 79-164." When a docket number consists of only five digits (e.g., Docket 29622), this indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI) - issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rulemaking (NPRM) - issued by the Commission when it is proposing a specific change to the FCC Rules and Regulations. Before any changes are actually made, interested parties may submit written comments on the proposals.

Memorandum Opinion and Order (MO&O) - issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or deny a petition for reconsideration of a decision.

Rulemaking (RM) Number - assigned to a proceeding after the appropriate Bureau/Office has reviewed a petition for rulemaking, but before the Commission has taken action on the petition.

Report & Order (R&O) - issued by the Commission to state a new or amended rule or state that the FCC Rules will not be changed.

William J. Tricarico,

Secretary, Federal Communications Commission.

COMMON CARRIER BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3549	Cellular Radio Licensing Procedures for Small Markets	3060-AD38

COMMON CARRIER BUREAU—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3550	Jurisdictional Separations: Central Office Equipment and Interexchange Plant	3060-AD37

FCC

MASS MEDIA BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3551	Technical Deregulation: Part 73 - FM	3060-AD04
3552	FM vs. Aviation: Interference Problems	3060-AD08
3553	Single Majority Shareholder (Attribution)	3060-AD12
3554	Distress Sale Policy	3060-AD48

MASS MEDIA BUREAU—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3555	DBS: Receiver Standards	3060-AD50

MASS MEDIA BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3556	Comparative Preferences Within Metropolitan Areas	3060-AB61
3557	AM Antenna Proofs	3060-AD07
3558	Cable Bill Implementation: EEO	3060-AD13
3559	Transfers and Takeovers: Proxy Contests	3060-AD46

OFFICE OF GENERAL COUNSEL—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3560	Amending Environmental Rules in Response to New Rules Issued by the Council on Environmental Quality (C.E.Q.)	3060-AB30

PRIVATE RADIO BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3561	900 MHz Allocation to the Private Land Mobile Radio Services	3060-AD29

PRIVATE RADIO BUREAU—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3562	Telephone Maintenance Radio Service (TMRS)	3060-AD44

FCC

PRIVATE RADIO BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3563	Interconnection in the Private Land Mobile Radio Services in the Frequency Bands Below 800 MHz	3060-AB74

OFFICE OF SCIENCE AND TECHNOLOGY—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3564	Allocation of Additional Spectrum for Private Land Mobile Radio (LMCC Petition)	3060-AC91
3565	Utilization Policy - Fixed and Mobile Services 1-40 GHz (Reconsideration)	3060-AC92
3566	Additional Sharing of UHF TV Channels by Private LM Services	3060-AC93
3567	Technical Standards, Medical Ultrasonic Equipment - Part 18	3060-AC95
3568	DORCMA - Remote Control Security Devices	3060-AC96
3569	SEIA - Remote Control/Security Devices	3060-AC97

OFFICE OF SCIENCE AND TECHNOLOGY—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3570	Technical Flexibility in the Mobile Communication Services	3060-AD00

OFFICE OF SCIENCE AND TECHNOLOGY—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3571	KNOGO - Field Disturbance Sensors	3060-AC98
3572	Land Mobile Use of 421-430 MHz	3060-AD35
3573	18168 kHz Mobile Allocations	3060-AD41

FEDERAL COMMUNICATIONS COMMISSION (FCC)—COMMON CARRIER BUREAU

Proposed Rule Stage

3549. CELLULAR RADIO LICENSING PROCEDURES FOR SMALL MARKETS

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 301; 47 USC 303; 47 USC 307; 47 USC 308; 47 USC 309

CFR Citation: 47 CFR 22.900

Abstract: Modification of licensing procedures for cellular mobile radio systems in smaller markets to make cellular radio service available more rapidly.

Timetable:

Action	Date	FR Cite
R&O	06/00/86	

Small Entity: Undetermined

Agency Contact: Steven A. Weiss, Attorney, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, 202 632-6450

RIN: 3060-AD38

FEDERAL COMMUNICATIONS COMMISSION (FCC)—COMMON CARRIER BUREAU

Final Rule Stage

3550. JURISDICTIONAL SEPARATIONS: CENTRAL OFFICE EQUIPMENT AND INTEREXCHANGE PLANT

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 67

Abstract: Proceeding to examine the need for changes in the jurisdictional separations procedures for central office equipment and interexchange plant.

Timetable:

Action	Date	FR Cite
NPRM	04/30/84	49 FR 18318
OIC (Joint Board)	08/06/85	50 FR 31747
OIC planned (Joint Board)	09/00/86	

Small Entity: Undetermined

Agency Contact: C. Pabo, Federal Communications Commission, 1919 M St., N.W., Rm. 544, Washington, D.C. 20554, **202 632-6363**

RIN: 3060-AD37

[FR Doc. 86-6641 Filed 04-18-86; 8:45 am]

BILLING CODE 6712-01-T

FEDERAL COMMUNICATIONS COMMISSION (FCC)—MASS MEDIA BUREAU

Proposed Rule Stage

3551. TECHNICAL DEREGULATION: PART 73 - FM

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.317; 47 CFR 73.319; 47 CFR 73.322; 47 CFR 73.556; 47 CFR 73.597

Abstract: This item reviews the technical and operational requirements of Subparts B and C, Part 73, for FM stations.

Timetable:

Action	Date	FR Cite
NPRM	10/31/85	
R&O	06/00/86	

Small Entity: Yes

Additional Information: DOCKET NUMBER: mmb-116

Agency Contact: Michael Lewis, Federal Communications Commission, 2025 M St., N.W., Rm. 8120, Washington, D.C. 20554, **202 632-9660**

RIN: 3060-AD04

3552. FM VS. AVIATION: INTERFERENCE PROBLEMS

Significance: Agency Priority

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 73

Abstract: This item addresses a continuing problem of interference to aviation receivers because of high powered FM stations. The Commission will consider ending this issue with an R&O adopting compatibility standards.

Timetable:

Action	Date	FR Cite
NPRM	04/11/85	
R&O	09/00/86	

Small Entity: Yes

Additional Information: DOCKET NUMBER: mm-85-108

ASSOCIATED ITEMS: mmb-124 NPRM

Agency Contact: Katy Hosford, Federal Communications Commission, 2025 M St., N.W., Rm. 8112, Washington, D.C. 20554, **202 632-9660**

RIN: 3060-AD08

3553. SINGLE MAJORITY SHAREHOLDER (ATTRIBUTION)

Legal Authority: 47 USC 151 et seq

CFR Citation: 47 CFR 73.3555

Abstract: A R&O to review the single majority stockholder provision of the Commission's attribution rules (12-12-12).

Timetable:

Action	Date	FR Cite
NPRM	06/07/85	
R&O	09/00/86	

Small Entity: Yes

Additional Information: DOCKET NUMBER: mm-85-192

ASSOCIATED ITEMS: mmb-175 NPRM

Agency Contact: Laurel Bergold, Federal Communications Commission, 2025 M St., N.W., Rm. 8336, Washington, D.C. 20554, **202 632-7792**

RIN: 3060-AD12

3554. DISTRESS SALE POLICY

Legal Authority: 47 USC 309; 47 USC 310

CFR Citation: 47 CFR 73.4140

Abstract: NPRM will explore distress sale policy to determine whether to expand by (1) making election permissible at any time prior to final order and (2) scaling price as percentage of fair market value depending upon when notice of intent to utilize distress sale is given. NABOB petition for rulemaking.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/08/85	
R&O	06/00/86	

Small Entity: Yes

Additional Information: DOCKET NUMBER: mmb-207

Agency Contact: Belford Lawson, Federal Communications Commission, 2025 M St., N.W., Rm. 8328, Washington, D.C. 20554, **202 632-7792**

RIN: 3060-AD48

FEDERAL COMMUNICATIONS COMMISSION (FCC)—MASS MEDIA BUREAU

Final Rule Stage

3555. DBS: RECEIVER STANDARDS

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 100

Abstract: This item considers adoption of standards for DBS receivers.

Timetable:

Action	Date	FR Cite
NPRM	02/06/85	
R&O	09/00/86	

Small Entity: Yes

Additional Information: DOCKET NUMBER: mm-85-36

ASSOCIATED ITEMS: mmb-123 NPRM

Agency Contact: Bernard Gorden, Federal Communications Commission, 2025 M St., N.W., Rm. 8114, Washington, D.C. 20554, 202 632-9660

RIN: 3060-AD50

FEDERAL COMMUNICATIONS COMMISSION (FCC)—MASS MEDIA BUREAU

Completed Actions

3556. COMPARATIVE PREFERENCES WITHIN METROPOLITAN AREAS

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
Withdrawn	02/25/86	

Small Entity: Yes

Agency Contact: Joel Rosenberg 202 634-6530

RIN: 3060-AB61

3557. AM ANTENNA PROOFS

CFR Citation: 47 CFR 73.61; 47 CFR 73.68; 47 CFR 73.154

Completed:

Reason	Date	FR Cite
R&O adopted	10/31/85	

Small Entity: Yes

Agency Contact: John Reiser 202 632-9660

RIN: 3060-AD07

3558. CABLE BILL IMPLEMENTATION: EEO

Significance: Agency Priority

CFR Citation: 47 CFR 76

Completed:

Reason	Date	FR Cite
R&O adopted	09/18/85	

Small Entity: Yes

Agency Contact: Marcia Glauberman 202 632-6302

RIN: 3060-AD13

3559. TRANSFERS AND TAKEOVERS: PROXY CONTESTS

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
Policy Statement adopted	01/30/86	

Small Entity: Yes

Agency Contact: Steve Sewell 202 632-6993

RIN: 3060-AD46

[FR Doc. 86-6641 Filed 04-18-86; 8:45 am]

BILLING CODE 6712-01-T

FEDERAL COMMUNICATIONS COMMISSION (FCC)—OFFICE OF GENERAL COUNSEL

Proposed Rule Stage

3560. AMENDING ENVIRONMENTAL RULES IN RESPONSE TO NEW RULES ISSUED BY THE COUNCIL ON ENVIRONMENTAL QUALITY (C.E.Q.)

Legal Authority: 47 USC 303(r); 47 USC 154(i)

CFR Citation: 47 CFR 1, Subpart I

Abstract: The Commission's existing environmental rules are being revised to comply with guidelines issued by the Council for Environmental Quality (C.E.Q.).

Timetable:

Action	Date	FR Cite
NPRM	07/03/79	44 FR 38913
NPRM Comment Period End	08/02/79	
R&O	09/00/86	

Small Entity: Yes

Additional Information: GEN DOCKET - 79-163.

Affected Sectors: None

Agency Contact: Holly Kaufman, Attorney-Advisor, Federal Communications Commission, 1919 M St., N.W., Washington, D.C. 20554, 202 632-6990

RIN: 3060-AB30

[FR Doc. 86-6641 Filed 04-18-86; 8:45 am]

BILLING CODE 6712-01-T

FEDERAL COMMUNICATIONS COMMISSION (FCC)—PRIVATE RADIO BUREAU

Proposed Rule Stage

3561. 900 MHZ ALLOCATION TO THE PRIVATE LAND MOBILE RADIO SERVICES

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 2; 47 CFR 90

Abstract: The FCC has adopted a Notice of Proposed Rule Making proposing the allocation of 12 MHz from the land mobile reserve for private land mobile use.

Timetable:

Action	Date	FR Cite
NPRM adopted	11/21/84	
NPRM published	01/11/85	50 FR 1582
Reply comments closed	06/05/86	
R&O	06/00/86	

Small Entity: Yes

Additional Information: Docket Number: pr 84-1233

Agency Contact: Stuart Overby, Federal Communications Commission, 2025 M St., N.W., Rm. 5114, Washington, D.C. 20554, **202 634-2443**

RIN: 3060-AD29

FEDERAL COMMUNICATIONS COMMISSION (FCC)—PRIVATE RADIO BUREAU

Final Rule Stage

3562. TELEPHONE MAINTENANCE RADIO SERVICE (TMRS)

Legal Authority: 47 USC 154(i); 47 USC 403

CFR Citation: 47 CFR 90

Abstract: The FCC has proposed amending the rule governing the TMRS to eliminate the division of frequencies between wireline carriers and microwave carriers. Eligibility requirements and interservice frequency coordination are not altered.

Timetable:

Action	Date	FR Cite
NPRM adopted	08/05/85	
NPRM published	08/16/85	50 FR 33072
Comments on NPRM due	10/15/85	
Replies on NPRM due	11/15/85	
R&O	06/00/86	

Small Entity: Yes

Additional Information: Docket Number: pr 84-884

Agency Contact: Harold Salters, Federal Communications Commission, 2025 M St., N.W., Rm. 5202, Washington, D.C. 20554, **202 632-7597**

RIN: 3060-AD44

FEDERAL COMMUNICATIONS COMMISSION (FCC)—PRIVATE RADIO BUREAU

Completed Actions

3563. INTERCONNECTION IN THE PRIVATE LAND MOBILE RADIO SERVICES IN THE FREQUENCY BANDS BELOW 800 MHZ

CFR Citation: 47 CFR 90

Completed:

Reason	Date	FR Cite
M&O adopted	08/12/85	

Small Entity: Yes

Agency Contact: Nia Cresham 202 634-2443

RIN: 3060-AB74

[FR Doc. 86-6641 Filed 04-18-86; 8:45 am]

BILLING CODE 6712-01-T

FEDERAL COMMUNICATIONS COMMISSION (FCC)—OFFICE OF SCIENCE AND TECHNOLOGY

Proposed Rule Stage

3564. ALLOCATION OF ADDITIONAL SPECTRUM FOR PRIVATE LAND MOBILE RADIO (LMCC PETITION)

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 22; 47 CFR 90

Abstract: Amendment of Pts. 2, 22 and 90 of the Rules to provide an additional allocation for present land mobile use, including private and cellular. LMCC petitions for allocation of all of the 900 MHz reserve bands plus investigation of future use of UHF-TV spectrum and tne 216-225 MHz band.

Timetable:

Action	Date	FR Cite
NPRM	11/30/84	
NPRM	12/31/84	
R&O	09/30/86	

Small Entity: Yes

Additional Information: RM-4829.

Agency Contact: Fred Thomas, Federal Communications Commission, 2025 M St., N.W., Rm. 7320, Washington, D.C. 20554, **202 653-8112**

RIN: 3060-AC91

3565. UTILIZATION POLICY - FIXED AND MOBILE SERVICES 1-40 GHZ (RECONSIDERATION)

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 21; 47 CFR 74; 47 CFR 78; 47 CFR 94

Abstract: Develop third R&O which will establish expanded access/sharing of the 1.8, 1.9, 6, 7, 13 and 23 GHz band.

FCC—OST

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
R&O	07/30/86	

Small Entity: Undetermined

Additional Information: 82-334

Agency Contact: Don Campbell, Federal Communications Commission, 2025 M St., N.W., Rm. 7328, Washington, D.C. 20554, **202 653-8136**

RIN: 3060-AC92

3566. ADDITIONAL SHARING OF UHF TV CHANNELS BY PRIVATE LM SERVICES

Significance: Agency Priority

Legal Authority: 47 USC 301; 47 USC 303; 47 USC 332

CFR Citation: 47 CFR 2; 47 CFR 90

Abstract: Accommodation of projected requirements of private LM services would be partially through further sharing of certain UHF-TV channels in the major markets.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	
R&O	09/30/86	

Small Entity: Yes

Agency Contact: Julius Knapp, Federal Communications Commission, 2025 M St., N.W., Rm. 7310, Washington, D.C. 20554, **202 653-8108**

RIN: 3060-AC93

3567. TECHNICAL STANDARDS, MEDICAL ULTRASONIC EQUIPMENT - PART 18

Significance: Agency Priority

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 18.71 to 84

Abstract: Rulemaking to relax the technical standards for medical ultrasonic equipment.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	
R&O	06/30/86	

Small Entity: Yes

Additional Information: Docket No. 85-303

Agency Contact: Liliane Volcy, Federal Communications Commission, 2025 M St., N.W., Rm. 8302, Washington, D.C. 20554, **202 653-7316**

RIN: 3060-AC95

3568. DORCMA - REMOTE CONTROL SECURITY DEVICES

Significance: Agency Priority

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 15.201 to 215

Abstract: The Door Operators and Remote Control Manufacturers Association requests what amounts to a complete review and overhaul of the technical standards for remote control and security devices in Part 15.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	

Small Entity: Yes

Additional Information: RM-4637.

Agency Contact: John Reed, Federal Communications Commission, 2025 M St., N.W., Rm. 8302, Washington, D.C. 20554, **202 653-7313**

RIN: 3060-AC96

3569. SEIA - REMOTE CONTROL/SECURITY DEVICES

Significance: Agency Priority

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 15.201 to 215

Abstract: The Security Equipment Industry Association requests review and overhaul of the technical standards and measurement methods for remote control and security devices in Part 15.

Timetable:

Action	Date	FR Cite
NPRM	06/30/86	

Small Entity: Yes

Additional Information: RM-4813.

Agency Contact: John Reed, Federal Communications Commission, 2025 M St., N.W., Rm. 8302, Washington, D.C. 20554, **202 653-7313**

RIN: 3060-AC97

FEDERAL COMMUNICATIONS COMMISSION (FCC)—OFFICE OF SCIENCE AND TECHNOLOGY

Final Rule Stage

3570. TECHNICAL FLEXIBILITY IN THE MOBILE COMMUNICATION SERVICES

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 22; 47 CFR 90

Abstract: Review of technical standards dealing with mobile communications services.

Timetable:

Action	Date	FR Cite
NPRM	03/29/85	
R&O	00/00/00	

Small Entity: Yes

Agency Contact: Mike Marcus, Federal Communications Commission, 2025 M St., N.W., Rm. 7202, Washington, D.C. 20554, **202 632-7040**

RIN: 3060-AD00

FEDERAL COMMUNICATIONS COMMISSION (FCC)—OFFICE OF SCIENCE AND TECHNOLOGY

Completed Actions

3571. KNOGO - FIELD DISTURBANCE SENSORS

Significance: Agency Priority

CFR Citation: 47 CFR 15.305

Completed:

Reason	Date	FR Cite
R&O	12/23/85	

Small Entity: Yes

Agency Contact: Liliane Volcy 202 653-8247

RIN: 3060-AC98

3572. LAND MOBILE USE OF 421-430 MHZ

Significance: Agency Priority

CFR Citation: 47 CFR 2

Completed:

Reason	Date	FR Cite
R&O	09/11/85	

Small Entity: Undetermined

Agency Contact: Don Precure 202 653-8170

RIN: 3060-AD35

3573. 18168 KHZ MOBILE ALLOCATIONS

Significance: Agency Priority

CFR Citation: 47 CFR 2

Completed:

Reason	Date	FR Cite
R&O	12/20/85	

Small Entity: Undetermined

Agency Contact: Fred Thomas 202 653-8162

RIN: 3060-AD41

[FR Doc. 86-6641 Filed 04-18-86; 8:45 am]

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federal register

Monday
April 21, 1986

Part XLIX

Federal Deposit Insurance Corporation

Semiannual Regulatory Agenda

FDIC

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Ch. III

Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") is hereby publishing items for the April 1986 Regulatory Agenda. The agenda contains information about FDIC's current and projected rulemakings, existing regulations under review, and completed rulemakings.

FOR FURTHER INFORMATION CONTACT: Persons identified under regulations listed in the agenda. The address for all FDIC staff identified in the agenda is Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: Twice each year, the FDIC publishes an agenda of regulations to inform the public of its regulatory actions and to enhance public participation in the rulemaking process. Publication of the agenda is in accordance with both the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) and the FDIC statement of policy entitled "Development and Review of FDIC Rules and Regulations" (44 FR 31007, May 30, 1979; 44 FR 32353, June 6, 1979; 44 FR 76858, December 28, 1979; 49 FR 7288, February 28, 1984).

FDIC amends its regulations under the general rulemaking authority prescribed in section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) and under specific authority granted by the Act and other statutes.

Interested persons may petition the FDIC for the issuance, amendment or repeal of any regulation by submitting a written petition to the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429. Petitioners should include complete and concise statements of their interest in the subject matter and reasons why the petitions should be granted.

DATED: March 3, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3574	12 CFR 335 Securities of Insured Nonmember Banks	3064-AA45
3575	12 CFR 308 Rules of Practice and Procedures: Subpart B -- Rules of Practice Generally	3064-AA64
3576	12 CFR 309 Disclosure of Information	3064-AA65
3577	12 CFR 311 Rules Governing Public Observation of Meetings of the Corporation's Board of Directors	3064-AA66
3578	12 CFR 330 Clarification and Definition of Deposit Insurance Coverage	3064-AA68

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3579	12 CFR 344 Securities Recordkeeping and Confirmations	3064-AA30
3580	12 CFR 329 Interest on Deposits	3064-AA32

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3581	12 CFR 332 Powers Inconsistent with Purposes of Federal Deposit Insurance Law	3064-AA29
3582	12 CFR 352 Nondiscrimination on the Basis of Handicap	3064-AA39
3583	12 CFR 353 Reports of Apparent Crimes Affecting Insured Nonmember Banks; Notification of Change in Fidelity Bond Coverage	3064-AA60
3584	12 CFR 303 Disclosure of Change in Bank Control Notices	3064-AA70
3585	12 CFR 330 Recordkeeping Requirements for Deposits Placed by Deposit Brokers	3064-AA59

FDIC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3586	12 CFR 338 Fair Housing	3064-AA50
3587	12 CFR 337 Unsafe and Unsound Banking Practices	3064-AA71
3588	12 CFR 303 Applications, Requests, Submittals, Delegations of Authority, and Notices of Acquisition of Control	3064-AA51
3589	12 CFR 304 Forms, Instructions, and Reports	3064-AA61
3590	12 CFR 329 Interest on Deposits	3064-AA67
3591	12 CFR 330 Brokered Deposits, Limitations on Deposit Insurance	3064-AA26

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Prerule Stage

3574. SECURITIES OF INSURED NONMEMBER BANKS

Legal Authority: 12 USC 1819 Federal Deposit Insurance Act; 15 USC 78l(i) Securities Exchange Act of 1934

CFR Citation: 12 CFR 335

Legal Deadline: None

Abstract: The Securities Exchange Act of 1934 requires the FDIC to issue regulations substantially similar to regulations of the Securities and Exchange Commission, or publish reasons for not doing so. The staff will likely propose such conforming amendments for public comment following rulemaking actions by the Commission.

Timetable:

Action	Date	FR Cite
Awaiting SEC Rulemaking Action	00/00/00	

Small Entity: No

Agency Contact: Lawrence H. Pierce, Securities Activities Officer, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, 202 898-6885

RIN: 3064-AA45

3575. RULES OF PRACTICE AND PROCEDURES: SUBPART B -- RULES OF PRACTICE GENERALLY

Legal Authority: 5 USC 504; 12 USC 1819; 12 USC 1972; 15 USC 78w

CFR Citation: 12 CFR 308

Legal Deadline: None

Abstract: Subpart B to Part 308 prescribes rules of practice and procedures followed by the FDIC in hearings pursuant to the provisions of the Federal Deposit Insurance Act or other applicable law pertaining to involuntary termination of the insured status of any bank; issuance of cease-and-desist orders against any nonmember bank or its official; assessment of civil penalties against a bank or its official; issuance of orders that remove or suspend from office a director or officer of an insured nonmember bank; disapproval of a proposed acquisition of control of an insured nonmember bank; and imposition of sanctions upon a municipal securities dealer or a person associated with such a dealer.

This regulation has been selected for review under the FDIC's Regulation Review Program. See 50 FR 14247, April 11, 1985.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Eugene A. Miller, Counsel, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, 202 898-3705

RIN: 3064-AA64

3576. DISCLOSURE OF INFORMATION

Legal Authority: 5 USC 552; 12 USC 1819

CFR Citation: 12 CFR 309

Legal Deadline: None

Abstract: Part 309 sets forth the basic policies of the FDIC regarding the information it maintains and the procedures for obtaining access to such information.

This regulation has been selected for review under the FDIC's Regulation Review Program. See 50 FR 14247, April 11, 1985.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: James R. Dudine, Chief, Special Activities Section, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, 202 898-6750

RIN: 3064-AA65

3577. RULES GOVERNING PUBLIC OBSERVATION OF MEETINGS OF THE CORPORATION'S BOARD OF DIRECTORS

Legal Authority: 5 USC 552b; 12 USC 1819

CFR Citation: 12 CFR 311

Legal Deadline: None

Abstract: Part 311 implements the policy of the "Government in the Sunshine Act," section 552b of Title 5, United States Code, which is to provide the public with as much information as possible regarding the decision-making processes of certain Federal agencies, including the FDIC, while preserving the rights of individuals and the ability of the agency to carry out its responsibilities.

This regulation has been selected for review under the FDIC's Regulation Review Program. See 50 FR 14247, April 11, 1985.

FDIC **Prerule Stage**

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, Washington DC 20429, **202 898-3813**

RIN: 3064-AA66

3578. CLARIFICATION AND DEFINITION OF DEPOSIT INSURANCE COVERAGE

Legal Authority: 12 USC 1813; 12 USC 1817; 12 USC 1821; 12 USC 1822

CFR Citation: 12 CFR 330

Legal Deadline: None

Abstract: Part 330 provides for the determination by the FDIC of the insured depositors of an insured bank and the amount of their insured deposit accounts. It sets forth the rules for determining the insurance coverage of deposit accounts maintained by depositors.

This regulation has been selected for review under the FDIC's Regulation Review Program. See 50 FR 14247, April 11, 1985.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: J. William Via, Jr., Counsel, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, **202 898-3733**

RIN: 3064-AA68

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Proposed Rule Stage

3579. SECURITIES RECORDKEEPING AND CONFIRMATIONS

Legal Authority: 12 USC 1817; 12 USC 1818; 12 USC 1819

CFR Citation: 12 CFR 344

Legal Deadline: None

Abstract: After several years of experience with Part 344, the FDIC believes that some changes to these regulations are desirable. Part 344 requires insured State nonmember banks effecting securities transactions for customers to maintain chronological and account records of transactions and provide customers with timely specified information, and establish written policies and procedures applicable to the securities activities performed for customers. The regulation serves to assure that customers are provided with adequate information about their securities transactions effected by the bank and that banks are maintaining adequate business records. It was issued through the Federal Financial Institutions Examination Council on an interagency basis in 1979.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: No

Agency Contact: John F. Harvey, Review Unit Chief, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, **202 898-6762**

RIN: 3064-AA30

3580. INTEREST ON DEPOSITS

Legal Authority: 12 USC 1819; 12 USC 1828(g); 12 USC 1832(a)

CFR Citation: 12 CFR 329

Legal Deadline: None

Abstract: The Federal Deposit Insurance Corporation has proposed revising and simplifying Part 329 of its regulations, 12 CFR 329. The proposed regulation reflects changes made in the Federal Deposit Deposit Insurance Act, 12 USC 1811-1831d. The changes are being proposed due to the expiration of the Depository Institutions Deregulation Committee (DIDC) and its rules on April 1, 1986. Both the FDIC and the Federal Reserve Board must substitute appropriate rules by that date. The FDIC rules will apply only to state-charted banks that are not members of the Federal Reserve System.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4376
NPRM Comment Period End	03/06/86	
Final Action	04/01/86	

Small Entity: No

Agency Contact: Jules Bernard, Senior Attorney, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, **202 898-3731**

RIN: 3064-AA32

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Final Rule Stage

3581. POWERS INCONSISTENT WITH PURPOSES OF FEDERAL DEPOSIT INSURANCE LAW

Legal Authority: 12 USC 1816; 12 USC 1818(a); 12 USC 1818(b); 12 USC 1819; 12 USC 1821(f); 12 USC 1828(j)(2)

CFR Citation: 12 CFR 332

Legal Deadline: None

Abstract: The FDIC is proposing to amend Part 332 of its regulations to: (1) subject to certain exceptions, prohibit any insured bank (including insured nonmember banks, national banks, state banks that are members of the Federal Reserve System, insured branches of foreign banks, and federally chartered saving banks insured by the FDIC) from directly engaging in the following: underwriting insurance, developing real estate, reinsurance, guaranteeing or becoming surety upon the obligations of others, insuring the fidelity of others, or engaging in a surety business, (2) require any subsidiary of an insured bank that conducts any of the

prohibited activities to meet the criteria for a bona fide subsidiary set out in the regulation, (3) require notice to the FDIC of intent to invest in such subsidiary or become affiliated with any company that engages in such activities, (4) place certain restrictions on the affiliation of an insured bank with a company that engages in any of the prohibited activities, (5) place certain restrictions on extensions of credit and other transactions between insured banks and their subsidiaries or affiliates that engage in any of the prohibited (cont)

Timetable:

Action	Date	FR Cite
ANPRM	09/12/83	48 FR 40900
ANPRM Comment Period End	11/14/83	48 FR 40900
NPRM	12/13/84	49 FR 48552
NPRM Comment Period End	02/11/85	49 FR 48552
NPRM- Revised	06/07/85	50 FR 23964
Revised NPRM Comment Period Begin	06/07/85	50 FR 23964
Revised NPRM Comment Period End	07/22/85	
Final Action	09/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: activities, (6) require all insured banks that prior to the publication of this proposal established or acquired a subsidiary or became affiliated with a company that engages in the prohibited activities to conform to the regulation (with certain exceptions) within one year from the effective date of the regulation, (7) require any insured bank that as of the publication date of the proposal is directly engaging in any of the prohibited activities to conform to the regulation within one year of the effective date of the regulation with the exception that ongoing real estate developments may be completed, and (8) exclude a bank's direct investment in a subsidiary that engages in prohibited activities from the bank's consolidated capital.

The FDIC has extended the deadline for final agency action to September 8, 1986.

Analysis: Regulatory Impact Analysis; Revised Preliminary RIA 06/07/85 (50 FR 23964)

Agency Contact: Pamela E. F. LeCren, Senior Attorney, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, **202 898-3730**

RIN: 3064-AA29

3582. NONDISCRIMINATION ON THE BASIS OF HANDICAP

Legal Authority: 29 USC 504 Rehabilitation Act of 1973; 12 USC 1819 Federal Deposit Insurance Act

CFR Citation: 12 CFR 352

Legal Deadline: None

Abstract: This proposed regulation implements the spirit of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to the programs or activities conducted by various Executive agencies. Although the FDIC does not believe that Congress contemplated coverage of non-appropriated, independent regulatory agencies such as the FDIC, it has chosen to promulgate this proposed regulation to ensure that, to the extent practicable, handicapped persons are provided with equal access to FDIC programs and activities.

The FDIC gave notice on January 17, 1986 (51 FR 2519), that it was extending the period for publishing the final rule to March 31, 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/18/85	50 FR 15453
NPRM Comment Period End	06/17/85	
Final Action	03/00/86	

Small Entity: No

Agency Contact: Anne Marie Kohlligian, Attorney, Federal Deposit Insurance Corporation, Legal Division, Washington, D C 20429, **202 898-3711**

RIN: 3064-AA39

3583. REPORTS OF APPARENT CRIMES AFFECTING INSURED NONMEMBER BANKS; NOTIFICATION OF CHANGE IN FIDELITY BOND COVERAGE

Legal Authority: 12 USC 1818; 12 USC 1819; 12 USC 1828

CFR Citation: 12 CFR 353

Legal Deadline: None

Abstract: The FDIC is proposing to add Part 353 to its regulations to require insured nonmember banks to report, on a prescribed form, criminal violations of the United States Code that involve or affect such banks to the appropriate investigatory and prosecuting authorities, as well as to the FDIC. Robberies, burglaries and nonemployee larcenies, which are subject to the requirements of 12 CFR 326.5(c), are exempt from the requirements of the proposed rule. The central purpose of the report form requirement is to assure that the information needed by the investigators and prosecutors for effective law enforcement is provided in an orderly and timely fashion. Also, the FDIC, by receiving a copy of the reports, will be better able to monitor, and to act to reduce, losses to insured nonmember banks as a result of criminal activity. The proposed rule also requires,in the interest of reducing losses, that an insured nonmember bank notify the FDIC if its fidelity bond against defalcations and similar losses is cancelled or if the coverage is changed significantly.

Timetable:

Action	Date	FR Cite
NPRM	10/24/85	50 FR 43209
NPRM Comment Period End	11/25/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: James R. Dudine, Chief, Special Activities Section, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, **202 898-6750**

RIN: 3064-AA60

3584. ● DISCLOSURE OF CHANGE IN BANK CONTROL NOTICES

Legal Authority: 12 USC 1817(j); 15 USC 78; 5 USC 552(b)(4); 5 USC 552(b)(6)

CFR Citation: 12 CFR 303; 12 CFR 309

Legal Deadline: None

Abstract: The FDIC has proposed amendments to its regulations to provide greater public disclosure of information relating to change in Bank Control Notices. One amendment would permit disclosure, upon request, of the fundamental elements of the proposed acquisition of control upon acceptance of a Notice of Acquisition of Control by the FDIC. Another amendment would require the acquiring parties to publish.

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in the business section of a newspaper having general circulation in the community where the institution's home office is located, an announcement of their intent to acquire control of a particular institution.

Timetable:

Action	Date	FR Cite
NPRM	10/10/85	50 FR 41361
NPRM Comment Period End	11/12/85	
Final Action	04/00/86	

Small Entity: No

Agency Contact: Francis X. Grady, Attorney, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, 202 898-3714

RIN: 3064-AA70

3585. RECORDKEEPING REQUIREMENTS FOR DEPOSITS PLACED BY DEPOSIT BROKERS

Legal Authority: 12 USC 1813; 12 USC 1817; 12 USC 1821; 12 USC 1822; 12 USC 1823

CFR Citation: 12 CFR 330

Legal Deadline: None

Abstract: The FDIC is proposing to amend certain recordkeeping requirements affecting the manner in which insurance coverage on brokered deposits is determined. The amendments would require disclosure in the account records of the bank of the identity of each person having a beneficial ownership interest in such accounts in order for those persons to obtain insurance coverage. The primary purpose of the amendment is to enable the FDIC to determine quickly and efficiently the extent of insurance coverage on brokered deposits for supervisory and regulatory reasons and to make informed decisions regarding the costs of alternatives considered in handling insured banks which are failing.

Timetable:

Action	Date	FR Cite
NPRM	08/02/85	50 FR 31380
NPRM Comment Period End	09/03/85	50 FR 31380
Final Action	00/00/00	

Small Entity: No

Agency Contact: Patti C. Fox, Attorney, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, 202 898-3719

RIN: 3064-AA59

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Completed Actions

3586. FAIR HOUSING

Legal Authority: 12 USC 1817; 12 USC 1818; 12 USC 1819; 12 USC 1820; 15 USC 1691 et seq; 42 USC 3605; 42 USC 3608

CFR Citation: 12 CFR 338

Legal Deadline: None

Abstract: The FDIC has amended its Fair Housing regulation, 12 CFR 338, to revise the recordkeeping exemption threshold. The rule ended the log sheet requirement for log sheet banks that have $50 million or less in assets and have received fewer than 25 home loan applications in the prior calendar year. Raising the threshold improved the efficiency and effectiveness of consumer affairs examiners through more productive use of examination time and, additionally, reduced the recordkeeping burden on banks.

Timetable:

Action	Date	FR Cite
NPRM	03/18/85	50 FR 10784
NPRM Comment Period End	05/17/85	50 FR 10784
Final Action	10/01/85	50 FR 39986

Small Entity: No

Agency Contact: Rex J. Morthland, Director, Office of Consumer Programs, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, 202 898-3543

RIN: 3064-AA50

3587. ● UNSAFE AND UNSOUND BANKING PRACTICES

Legal Authority: 12 USC 1819; 12 USC 1828; PL 97-320, Sec 442

CFR Citation: 12 CFR 337

Legal Deadline: None

Abstract: The FDIC amended its regulations to extend the period during which insured nonmember banks that prior to December 28, 1984, became affiliated with a securities company or prior to that date established or acquired a subsidiary that engages in securities activities must comply with the "common name or logo" and "separate office entrance" restrictions of 12 CFR 337.4. The compliance period with respect to these restrictions is extended from December 28, 1985, until June 30, 1986.

Timetable:

Action	Date	FR Cite
Final Action	01/09/86	51 FR 880

Small Entity: No

Agency Contact: Pamela E. F. LeCren, Senior Attorney, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, 202 898-3730

RIN: 3064-AA71

3588. APPLICATIONS, REQUESTS, SUBMITTALS, DELEGATIONS OF AUTHORITY, AND NOTICES OF ACQUISITION OF CONTROL

Legal Authority: 12 USC 1815; 12 USC 1816; 12 USC 1817(j); 12 USC 1818; 12 USC 1819; 12 USC 1828; 12 USC 1829; 15 USC 1607

CFR Citation: 12 CFR 303

Legal Deadline: None

Abstract: Part 303 sets forth the requirements and procedures to be followed by State nonmember banks in making application to the FDIC on such matters as obtaining deposit insurance, establishing a branch or moving a main office or branch, establishing remote service facilities, merging or consolidating, extending corporate or charter powers, reducing or retiring capital, providing notice of change in bank control, and various other matters. The regulation also describes the authority delegated by the FDIC Board of Directors to certain officials and committees of the Corporation to act on such matters as applications, notices of acquisition of control, requests for relief

from reimbursement, and other related matters.

This regulation has been selected for review under the FDIC's Regulation Review Program. See 50 FR 14247, April 11, 1985.

Timetable:

Action	Date	FR Cite
Begin Review	06/13/85	
End Review	11/29/85	

Small Entity: No

Agency Contact: Charles J. Magyar, Review Examiner, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, **202 898-6752**

RIN: 3064-AA51

3589. FORMS, INSTRUCTIONS, AND REPORTS

Legal Authority: 12 USC 1819

CFR Citation: 12 CFR 304

Legal Deadline: None

Abstract: Part 304 identifies the forms and reports used for submitting information to the FDIC, describes the circumstances under which a particular form or report should be used, identifies sources for obtaining preprinted forms, and prescribes the required contents of a report for which there is no preprinted form. The forms and reports serve various supervisory functions.

This regulation has been selected for review under the FDIC's Regulation Review Program. See 50 FR 14247, April 11, 1985.

Timetable:

Action	Date	FR Cite
Begin Review	06/13/85	
End Review	11/01/85	

Small Entity: No

Agency Contact: John R. Keiper, Jr., Assistant Executive Secretary (Admin), Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-3810**

RIN: 3064-AA61

3590. INTEREST ON DEPOSITS

Legal Authority: 12 USC 1819; 12 USC 1828; 12 USC 1832

CFR Citation: 12 CFR 329

Legal Deadline: None

Abstract: The provisions of Part 329 apply to the advertisement and payment of interest or dividends on deposits in insured nonmember banks and insured State branches of foreign banks.

This regulation has been selected for review under the FDIC's Regulation Review Program. See 50 FR 14247, April 11, 1985.

Timetable:

Action	Date	FR Cite
Begin Review	10/25/85	
End Review	11/25/85	

Small Entity: No

Agency Contact: J. William Via, Jr., Counsel, Federal Deposit Insurance Corporation, Legal Division, Washington DC 20429, **202 898-3733**

RIN: 3064-AA67

3591. BROKERED DEPOSITS, LIMITATIONS ON DEPOSIT INSURANCE

Significance: Agency Priority

Legal Authority: 12 USC 1819 Federal Deposit Insurance Act; 12 USC 1813 Federal Deposit Insurance Act; 12 USC 1817 Federal Deposit Insurance Act; 12 USC 1821 Federal Deposit Insurance Act; 12 USC 1822 Federal Deposit Insurance Act

CFR Citation: 12 CFR 330

Legal Deadline: None

Abstract: On June 20, 1984, the United States District Court for the District of Columbia entered an Order declaring the Final Rule published by the FDIC at 49 FR 13003 (April 2, 1984) on limiting insurance coverage for brokered deposits to be unlawful, enjoining the Rule's implementation and directing that the Order be published. The FDIC published the Order, as directed by the Court, at 49 FR 27294 (July 3, 1984). On January 30, 1985, the U.S. Court of Appeals upheld the U.S. District Court's ruling that the FDIC did not have authority to limit insurance coverage on brokered deposits. The FDIC gave notice on January 8, 1986 (51 FR 731), that it has withdrawn its final rule published at 49 FR 13003 (April 2, 1984).

Timetable:

Action	Date	FR Cite
ANPRM	11/01/83	48 FR 50339
ANPRM Comment Period End	11/28/83	48 FR 50339
NPRM	01/23/84	49 FR 2787
NPRM Comment Period End	03/08/84	49 FR 2787
Final Action	04/02/84	49 FR 13003
Withdrawn	01/08/86	51 FR 731

Small Entity: No

Agency Contact: Patti C. Fox, Attorney, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, **202 898-3719**

RIN: 3064-AA26

[FR Doc. 86-5795 Filed 04-18-86; 8:45 am]

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federal register

Monday
April 21, 1986

Part L

Federal Energy Regulatory Commission

Semiannual Regulatory Agenda

FERC

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Energy Regulatory Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: In response to Office of Management and Budget Bulletin No. 86-4 the Federal Energy Regulatory Commission voluntarily submits information about rulemakings under development. Of the 28 rulemakings listed, 18 are current and projected rulemakings, 8 are completed actions, and 2 have been withdrawn.

DATES: The dates provided represent goals, not commitments, and may be revised due to shifts in workload, changes in priorities, or extensive public comments. See various dates listed for each specific rulemaking.

ADDRESS: Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Person listed for each specific rulemaking.

Kenneth F. Plumb,

Secretary.

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Prerule Stage

3592. NOI - REGULATION OF ELECTRICITY SALES - FOR RESALES AND TRANSMISSION SERVICE

Significance: Agency Priority

Legal Authority: 16 USC 2601 to 2645 PURPA; 15 USC 791a to 828c FPA

CFR Citation: 18 CFR 290; 18 CFR 35

Legal Deadline: None

Abstract: The Notice of Inquiry seeks information on the pricing and risk allocation for electric wholesale requirements service. RM85-17-000

Timetable:

Action	Date	FR Cite
Notice of Inquiry Phase I	06/04/85	50 FR 23446
Notice of Inquiry Phase II	07/05/85	50 FR 27604
End Review	00/00/00	

Small Entity: No

Agency Contact: David Goroff, Acting Assistant General Counsel Electric Rates and Corporate Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8488**

RIN: 1902-AA68

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Proposed Rule Stage

3593. RETIREMENT UNITS OF NUCLEAR REACTOR PLANT EQUIPMENT

Significance: Agency Priority

Legal Authority: 16 USC 825 to 825h Federal Power Act; 42 USC 7101 DOE Organization Act

CFR Citation: 18 CFR 35

Legal Deadline: None

Abstract: Proposed rule would establish list of retirement units for nuclear reactor plants for purposes of the Commission's Uniform Systems of Accounts. Docket No. RM83-39-000.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: David Goroff, Acting Assistant General Counsel Electric Rates and Corporate Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8488**

RIN: 1902-AA43

3594. FEES FOR HYDROPOWER PROJECTS

Significance: Agency Priority

Legal Authority: 31 USC 9701 Independent Offices Appropriations Act; 16 USC 803 Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 381

Legal Deadline: None

Abstract: The rulemaking would establish a fee for services performed by the Commission under the FPA for hydropower projects. The rule would cover permits, licenses and exemptions. Docket No. RM83-33-000

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Kristina Nygaard, Asst. General Counsel - Hydroelectric Lic., Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8033**

RIN: 1902-AA48

3595. REVISIONS TO PGA REGULATIONS

Significance: Agency Priority

Legal Authority: 15 USC 717c Natural Gas Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 157

Legal Deadline: None

Abstract: In view of the deregulation on January 1, 1985, the rulemaking addresses whether the Commission's PGA regulations should be revised to

accommodate unexpected fluctuations in pipelines' purchased gas costs, and whether the PGA regulations should be revised to update them, standardize procedures, or codify Commission policy. Docket No. RM84-12-000

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Colette Bohatch, Asst. General Counsel - Pipeline Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8497**

RIN: 1902-AA50

3596. NUCLEAR FUEL ACCOUNTING REGULATIONS

Significance: Agency Priority

Legal Authority: 16 USC 825; 16 USC 825(c)(1); 16 USC 825(h) Federal Power Act; 42 USC 7101 Department of Energy Organization Act; EO 12009

CFR Citation: 18 CFR 101

Legal Deadline: None

Abstract: This rule would revise and add accounts to treat nuclear fuel stock when a plant is deferred or cancelled. The rule will codify existing practice. Docket No. RM83-28-000

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: David Goroff, Acting Assistant General Counsel Electric Rates and Corporate Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8488**

RIN: 1902-AA52

3597. EXEMPTION FROM THE LICENSING REQUIREMENTS OF PART I OF THE FEDERAL POWER ACT OF CERTAIN CATEGORIES OF SMALL HYDROELECTRIC POWER PROJECTS WITH AN INSTALLED CAPACITY OF 5 MW OR LESS

Significance: Agency Priority

Legal Authority: 16 USC 823a Federal Power Act; 16 USC 2708 PURPA; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 4.109; 18 CFR 4.110; 18 CFR 4.111; 18 CFR 4.112

Legal Deadline: None

Abstract: The Commission has requested a remand from the U.S. Court of Appeals for the D.C. Circuit of its categorical exemptions rule for small hydroelectric power projects in order to determine whether or not to repeal the categorical exemption regulations. Docket No. RM81-7-000

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Kristina Nygaard, Asst. General Counsel - Hydroelectric Lic., Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8033**

RIN: 1902-AA59

3598. HIGH COST GAS PRODUCED FROM TIGHT FORMATIONS

Legal Authority: 15 USC 3012; 15 USC 3013; 15 USC 3017 Natural Gas Policy Act

CFR Citation: 18 CFR 271.703

Legal Deadline: None

Abstract: A petition filed by the Citizens Labor Energy Coalition raised the issue of whether tight formation gas pricing circumvents NGPA ceilings by (1) permitting price exceeding market clearing price level for natural gas; (2) diverting exploration and production away from lower section 102 and 103 gas; and (3) perverse incentives not being examined. Docket No. RM82-33-000

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Howard Schneider, Asst General Counsel - Producer Regulations, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8511**

RIN: 1902-AA60

3599. ACCOUNTING AND RATEMAKING TREATMENT FOR NUCLEAR PLANT DECOMMISSIONING COSTS

Significance: Agency Priority

Legal Authority: 16 USC 791 to 828c Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 35; 18 CFR 101; 18 CFR 141

Legal Deadline: None

Abstract: Rulemaking would establish appropriate accounting and ratemaking treatment for nuclear plant decommissioning costs that public utilities are beginning to incur. Docket No. RM85-5-000

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: David Goroff, Acting Assistant General Counsel Electric Rates and Corporate Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20246, **202 357-8488**

RIN: 1902-AA64

3600. ● REVISIONS TO THE BILLING PROCEDURES FOR ANNUAL CHARGES FOR ADMINISTERING PART I OF THE FEDERAL POWER ACT AND TO THE METHODOLOGY FOR ASSESSING FEDERAL LAND USE CHARGES

Significance: Agency Priority

Legal Authority: 16 USC 803 Federal Power Act; 42 USC 7107 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 11.20; 18 CFR 11.21

Legal Deadline: None

Abstract: The Proposed Rule would amend Part 11 of the Commission's regulations to revise the billing procedures for annual charges for administering Part I of the Federal Power Act and the methodology for assessing Federal land use charges. This Proposed Rule would also change the timing for licensees' submission of the data necessary for the computation of charges for administrative costs. In addition, under the rule proposed, hydropower licensees would be required to compute generation data on a fiscal year basis, instead of on a calendar-year basis, and to file these reports by November 1 instead of February 1. This Notice also proposes to change the Commission's system for

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computing land use charges. Docket No. RM86-2.

Timetable:

Action	Date	FR Cite
NPRM	12/30/85	51 FR 00211
NPRM Comment Period End	03/04/86	51 FR 00211
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Kristina Nygaard, Assistant General Counsel Hydroelectric Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8033**

RIN: 1902-AA71

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Final Rule Stage

3601. REVISION TO FERC RULES OF PRACTICE, PART 3, DISCOVERY

Significance: Agency Priority

Legal Authority: 16 USC 791 to 828c Federal Power Act; 15 USC 717 to 717w Natural Gas Act; 15 USC 3301 to 3432 Natural Gas Policy Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009; 16 USC 2601 to 2645 PURPA

CFR Citation: 18 CFR 1.23; 18 CFR 1.26

Legal Deadline: None

Abstract: This will establish a uniform set of rules governing discovery in FERC trial-type hearings. Docket No. RM83-41-000.

Timetable:

Action	Date	FR Cite
NPRM	07/26/84	49 FR 30519
NPRM Comment Period End	10/01/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: C. Stephen Angle, Acting Asst. Gen. Counsel Hydroelec. & Elec., Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8425**

RIN: 1902-AA13

3602. REVISION OF FERC RULES OF PRACTICE, SEPARATION OF FUNCTIONS AND EX PARTE RULES FOR TRIAL-TYPE PROCEEDINGS

Legal Authority: 5 USC 557

CFR Citation: 18 CFR 385.2201; 18 CFR 385.2202

Legal Deadline: None

Abstract: Rule would establish uniform ex parte and separation of functions rules for all trial-type proceedings. Docket No. RM80-60-000.

Timetable:

Action	Date	FR Cite
NPRM	05/29/80	45 FR 36094
Final Action	00/00/00	

Small Entity: No

Agency Contact: Ellen Schall, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8002**

RIN: 1902-AA31

3603. CALCULATION OF CASH WORKING CAPITAL ALLOWANCE FOR PUBLIC UTILITIES

Significance: Agency Priority

Legal Authority: 16 USC 79 to 828c

CFR Citation: 18 CFR 35

Legal Deadline: None

Abstract: Proposed rule would provide that a public utility that files electric rate schedules may include in rate base no cash working capital allowance, unless it is demonstrated that the payment of certain current operating expenses by that utility is not, on the average, closely timed with the receipt of revenues from ratepayers, producing a significant "lead" or "lag" in revenue collection in relation to the payment of expenses. The new section would prescribe the expense elements includable in cash working capital, the parameters of the presumption against a cash working capital allowance, and the nature of the studies that may be submitted in support of, or in opposition to, any request for a cash working capital allowance. Docket No. RM84-9.

Timetable:

Action	Date	FR Cite
NPRM	04/05/84	49 FR 14384
NPRM Comment Period End	07/05/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: David Goroff, Acting Assistant General Counsel Electric Rates and Corporate Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8848**

RIN: 1902-AA33

3604. TEMPORARY EMERGENCY TRANSPORTATION, SALES AND DELIVERY OF NATURAL GAS

Significance: Agency Priority

Legal Authority: Natural Gas Act, Sec 7(c)

CFR Citation: 18 CFR 2; 18 CFR 157; 18 CFR 284

Legal Deadline: None

Abstract: The rule would update the Commission's regulations regarding emergency transportation, sales, and delivery of natural gas, and would eliminate unnecessary reporting requirements. Docket No. RM83-31.

Timetable:

Action	Date	FR Cite
NPRM	08/15/84	49 FR 35135
NPRM Comment Period End	11/15/84	
Final Action	03/31/86	

Small Entity: No

Agency Contact: Robert Christin, Asst. Gen. Counsel - Pipeline Certificates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8522**

RIN: 1902-AA35

3605. PAYMENTS FOR BENEFITS FROM HEADWATER IMPROVEMENTS

Significance: Agency Priority

Legal Authority: 16 USC 803 Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 11.25; 18 CFR 11.26; 18 CFR 11.27; 18 CFR 11.30

Legal Deadline: None

Abstract: This rulemaking addresses the issues of whether to adopt a generic formula to govern the assessment of headwater benefits charges according to a formula first announced in the Roanoke decision, and whether to specify certain procedural steps in the determination of headwater benefits charge that would make these procedures more consistent with the Commission's rules of practice and procedure. Docket No. RM83-57-000

Timetable:

Action	Date	FR Cite
NPRM	12/29/83	49 FR 1067
NPRM Comment Period End	03/09/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Kristina Nygaard, Asst. General Counsel - Hydroelectric Lic., Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8033**

RIN: 1902-AA55

3606. PROCEDURES FOR COMPLIANCE WITH THE FEDERAL WATER POLLUTION ACT IN HYDROELECTRIC LICENSING

Significance: Agency Priority

Legal Authority: 16 USC 791 to 828c Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009; 33 USC 1251 to 1376 Federal Water Pollution Control Act

CFR Citation: 18 CFR 4

Legal Deadline: None

Abstract: Rulemaking would clarify the Commission requirements and applicants' responsibilities in satisfying section 401 certification requirements under the Federal Water Pollution Control Act. Docket No. RM85-6-000

Timetable:

Action	Date	FR Cite
NPRM	08/09/85	50 FR 32229
NPRM Comment Period End	10/08/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Kristina Nygaard, Asst. General Counsel - Hydroelectric Lic., Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8033**

RIN: 1902-AA56

3607. REVISION OF FERC FORM NO. 73, OIL PIPELINE RATES FOR DEPRECIATION ANALYSIS

Significance: Agency Priority

Legal Authority: 49 USC 1 to 27 (1976) Interstate Commerce Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 352

Legal Deadline: None

Abstract: Rulemaking will revise and update FERC Form No. 73, which collects service line data from oil pipelines for use in depreciation analysis. Docket No. RM85-11-000

Timetable:

Action	Date	FR Cite
NPRM	09/04/85	50 FR 36601
NPRM Comment Period End	10/24/85	50 FR 36601
Final Action	00/00/00	

Small Entity: No

Agency Contact: Colette Bohatch, Asst. General Counsel - Pipeline Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8497**

RIN: 1902-AA57

3608. ● CEILING PRICES; OLD GAS PRICING STRUCTURE

Significance: Agency Priority

Legal Authority: 15 USC 3301 to 3432 Natural Gas Policy Act; 42 USC 7101 to 7352 Doe Organization Act; 15 USC 717 to 717w Natural Gas Act; EO 12009

CFR Citation: 18 CFR 271

Legal Deadline: Statutory, June 1, 1986

Abstract: The Secretary of Energy proposed, under section 403 of the DOE Organization Act, that the Commission exercise its authority: 1. Under sections 104 and 106 of the NGPA, to establish just and reasonable prices for "flowing" old gas; and 2. Under section 107 of the NGPA, to establish incentive prices for certain categories of old gas.

Under the Secretary's proposal, the Commission would also act to eliminate vintaging and replace the different old gas ceiling prices with a single ceiling price. According to the Secretary, adoption of its proposal would establish incentive prices for certain categories of old gas, in order to increase significantly the production of old gas and to encourage long-term investment in natural gas exploration, development, and production. Docket No. 86-3.

Timetable:

Action	Date	FR Cite
NPRM	12/20/85	50 FR 52935
NPRM Comment Period End	02/25/86	50 FR 52935
Final Action	06/01/86	

Small Entity: No

Agency Contact: Kenneth F. Plumb, Secretary, Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol St., NE, Washington, DC 20426, **202 357-8409**

RIN: 1902-AA69

3609. ● REGULATION OF NATURAL GAS PIPELINES AFTER PARTIAL WELLHEAD DECONTROL; PART D

Significance: Agency Priority

Legal Authority: 42 USC 7101 to 7352 DOE Organization Act; EO 12009; 15 USC 717 to 717w Natural Gas Act; 15 USC 3301 to 3432 Natural Gas Policy Act

CFR Citation: 18 CFR 154

Legal Deadline: None

Abstract: The Commission seeks additional comment on its block billing procedures. In the original notice, the Commission proposed: -A three-part gas rate for pipeline gas sales, to preserve the benefits of "old" gas for existing firm sales customers and to mitigate competitive distortions resulting from the lingering effects of existing wellhead price controls; -A first block containing "old gas" under sections 104, 106(a) and 109 of the NGPA; -That after a pipeline permitted its firm sales customers to reduce 100 percent of their contract demands and offered those customers non-discriminatory self-implementing transportation, then the sales price assigned to the second block was presumed to be just and reasonable. The revised proposal is as follows: -Eliminating "Block 3" with revisions to clarify that the "as-billed" principle continues to apply to fixed costs; -Extending the base period to include the period between December 1,

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1978, to December 31, 1984; -Including interruptible purchases for purposes of determining block 1 allocation factors; -Clarifying that the presumption of justness and reasonableness for block 2 gas;-Various clarifications regarding implementation.

Timetable:

Action	Date	FR Cite
NPRM	10/09/85	50 FR 42372
NPRM Comment Period End	11/18/85	50 FR 42372
Final Action	06/01/86	

Small Entity: No

Agency Contact: Kenneth Plumb, Secretary, Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8400

RIN: 1902-AA70

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

Completed Actions

3610. APPLICATION FOR AUTHORITY TO HOLD INTERLOCKING POSITIONS REQUIRING APPROVAL UNDER SECTION 305(B) OF THE FEDERAL POWER ACT

Significance: Agency Priority

CFR Citation: 18 CFR 45, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	02/06/86	51 FR 04900
Final Action Effective	04/11/86	51 FR 04900

Small Entity: No

Agency Contact: David Goroff 202 357-8848

RIN: 1902-AA32

3611. FEES APPLICABLE TO NATURAL GAS PIPELINE CERTIFICATES

Significance: Agency Priority

CFR Citation: 18 CFR 2; 18 CFR 152; 18 CFR 154; 18 CFR 156; 18 CFR 157; 18 CFR 281; 18 CFR 284; 18 CFR 381

Completed:

Reason	Date	FR Cite
Final Action	09/30/85	50 FR 40332
Final Action Effective	11/04/85	50 FR 40332

Small Entity: No

Agency Contact: Robert Christin 202 357-8522

RIN: 1902-AA40

3612. ACCOUNTING FOR SPENT NUCLEAR FUEL DISPOSED OF BY THE DEPARTMENT OF ENERGY

CFR Citation: 18 CFR 35; 18 CFR 101; 18 CFR 141

Completed:

Reason	Date	FR Cite
Withdrawn	01/21/86	

Small Entity: No

Agency Contact: David Goroff 202 357-8488

RIN: 1902-AA46

3613. REVISIONS TO FPC FORM NO. 8 AND FERC FORM NO. 16

Significance: Agency Priority

CFR Citation: 18 CFR 260.12; 18 CFR 260.11

Completed:

Reason	Date	FR Cite
Final Action	11/22/85	50 FR 49031
Final Action Effective	12/30/85	50 FR 49031

Small Entity: No

Agency Contact: Robert Christin 202 357-8522

RIN: 1902-AA47

3614. FEES FOR OIL PIPELINES

CFR Citation: 18 CFR 346

Completed:

Reason	Date	FR Cite
Withdrawn	11/30/85	

Small Entity: No

Agency Contact: Colette Bohatch 202 357-8497

RIN: 1902-AA49

3615. REVISED PROCEDURES FOR WELL CATEGORY DETERMINATIONS UNDER THE NGPA

Significance: Agency Priority

CFR Citation: 18 CFR 271.804; 18 CFR 274.206

Completed:

Reason	Date	FR Cite
Final Action	01/28/86	51 FR 04306
Final Action Effective	04/21/86	51 FR 04306

Small Entity: Undetermined

Agency Contact: Howard Schneider 202 357-8511

RIN: 1902-AA53

3616. TREATMENT OF INVESTMENT TAX CREDITS BY NATURAL GAS PIPELINE COMPANIES

Significance: Agency Priority

CFR Citation: 18 CFR 2.67a

Completed:

Reason	Date	FR Cite
Final Action	11/27/85	50 FR 49679
Final Action Effective	01/01/86	50 FR 49679

Small Entity: No

Agency Contact: Colette Bohatch 202 357-8497

RIN: 1902-AA61

3617. FEES APPLICABLE TO ELECTRIC UTILITIES, COGENERATORS AND SMALL POWER PRODUCERS

Significance: Agency Priority

CFR Citation: 18 CFR 32; 18 CFR 381; 18 CFR 375

Completed:

Reason	Date	FR Cite
Final Action	09/30/85	50 FR 40347
Final Action Effective	11/04/85	50 FR 40347

Small Entity: No

Agency Contact: David Goroff 202 357-8488

RIN: 1902-AA62

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Completed Actions

3618. GENERIC DETERMINATION OF RATE OF RETURN ON COMMON EQUITY FOR PUBLIC UTILITIES

CFR Citation: 18 CFR 37

Completed:

Reason	Date	FR Cite
Final Action	12/26/85	51 FR 00343
Final Action Effective	02/01/86	51 FR 00343

Small Entity: No

Agency Contact: David Goroff 202 357-8488

RIN: 1902-AA66

3619. REGULATION OF NATURAL GAS PIPELINES AFTER PARTIAL WELLHEAD DECONTROL (PARTS A, B, AND C)

Significance: Agency Priority

CFR Citation: 18 CFR 2; 18 CFR 154; 18 CFR 157; 18 CFR 161; 18 CFR 284

Completed:

Reason	Date	FR Cite
Final Action	10/09/85	50 FR 42408
Final Action Effective	11/01/85	50 FR 42408

Small Entity: No

Agency Contact: Kenneth J. Malloy 202 357-8100

RIN: 1902-AA67

[FR Doc. 86-5796 Filed 04-18-86; 8:45 am]

BILLING CODE 6717-01-T

Federal Register

Monday
April 21, 1986

Part LI

Federal Home Loan Bank Board

Semiannual Regulatory Agenda

FHLBB

FEDERAL HOME LOAN BANK BOARD

12 CFR Ch. V

[No. 86-64]

Agenda of Federal Regulations

AGENCY: Federal Home Loan Bank Board.

ACTION: Publication of agenda items.

SUMMARY: The Federal Home Loan Bank Board is hereby publishing items for the April "Unified Agenda of Federal Regulations."

ADDRESS: Information Services Division, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: See persons listed below for specific agenda items.

DATED: January 27, 1986.

By the Federal Home Loan Bank Board.

Nadine Y. Penn,

Acting Secretary.

FEDERAL HOME LOAN BANK BOARD (FHLBB) — Final Rule Stage

3620. ● VOLUNTARY SUPERVISORY CONVERSIONS AND MODIFIED CONVERSIONS

Legal Authority: 12 USC 1464(i) (1) to (2); 12 USC 1464(o); 12 USC 1464(p); 12 USC 1725(j); PL 99-120, Sec 6

CFR Citation: 12 CFR 563b; 12 CFR 563b.20 to 33; 12 CFR 563b.34(a); 12 CFR 563b.35 to 36; 12 CFR 563b.38 to 40

Legal Deadline: None

Abstract: The Board proposes to adopt technical amendments to its regulations governing voluntary supervisory conversions and modified conversions of mutual insured institutions to stock form. The purposes of the proposed amendments are to clarify several of the policies and interpretations of the Federal Home Loan Bank Board relating to the voluntary supervisory conversion process, to expedite the processing of voluntary supervisory conversion and modified conversion applications, and to facilitate the voluntary supervisory conversion and modified conversion procedures and encourage their use by insured institutions as capital-raising tools. In addition, the Board is proposing to remove the requirement that the offer and sale of capital stock in a voluntary supervisory conversion must constitute a non-public offering. The Board believes that by allowing insured institutions the option to publicly offer conversion stock, the use of the voluntary supervisory conversion procedure as a means of capitalizing and rehabilitating insolvent and financially troubled insured institutions will be encouraged.

Alternatives to the proposed regulation, which may or (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/17/85	50 FR 45414
Publication of Board Action	10/31/85	50 FR 45414
NPRM Comment Period End	11/25/85	

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: may not be considered by the Board, include rules such as the present rules, which have a tendency to limit the utility of the voluntary supervisory conversion and modified conversion procedures. More liberal alternatives could lead to questions of statutory authority.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Agency Contact: Donna R. Gunther, Assistant Director, Corporate and Securities, Division, O.G.C., Federal Home Loan Bank Board, 1700 G St. NW, Washington, DC 20552, 202 377-6427

RIN: 3068-AA06

3621. ● CONSERVATORS AND RECEIVERS

Legal Authority: 12 USC 1464; 12 USC 1724(d); 12 USC 1729; PL 99-120, Sec 6

CFR Citation: 12 CFR 547; 12 CFR 548; 12 CFR 549; 12 CFR 563.8-3, (proposed new section); 12 CFR 563.39(a); 12 CFR 569a; 12 CFR 569b, (proposed new Part); 12 CFR 569c, (proposed new Part)

Legal Deadline: None

Abstract: The Board is proposing extensive revisions to its regulations governing the conservatorship and receivership of associations chartered by the Board or the accounts of which that are insured by the Federal Savings and Loan Insurance Corporation. The Board will unify the appointment of receiver procedures for state and federal institutions; adopt procedures for appointment of receivers under section 406(c)(1)(B) of the National Housing Act; and address the priorities in liquidation and participation interests in liquidation, which are absent from or inadequately covered in the present regulations. The Board is also proposing that its regulations cover topics such as the effect of the receivership appointment on executory contracts, employment agreements, certain "Golden Parachute" agreements, participation agreements, repurchase agreements, and on agreements relating to secured and unsecured borrowings by an insured institution, including agreements providing for prepayment or default penalties. The proposed regulations provide for new rules of general applicability in the areas previously mentioned, clarify existing provisions, and reorganize and recodify all the (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/08/85	50 FR 48970
Publication of Board Action	11/27/85	50 FR 48970
NPRM Comment Period End	01/22/86	
Final Action	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: regulations governing conservatorships and receiverships.

There are no alternatives being considered by the Board in lieu of the proposed regulation that would have less impact on small institutions.

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Final Rule Stage

consistent with the intended result, than the concerns expressed in the supplementary information to the proposed rule and the existing statutory requirements concerning receiverships and conservatorships.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Agency Contact: Lawrence W. Hayes, Deputy General Counsel for FSLIC, O.G.C., Federal Home Loan Bank Board, 1700 G St. NW, Washington, DC 20552, **202 377-6428**

RIN: 3068-AA07

FEDERAL HOME LOAN BANK BOARD (FHLBB)

Completed Actions

3622. SECURITIES OFFERINGS

CFR Citation: 12 CFR 563.7-4; 12 CFR 563.8; 12 CFR 563.8-1; 12 CFR 563.8-4; 12 CFR 563c.1; 12 CFR 563g. (Proposed new Part)

Completed:

Reason	Date	FR Cite
Final Action	12/31/85	50 FR 53284
Final Action Effective	03/01/86	

Small Entity: No

Agency Contact: Scott E. Bartel 202 377-6963

RIN: 3068-AA04

[FR Doc. 86-4528 Filed 04-18-86; 8:45 am]

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Monday
April 21, 1986

Federal Register

Part LII

Federal Maritime Commission

Semiannual Regulatory Agenda

FMC

FEDERAL MARITIME COMMISSION

46 CFR Ch. IV

Unified Regulatory Agenda

AGENCY: Federal Maritime Commission.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to section 5 of E.O. 12291 and the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) the Commission anticipates having under consideration during the period from April 1, 1986, to March 31, 1987, actions in the areas listed below.

FOR FURTHER INFORMATION CONTACT: For further information concerning Commission rulemaking proceedings or the status of any matter listed below, contact: John Robert Ewers, Secretary, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Section 602 of the Regulatory Flexibility Act (5 U.S.C. 602) requires the publication of an agenda of items for which regulatory agencies may propose or promulgate a rule which is likely to have a significant economic impact on a substantial number of small entities. Section 5 of Executive Order 12291 also requires executive agencies to publish a regulatory agenda; the Commission voluntarily complies with this section. The agendas include information on regulatory activities being conducted or reviewed during the succeeding 12 months by the Commission.

The following is the Commission's Unified Regulatory Agenda. The agenda does not necessarily include petitions for rulemakings which are under staff review.

In addition, the Commission is publishing a compilation of the status of pending rulemaking proceedings and a listing of rules that have become final since the publication of the most recent regulatory agenda (October 29, 1985, 50 FR 44942). This list will be made available to the press and interested groups.

John Robert Ewers,

Secretary.

FEDERAL MARITIME COMMISSION (FMC) — Prerule Stage

3623. PUBLIC INFORMATION - FREEDOM OF INFORMATION ACT

Legal Authority: 5 USC 552(b)(4); 46 USC app 841(a)

CFR Citation: 46 CFR 503

Legal Deadline: None

Abstract: Amendments to current rules governing treatment of FOIA requests will provide for notification to filers of "business confidential" information to permit responses before a decision to release or not to release information requested under the Act.

Timetable:

Action	Date	FR Cite
End Review	07/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA12

3624. INFORMATION REQUIRED FOR SECTION 18 STUDY

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1714; 46 USC app 1716; 46 USC app 1717(a)

CFR Citation: 46 CFR , (New)

Legal Deadline: Statutory, September 20, 1989. Legal deadline applies to information to be compiled, not necessarily by a rulemaking.

Abstract: Section 18(a) of the Shipping Act of 1984 requires the Commission to collect information concerning the impact of the Act upon the international ocean shipping industry for a period of 5 years ending on March 20, 1989. To the extent such data are not available, this review will consider Commission rules or orders to develop such information from the regulated industry.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/84	
End Review	01/00/87	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA50

3625. INDEPENDENT ACTION - MISCELLANEOUS PROVISIONS

Legal Authority: 46 USC 553; 46 USC app 1704; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR 572

Legal Deadline: None

Abstract: Section 5(b)(8) of the Shipping Act of 1984 requires that conference members be allowed to take independent rate action under certain conditions. The Commission is considering a rule to require accurate reporting and to clarify other situations with regard to this statutory right.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	04/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA53

3626. INFORMATION FORM FOR AGREEMENTS: MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 1703 to 1705; 46 USC app 1716

CFR Citation: 46 CFR 572.405; 46 CFR 572, Appendix A

Legal Deadline: None

Abstract: The information form that must accompany certain types of agreements filed under 46 CFR Part 572 may need to be amended to ensure Commission jurisdiction and to show the affiliates of the filing parties.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	07/00/86	

Small Entity: No

FMC

Prerule Stage

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA55

3627. AUTOMATED TARIFF FILING

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 816; 46 USC app 817; 46 USC app 841a; 46 USC app 1707; 46 USC app 1708; 46 USC app 1715; 46 USC app 1716; 46 USC app 1717

CFR Citation: 46 CFR 515; 46 CFR 550; 46 CFR 580

Legal Deadline: None

Abstract: The Commission is considering the development of a fully automated system whereby tariff matters can be made available to the public and to the Commission through automatic data processing in order to reduce paperwork and other burdens. An Industry Advisory Committee is assisting the Commission in the project.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/84	
Notice of Intent to form Advisory Committee	04/12/85	50 FR 14453
End Review	01/00/87	

Small Entity: Undetermined

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA61

3628. COMMON AND CONTRACT CARRIAGE - MISCELLANEOUS PROVISION

Legal Authority: 5 USC 553; 46 USC app 801; 46 USC app 841a; 46 USC app 1702; 46 USC app 1716

CFR Citation: 46 CFR 510; 46 CFR 515; 46 CFR 525; 46 CFR 550; 46 CFR 552; 46 CFR 553; 46 CFR 560; 46 CFR 572; 46 CFR 580

Legal Deadline: None

Abstract: This review will attempt to clarify the status of common carriers vis-a-vis contract carriers and provide reasonable regulations for operations by common carriers subject to the shipping statutes.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	06/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA63

3629. INDEX OF DOCUMENTS FOR AGREEMENTS

Legal Authority: 5 USC 553; 46 USC app 1703 to 1706; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714; 46 USC app 1716; 46 USC app 1717

CFR Citation: 46 CFR 572.704

Legal Deadline: None

Abstract: Section 572.704 of Title 46 Code of Federal Regulations requires agreement parties who are required to file minutes to maintain an index of certain reports, studies and documents used for certain decisions, and to file such an index quarterly with the Commission. This requirement is being considered along with requirements to file minutes and other reports and with record retention provisions.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	04/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA64

3630. TERMINAL OPERATOR TARIFFS-EXCULPATORY PROVISIONS

Legal Authority: 5 USC 553; 46 USC app 816; 46 USC app 817; 46 USC app 841a; 46 USC app 1707; 46 USC app 1709(d)(1); 46 USC app 1716

CFR Citation: 46 CFR 515

Legal Deadline: None

Abstract: The Commission has had a number of formal adjudication proceedings involving the legality of certain tariff clauses which exculpate, indemnify or save harmless the terminal operator for negligence. This action would provide needed clarification and specific guidelines for such clauses.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	04/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA67

3631. REGULATION OF AGREEMENTS OF DOMESTIC CARRIERS - MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 801 et seq

CFR Citation: 46 CFR 558 to 569

Legal Deadline: None

Abstract: The Shipping Act, 1916, after amendment by the Shipping Act of 1984, applies only to domestic operations. In order to properly implement the 1984 Act, the Commission made the essential, limiting changes to its domestic regulations of agreements within the deadline established by the 1984 Act. This review will now determine what further, substantive changes in the domestic agreements may be desirable.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	11/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA68

3632. USER FEES TO RECOVER AGENCY COSTS

Significance: Agency Priority

Legal Authority: 5 USC 552 to 553

CFR Citation: 46 CFR 503.43

Legal Deadline: None

Abstract: The Commission is reviewing existing fees for services in order to determine whether they are adequate to recover costs.

FMC

Prerule Stage

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	08/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA70

3633. ● MANDATORY AGREEMENT PROVISIONS

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 572

Legal Deadline: None

Abstract: Review would determine need for clarifying regulations implementing the provisions of the Shipping Act of 1984 relating to mandatory provisions in certain agreements.

Timetable:

Action	Date	FR Cite
Begin Review	01/10/86	
End Review	06/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA74

3634. ● MISCELLANEOUS AMENDMENTS TO REGULATIONS IMPLEMENTING SECTION 19 OF THE MERCHANT MARINE ACT OF 1920

Legal Authority: 5 USC 553; 46 USC app 876(1)(b); 46 USC app 1714; 46 USC app 1716

CFR Citation: 46 CFR 585

Legal Deadline: None

Abstract: Review would determine necessity of updating the regulations to implement Section 19 of the Merchant Marine Act of 1920.

Timetable:

Action	Date	FR Cite
Begin Review	01/10/86	
End Review	05/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA75

3635. ● FINANCIAL RESPONSIBILITY OF PASSENGER VESSEL OPERATORS FOR NON-PERFORMANCE

Legal Authority: 5 USC 553; 46 USC app 817e; 46 USC app 841a; 46 USC app 1716

CFR Citation: 46 CFR 540

Legal Deadline: None

Abstract: Review would attempt to develop a formula for the amount of bond required to ensure financial responsibility of passenger vessel operators for non-performance.

Timetable:

Action	Date	FR Cite
Begin Review	01/10/86	
End Review	03/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA78

3636. ● TRUCK DETENTION AT THE PORT OF NEW YORK - INCREASE IN PENALTIES

Legal Authority: 5 USC 553; 46 USC app 816; 46 USC app 841a; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR 530

Legal Deadline: None

Abstract: Review would determine necessity of increasing certain penalties for truck detention at the Port of New York as requested by petition.

Timetable:

Action	Date	FR Cite
Petition noticed in FR	12/27/85	50 FR 53012
Begin Review	01/10/86	
End Review	04/00/86	

Small Entity: Undetermined

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA79

3637. ● FILING OF TARIFFS IN THE FOREIGN COMMERCE OF THE UNITED STATES - MISCELLANEOUS PROVISIONS

Legal Authority: 5 USC 553; 46 USC app 1702 to 1705; 46 USC app 1707; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714 to 1716; 46 USC app 1718

CFR Citation: 46 CFR 580

Legal Deadline: None

Abstract: Review would identify changes desirable in foreign tariff regulations.

Timetable:

Action	Date	FR Cite
Begin Review	01/10/86	
End Review	07/00/86	

Small Entity: Undetermined

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA82

3638. ● INDEPENDENT ACTION - MISCELLANEOUS PROVISIONS

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717; 46 USC app 1718

CFR Citation: 46 CFR 572; 46 CFR 580

Legal Deadline: None

Abstract: Review would attempt to analyze certain conference practices to ensure that they do not unduly inhibit the right of individual members to take independent action as provided by the Shipping Act of 1984.

Timetable:

Action	Date	FR Cite
Begin Review	01/10/86	
End Review	04/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA83

3639. ● PUBLIC INFORMATION - MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 552; 5 USC 552a; 5 USC 552b; 5 USC 553; EO 12356

CFR Citation: 46 CFR 503

FMC — Prerule Stage

Legal Deadline: None

Abstract: Review would determine need to update regulations relating to Information, Privacy and Sunshine Acts.

Timetable:

Action	Date	FR Cite
Begin Review	07/00/86	
End Review	09/00/86	

Small Entity: Undetermined

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA84

3640. ● RATES QUOTED SUBJECT TO BOOKING

Legal Authority: 5 USC 553; 46 USC app 812; 46 USC app 814 to 815; 46 USC app 817(a); 46 USC app 820; 46 USC app 833a; 46 USC app 841a; 46 USC app 843 to 847; 46 USC app 1702 to 1705; 46 USC app 1707; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714 to 1716; 46 USC app 1718

CFR Citation: 46 CFR 550; 46 CFR 580

Legal Deadline: None

Abstract: Review would determine the necessity of regulations governing the parties of quoting rates subject to booking. Related to FMC Spec. Dkt. 1343.

Timetable:

Action	Date	FR Cite
Begin Review	02/14/86	
End Review	06/00/86	

Small Entity: Undetermined

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA86

3641. ● DEFINITION OF "SHIPPER"

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717; 46 USC app 1718

CFR Citation: 46 CFR 510; 46 CFR 572; 46 CFR 580

Legal Deadline: None

Abstract: Review would determine if the term "shipper" needs clarification in various regulations, especially for service contracts, as requested by petition.

Timetable:

Action	Date	FR Cite
Petition noticed in FR	02/13/86	51 FR 5402
Begin Review	03/00/86	
End Review	05/00/86	

Small Entity: Undetermined

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA89

FEDERAL MARITIME COMMISSION (FMC) — Proposed Rule Stage

3642. RULES OF PRACTICE AND PROCEDURE - MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 822; 46 USC app 841a; 46 USC app 1710 to 1711; 46 USC app 1716

CFR Citation: 46 CFR 502

Legal Deadline: None

Abstract: The Commission's Rules on Practice and Procedure are being reviewed to accommodate special situations such as requirements for filing appeals and requests for oral argument, petitions outside the scope of present Part 502 and special dockets, especially with regard to the date of shipment.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
NPRM Comment Period End	04/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA46

3643. SERVICE CONTRACTS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1702; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714 to 1716; 46 USC app 1718

CFR Citation: 46 CFR 581; 46 CFR 580.7

Legal Deadline: None

Abstract: Service Contract Rule at 46 CFR 580.7 is being reviewed to: clarify ambiguities and legal distinctions; provide for rational limitations to properly implement the Shipping Act of 1984 and to allow the maximum flexibility of use by carriers so as to promote wider use of service contracts in foreign commerce.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/85	
End Review	09/00/85	
NPRM	02/18/86	
NPRM Comment Period End	04/21/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA62

3644. OCEAN FREIGHT FORWARDERS - MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 1716; 46 USC app 1718

CFR Citation: 46 CFR 510

Legal Deadline: None

Abstract: Various amendments to 46 CFR Part 510 are being considered to clarify Ocean Freight Forwarder regulations and to better implement the Shipping Act of 1984.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	02/00/86	
NPRM	05/00/86	

Action	Date	FR Cite
NPRM Comment Period End	07/00/86	

Small Entity: Undetermined

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA69

3645. ATTORNEYS FEES IN REPARATION PROCEEDINGS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 821; 46 USC app 841a; 46 USC app 1710(g)

CFR Citation: 46 CFR 502

Legal Deadline: None

Abstract: Section 11(g) of the Shipping Act of 1984 provides for reasonable attorneys' fees in Commission reparation proceedings. The action here would establish Commission policy with regard to eligibility, reasonableness and when to award.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	05/00/85	
NPRM	06/00/86	
NPRM Comment Period End	08/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA72

3646. ● DEFINITION OF "JOINT SERVICE/CONSORTIUM"

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 572

Legal Deadline: None

Abstract: Clarifies the definition of "Joint Service/Consortium" for purposes of agreement filing regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
NPRM Comment Period End	06/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA76

3647. ● CONFERENCE MEMBERSHIP REGULATIONS

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 572

Legal Deadline: None

Abstract: Rule would ensure applicants for conference membership would be treated fairly.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
NPRM Comment Period End	07/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA77

3648. ● FINANCIAL REPORTS OF TUG AND BARGE OPERATORS IN DOMESTIC TRADE

Legal Authority: 5 USC 553; 46 USC app 817(a); 46 USC app 820; 46 USC app 841a; 46 USC app 843; 46 USC app 844; 46 USC app 845; 46 USC app 845a; 46 USC app 847

CFR Citation: 46 CFR 552

Legal Deadline: None

Abstract: Makes changes to systems of accounts required as a result of ICC's elimination of their system of accounts for tug and barge operators. Related to AA-47.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
NPRM Comment Period End	04/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA80

3649. ● COMBINING ANTI-REBATE CERTIFICATION FORMS FOR NON-VESSEL-OPERATING COMMON CARRIERS AND FREIGHT FORWARDERS

Legal Authority: 5 USC 553; 46 USC app 817(a); 46 USC app 820; 46 USC app 841a; 46 USC app 843; 46 USC app 844; 46 USC app 845; 46 USC app 845a; 46 USC app 847

CFR Citation: 46 CFR 510; 46 CFR 582

Legal Deadline: None

Abstract: Will result in the requirement of only one anti-rebate certification from firms which are freight forwarders and NVOs. Related to FMC Dkt. 85-5.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
NPRM Comment Period End	05/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA81

3650. ● CONFERENCE SERVICE CONTRACT AUTHORITY

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 572

Legal Deadline: None

Abstract: Clarifies steamship conference authority over the use of service contracts under the Shipping Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
NPRM Comment Period End	06/00/86	

Small Entity: Undetermined

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA87

3651. ● RULES IMPLEMENTING THE EQUAL ACCESS TO JUSTICE ACT

Legal Authority: 5 USC 504; 5 USC 553 28 USC 2412

FMC

Proposed Rule Stage

CFR Citation: 46 CFR 502

Legal Deadline: None

Abstract: Rule would incorporate model provisions developed by the Administrative Conference of the United States into the Commission's regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
NPRM Comment Period End	07/00/86	

Small Entity: Undetermined

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA90

FEDERAL MARITIME COMMISSION (FMC)

Final Rule Stage

3652. COSTS OF PROCEEDINGS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1716; 46 USC app 1717(a)(4)

CFR Citation: 46 CFR 502

Legal Deadline: Statutory, September 20, 1989

Abstract: Section 18(a)(4) of the Shipping Act requires the Commission to collect and analyze data concerning the impact of the Act on the costs of major types of regulatory proceedings before the Commission. This action will provide the regulations needed to obtain this information.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA45

3653. MARINE TERMINAL AGREEMENTS

Legal Authority: 5 USC 553; 46 USC app 801; 46 USC app 814; 46 USC app 833a; 46 USC app 841a; 46 USC app 1701 to 1705; 46 USC app 1706; 46 USC app 1715 to 1716

CFR Citation: 46 CFR 516, (New); 46 CFR 558 to 560; 46 CFR 572

Legal Deadline: None

Abstract: The Shipping Act of 1984 created new procedures for agreements required to be filed with the Commission. This action institutes a new part 516 to accommodate terminal agreements which may involve both domestic and foreign commerce and establish exemptions for those types of terminal agreements which are not likely to have anti-competitive effects. (Docket 85-10)

Timetable:

Action	Date	FR Cite
NPRM	04/05/85	50 FR 13617
NPRM Comment Period End	05/10/85	
Correction	05/10/85	50 FR 19727
Final Action	05/00/86	
Final Action Effective	06/00/86	

Small Entity: No

Additional Information: This action treats one of the issues in former Docket 83-38 Notice of Inquiry and Intent to Review Regulation of Ports and Marine Terminal Operators (RIN - 3072-AA30).

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA48

3654. INQUIRY CONCERNING INTERPRETATIONS OF SECTIONS 8(A) AND 8(C), SHIPPING ACT OF 1984; EXCEPTED COMMODITIES

Legal Authority: 5 USC 553; 46 USC app 1702 to 1707; 46 USC app 1709; 46 USC app 1715; 46 USC app 1716

CFR Citation: 46 CFR 572; 46 CFR 580

Legal Deadline: None

Abstract: Section 8(a)(1) of The Shipping Act of 1984 exempts from tariff filing certain commodities such as bulk cargo, forest products, recycled metal scrap, waste paper and paper waste. This review will clarify the legal consequences of conferences which agree to fix rates on such commodities. (Docket 85-6)

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
ANPRM	03/18/85	50 FR 10807
Extend comment time to 05/17/85	04/10/85	50 FR 14122
ANPRM Comment Period End	04/17/85	50 FR 10807
End Review	04/00/85	
Final Action	08/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA65

3655. INDEPENDENT ACTION: NOTICE AND MEETING PROVISIONS IN CONFERENCE AGREEMENTS (DOCKET NO. 85-77)

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1701; 46 USC app 1702; 46 USC app 1703; 46 USC app 1704; 46 USC app 1705; 46 USC app 1706; 46 USC app 1707; 46 USC app 1716

CFR Citation: 46 CFR 572.502

Legal Deadline: None

Abstract: Section 5(b)(8) of the Shipping Act of 1984 provides that a conference member may take independent rate action upon not more than ten days' notice. By this review, the Commission intends to ensure that the law is properly complied with and that no unreasonable restrictions inhibit the statutory right of independent action.

FMC — Final Rule Stage

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
NPRM	03/18/85	50 FR 10810
Extend comment time to 05/17/85	04/11/85	50 FR 14264
NPRM Comment Period End	04/17/85	50 FR 10810
End Review	04/00/85	
Final Action	05/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA66

3656. TARIFF PUBLICATION OF FREE TIME AND DETENTION CHARGES APPLICABLE TO CARRIER EQUIPMENT INTERCHANGED WITH SHIPPERS OR THEIR AGENTS (DOCKET 85-19)

Legal Authority: 5 USC 553; 46 USC app 817(a); 46 USC app 841a; 46 USC app 844; 46 USC app 1707; 46 USC app 1708; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR 550.5; 46 CFR 580.5; 46 CFR 580.7

Legal Deadline: None

Abstract: Docket 85-19 - Clarification of requirement that terms and conditions, including free time and detention, governing use of carrier-provided equipment by shippers or their agents be published in tariffs and service contracts. (Formal Rulemaking)

Timetable:

Action	Date	FR Cite
NPRM	08/08/85	50 FR 32097
NPRM Comment Period End	09/23/85	50 FR 32097
Final Action	01/00/87	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA73

3657. ● PROCUREMENT REGULATIONS

Legal Authority: 41 USC 414; EO 12352

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: Review would determine need to establish internal and interagency guidelines for procurement by the FMC.

Timetable:

Action	Date	FR Cite
Final Action	06/00/86	

Small Entity: Undetermined

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA85

3658. ● AGREEMENTS BY OCEAN COMMON CARRIERS AND OTHER PERSONS SUBJECT TO THE SHIPPING ACT OF 1984

Legal Authority: 5 USC 553; 5 USC app 1701 to 1707; 5 USC app 1709 to 1710; 5 USC app 1712; 5 USC app 1714 to 1717

CFR Citation: 46 CFR 572.103

Legal Deadline: None

Abstract: Rule would provide that agreements subject to the Shipping Act of 1984 would affect only future or prospective activities and may not affect past activities or events. FMC Dkt. 85-22.

Timetable:

Action	Date	FR Cite
NPRM	12/17/85	50 FR 51418
NPRM Comment Period End	02/18/86	50 FR 51418
Final Action	06/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA88

FEDERAL MARITIME COMMISSION (FMC) — Completed Actions

3659. COORDINATE PROVISIONS IN TARIFFS, SERVICE CONTRACTS AND AGREEMENTS

Legal Authority: 5 USC 553; 46 USC app 1704 to 1705; 46 USC app 1707; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR 572; 46 CFR 580

Legal Deadline: None

Abstract: Certain provisions of tariffs, service contracts and agreements cover the same matters. This action will consider whether or not such provisions can be better coordinated through, for example, standardization, cross-referencing, etc.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review no rulemaking necessary	02/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA60

3660. DOMESTIC RATE CASES - PROCEDURAL AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 841a; 46 USC app 843-848

CFR Citation: 46 CFR 502.67

Legal Deadline: None

Abstract: This action would amend 46 CFR 502.67 to take into account proceedings commencing after the effective date of rates.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review No rulemaking necessary	02/00/86	

Small Entity: No

FMC

Completed Actions

Agency Contact: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA71

[FR Doc. 86-7383 Filed 04-18-86; 8:45 am]

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Monday
April 21, 1986

Part LIII

Federal Reserve System

Semiannual Regulatory Agenda

FRS

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual agenda.

SUMMARY: The Board is issuing this Agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period from April 1 through October 1, 1986. The next Semiannual Agenda will be published in October 1986.

DATE: Comments about the form or content of the Agenda may be submitted any time during the next six months.

ADDRESS: Comments should be addressed to William W. Wiles, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its April 1986 Agenda as part of the April 1986 "Unified Agenda of Federal Regulations," which is coordinated by the Office of Management and Budget under Executive Order 12291.

Participation by the Board in the Unified Agenda is on a voluntary basis.

The Board's Agenda is divided into three sections. The first, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next six months. The second section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. A third section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further.

A dot (●) preceding an entry indicates a new matter that was not a part of the Board's previous Agenda, and which the Board has not completed.

Barbara R. Lowrey,

Associate Secretary of the Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3661	Regulation: E - Electronic Fund Transfers	7100-AA60
3662	Regulation: H - Membership of State Banking Institutions in the Federal Reserve System	7100-AA61
3663	Regulation: Y - Bank Holding Companies and Change in Bank Control	7100-AA41
3664	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0537)	7100-AA52

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3665	Regulation: D - Reserve Requirements of Depository Institutions	7100-AA62
3666	Regulation: D - Reserve Requirements of Depository Institutions and Regulation: Q - Interest on Deposits (Docket Number: R-0565 and R-0566)	7100-AA57
3667	Regulation: J - Collection of Checks and Other Items and Wire Transfers of Funds (Docket Number: R-0544)	7100-AA55
3668	Regulation: J - Collection of Checks and Other Items and Wire Transfers of Funds (Docket Number: R-0552)	7100-AA63
3669	Regulation: J - Collection of Checks and Other Items and Wire Transfers of Funds (Docket Number: R-0558)	7100-AA64
3670	Regulation: K - International Banking Operations (Docket Number: R-0550)	7100-AA58
3671	Regulation: Q - Interest on Deposits (Docket Number R-0514)	7100-AA56
3672	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0511)	7100-AA17
3673	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0491)	7100-AA40
3674	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0536)	7100-AA51
3675	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0557)	7100-AA65
3676	Regulation Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0567)	7100-AA66
3677	Regulation: Z - Truth in Lending (Docket Number R-0545)	7100-AA50
3678	Further Proposals to Reduce Risks on Large-Dollar Wire Transfer Systems (Docket Number: R-0515A, R-0515B, R-0515C)	7100-AA59

FRS

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3679	Regulation: B - Equal Credit Opportunity (Docket Number: R-0541)	7100-AA28
3680	Regulation: Q - Interest on Deposits (Docket Number: R-0514)	7100-AA36
3681	Regulation: U - Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks (Docket Number: R-0510)	7100-AA38
3682	Regulatory Improvement Project	7100-AA14

FEDERAL RESERVE SYSTEM (FRS)

Proposed Rule Stage

3661. ● REGULATION: E - ELECTRONIC FUND TRANSFERS

Legal Authority: 15 USC 1693 et seq Electronic Fund Transfer Act

CFR Citation: 12 CFR 205

Abstract: The Board will consider issuing for comment proposed amendments to Regulation E to address issues that have arisen regarding the responsibilities of persons that issue access devices and provide electronic fund transfer services to consumers absent an agreement with the financial institution holding the consumers' accounts. The amendments would clarify the responsibilities of these service-providers and the institutions holding the consumer accounts with respect to electronic fund transfers initiated through the service-providers. The amendments may (1) eliminate the requirement that service-providers furnish periodic statements to consumers; (2) require service-providers to provide detailed transaction identification that would allow the account-holding institutions to comply with the periodic statements requirements of Regulation E; and (3) require account-holding institutions to identify electronic fund transfers initiated through the service-provider on periodic statements in accordance with Regulation E.

If the Board proposes these amendments to Regulation E, it is not expected that the amendments would (cont)

Timetable:

Action	Date	FR Cite
Board will consider issuing for comment a proposal to amend Regulation E by	04/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: have a significant economic impact on a substantial number of small entities.

Agency Contact: Gerald P. Hurst, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-3667

RIN: 7100-AA60

3662. ● REGULATION: H - MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Legal Authority: 42 USC 4001 et seq

CFR Citation: 12 CFR 208.8(e)

Abstract: The Board will consider issuing for comment two amendments to the flood insurance provisions of Regulation H The proposals are designed to provide a decrease of 20,000 burden hours in paperwork, as required by OMB. The regulation would be amended to delete the requirements that: (1) state member banks maintain compliance records; and (2) a borrower acknowledge in writing receipt of the notification required to be made by state member banks under the flood insurance regulations. Banks, however, would continue to be required to make these notifications. This action would diminish burdens on all sizes of state member banks; therefore, it is not expected that the proposals would have a significant adverse effect on small banks.

Timetable:

Action	Date	FR Cite
Board will consider issuing for comment a proposal to amend Regulation H by	05/00/86	

Small Entity: No

Agency Contact: Daniel L. Rhoads, Senior Attorney, Federal Reserve System, Legal Division, 202 452-3711

RIN: 7100-AA61

3663. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL

Legal Authority: 12 USC 1843 Bank Holding Company Act; 12 USC 1844(b) Bank Holding Company Act

CFR Citation: 12 CFR 225

Abstract: A provision of Regulation Y permits a state bank subsidiary of a bank holding company to engage through a nonbank subsidiary in any activity that is permissible under state law for the bank subsidiary itself, subject to the same limits as if the bank engages in the activity directly. (A similar rule applies to national bank subsidiaries regarding activities permissible for such banks under federal law.) The Board received comments on this provision in connection with its general request for comments in May 1983 regarding the proposed revision of Regulation Y. Some of the commenters challenged the

Board's authority to issue this provision, although it has been part of Regulation Y since 1971. In taking final action on the revision of Regulation Y, the Board deferred consideration of the comments on this provision and allowed the existing rule to remain in effect in the interim (49 FR 794, January 5, 1984).

The Board plans to review this provision of the regulation in the near future. A determination to reverse the rule could have an adverse impact on many small banks that are subsidiaries of holding companies because they might be required to (cont)

Timetable:

Action	Date	FR Cite
Board requested comments	05/25/83	48 FR 23520
Board allows existing rule to remain in effect	01/05/84	49 FR 794
Board will review further by	06/00/86	

Small Entity: Yes

Additional Information: ABSTRACT CONT: restructure their nonbanking activities or to take other action.

Agency Contact: J. Virgil Mattingly, Deputy General Counsel, Federal Reserve System, Legal Division, 202 452-3430

RIN: 7100-AA41

3664. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0537)

Legal Authority: 12 USC 1841 Bank Holding Company Act; 12 USC 221 Federal Reserve Act; 12 USC 3901 International Lending Supervision Act of 1983

CFR Citation: 12 CFR 225

Abstract: In January 1985, the Board requested comment regarding whether, and to what extent, the Board should exercise its authority under the Bank Holding Company Act, the Federal Reserve Act, and the International Lending Supervision Act to authorize or limit the conduct of real estate investment activities by bank holding companies and their nonbank subsidiaries (50 FR 4519, January 31, 1985). The Board has not proposed a specific regulation at this time, and has only requested comment on the general question of whether, and in what direction Board regulation in this area is appropriate. If the Board determines to propose a regulation, the public will be invited to comment. Comment in this area was requested in response to enactment of a number of state laws that have recently authorized state banks to conduct a broad array of nonbanking activities that previously were not authorized for state banks or bank holding companies, including real estate investment activities. Until the Board reviews the comments, it is unclear whether the Board will act in this area or what specific action it may take. Therefore, the effect on small entities cannot be (cont)

Timetable:

Action	Date	FR Cite
ANPRM	01/31/85	50 FR 4519
Further Board action by	06/00/86	

Small Entity: Yes

Additional Information: ABSTRACT CONT: accurately predicted. However, if the Board should take restrictive measures, bank holding companies of all sizes and their subsidiaries participating in this activity would be affected.

Agency Contact: J. Virgil Mattingly, Deputy General Counsel, Federal Reserve System, Legal Division, 202 452-3430

RIN: 7100-AA52

FEDERAL RESERVE SYSTEM (FRS) Final Rule Stage

3665. ● REGULATION: D - RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS

Legal Authority: 12 USC 248(k); 12 USC 461(a)

CFR Citation: 12 CFR 204

Abstract: In February 1986, the Board proposed to clarify the definition of "deposit" in Regulation D to include the interest or liability associated with a borrowing in the form of certain sales of assets and related transactions by a depository institution (FR cite unavailable). These transactions include a sale of assets that involves a full guarantee by the institution that, in effect, substitutes the institution's credit standing for that of the ultimate borrower and in which the institution retains the risk of borrower default after the asset is sold. Further, the regulation currently treats obligations of an affiliate as deposits of the depository institution to the extent the proceeds are provided to the depository institution. The Board proposes to exclude proceeds received from a sale of assets without recourse to the affiliate.

The proposal also would clarify the application of Regulation D to certain of these transactions involving organizations effectively controlled by the depository institution even though not formally affiliated. (cont)

Timetable:

Action	Date	FR Cite
Board proposed revisions to Regulation D	02/00/86	
Further Board action by	10/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: Finally, the proposal would clarify how the Board measures the "maturity" of an obligation for the purposes of Regulation D.

The proposal requests comment on any alternatives that the public believes may be preferable to the Board's proposed amendments. Suggested alternatives will be considered when comments are analyzed.

The proposed rule would apply to all depository institutions. It is not anticipated that the proposal will have a negative impact on the ability of small depository institutions to attract deposits.

The Board will review the comments and take further action within the next six months.

Agency Contact: John Harry Jorgenson, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3778**

RIN: 7100-AA62

3666. REGULATION: D - RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS AND REGULATION: Q - INTEREST ON DEPOSITS (DOCKET NUMBER: R-0565 AND R-0566)

Legal Authority: 12 USC 371b; 12 USC 461(b)

CFR Citation: 12 CFR 204; 12 CFR 217

Abstract: On March 31, 1986, the authority transferred to the Depository Institutions Deregulation Committee expires, and interest paid on deposits will generally no longer be subject to regulation. The Board, therefore, in January 1986 proposed for comment amendments to its Regulations D and Q to reflect this expiration and to make other technical changes (51 FR 27, January 2, 1986). It is expected that any changes in the regulations will not have a significant adverse effect on small entities.

The Board will review the comments and take further action within the next month.

Timetable:

Action	Date	FR Cite
Board issued for comment proposals to amend Regulations D and Q	01/02/86	51 FR 27
Futher Board action by	03/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Patrick McDivitt, Attorney, Legal Division, (202) 452-3818.

Agency Contact: John Harry Jorgenson, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3778**

RIN: 7100-AA57

3667. REGULATION: J - COLLECTION OF CHECKS AND OTHER ITEMS AND WIRE TRANSFERS OF FUNDS (DOCKET NUMBER: R-0544)

Legal Authority: 12 USC 342 Federal Reserve Act; 12 USC 248(o) Federal Reserve Act; 12 USC 360 Federal Reserve Act; 12 USC 248(i) Federal Reserve Act

CFR Citation: 12 CFR 210

Abstract: In March 1985, the Board issued for public comment proposed amendments to Regulation J intended to clarify certain issues that have arisen regarding Federal Reserve payments mechanism activities (50 FR 12310, March 28, 1985). The proposed amendments include (1) permitting the owner or other subsequent holder injured by a Reserve Bank's alleged failure to exercise ordinary care in handling a check to bring suit against the Reserve Bank; (2) establishing a two-year limitation for actions against a Reserve Bank for alleged mishandling of the collection of checks or processing wire transfers and for actions against payor institutions for failure to follow the notification of nonpayment requirements; (3) permitting Reserve Banks to require any prior indorser to defend a suit even if the Reserve Bank has not been sued directly; (4) authorizing depository institutions to deposit with Reserve Banks for collection checks drawn on institutions in foreign countries where Reserve Banks have made arrangements for their collection; (5) clarifying that Reserve Banks are not liable for consequential damages in handling wire transfers; (6) adding the northern Mariana Islands to the Twelfth (cont)

Timetable:

Action	Date	FR Cite
Board requested comment	03/28/85	50 FR 12310
Further Board action by	04/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: District for check collection purposes; and (7) clarifying the definitions in subpart A by incorporating by reference definitions of the Uniform Commercial Code.

It is not expected that the proposals will have a significant economic impact on a substantial number of small entities. The Board will review the public comments and take further action within the next two months.

Agency Contact: Joseph R. Alexander, Attorney, Federal Reserve System, Legal Division, **202 452-2489**

RIN: 7100-AA55

3668. ● REGULATION: J - COLLECTION OF CHECKS AND OTHER ITEMS AND WIRE TRANSFERS OF FUNDS (DOCKET NUMBER: R-0552)

Legal Authority: 12 USC 342 Federal Reserve Act; 12 USC 248(o) Federal Reserve Act; 12 USC 360 Federal Reserve Act; 12 USC 248(i) Federal Reserve Act

CFR Citation: 12 CFR 210

Abstract: In October 1985, the Board adopted a temporary amendment to Regulation J creating a standard holiday schedule to be applied to the recently adopted notification of nonpayment provision (50 FR 41335, October 10, 1985). Although the rule was effective immediately, the Board has requested public comment prior to adopting the rule permanently.

The regulation is not expected to have a significant impact on a substantial number of small entities.

The Board will review the comments and is expected to take further action within the next two months.

Timetable:

Action	Date	FR Cite
Board requested comment	10/10/85	50 FR 41335
Further Board action by	04/00/86	

Small Entity: No

Agency Contact: Joseph R. Alexander, Attorney, Federal Reserve System, Legal Division, **202 452-2489**

RIN: 7100-AA63

3669. ● REGULATION: J - COLLECTION OF CHECKS AND OTHER ITEMS AND WIRE TRANSFERS OF FUNDS (DOCKET NUMBER: R-0558)

Legal Authority: 12 USC 342 Federal Reserve Act; 12 USC 248(o) Federal Reserve Act; 12 USC 360 Federal Reserve Act; 12 USC 248(i) Federal Reserve Act

CFR Citation: 12 CFR 210

Abstract: In November 1985, the Board proposed several measures to reduce Federal Reserve float (50 FR 47752, November 20, 1985). The proposals would: (1) amend Subpart A of the Board's Regulation J which governs the collection of checks and other items, to require paying banks that close voluntarily on days that are banking days for their Reserve Banks to pay on such days for cash items that Reserve

Banks make available to them on such days; (2) modify the procedures used by Reserve Banks to recover the value of float generated in automated clearing house ("ACH") operations due to nonstandard holiday closings; (3) reduce financial risks to the Federal Reserve by changing procedures in handling ACH credit transactions on days that the originator is closed; and (4) establish a uniform holiday schedule to be followed by the Reserve Banks.

It is not expected that the proposals would result in any significant economic impact on a substantial number of small entities.

The Board will review the comments and is expected to (cont)

Timetable:

Action	Date	FR Cite
Board requested comment	11/20/85	50 FR 47752
Board extended comment period until	02/03/86	51 FR 613
Further Board action by	06/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: take further action within the next four months.

Agency Contact: Florence Young, Advisor, Federal Reserve System, Division of Federal Reserve Bank Operations, **202 452-3955**

RIN: 7100-AA64

3670. REGULATION: K - INTERNATIONAL BANKING OPERATIONS (DOCKET NUMBER: R-0550)

Legal Authority: 12 USC 611 et seq

CFR Citation: 12 CFR 211

Abstract: In August 1985, the Board published for comment proposed regulations that would restrict lending by an Edge Corporation to its affiliates where the Edge Corporation is not subject to the restrictions of section 23A of the Federal Reserve Act (12 USC 371c) because it is owned by a U.S. insured bank (50 FR 35238, August 30, 1985. In taking this action, the Board noted the increasing number of owners of Edge Corporations that are not subject to federal banking supervision and the potential adverse effects that might result from such affiliations, such as the impairment of the Edge's ability to act as an impartial arbiter of credit. The Board requested comment on the effect of the proposal on existing Edge Corporations, especially those owned by foreign banks and whether any exemptions from the restrictions are appropriate.

It is not expected that the proposal would have a significant economic impact on a substantial number of small businesses, because it applies only to organizations involved in international banking.

The Board will review the comments and take further (cont)

Timetable:

Action	Date	FR Cite
Board proposed revisions to Regulation K	08/30/85	50 FR 35238
Further Board action by	05/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: action within the next three months.

Agency Contact: Kathleen O'Day, Senior Counsel, Federal Reserve System, Legal Division, **202 452-3786**

RIN: 7100-AA58

3671. REGULATION: Q - INTEREST ON DEPOSITS (DOCKET NUMBER R-0514)

Legal Authority: 12 USC 371b

CFR Citation: 12 CFR 217

Abstract: In January 1986, the Board issued for comment proposals to clarify, update, and simplify the advertising provisions of Regulation Q (51 FR 1379, January 13, 1986). The revisions incorporate and supersede the proposals of March 1984 concerning advertising of split-rate deposits and IRA/Keogh (HR 10) Plan accounts. The proposal is not expected to have a significant adverse effect on small banks.

The Board will review the comments and is expected to take further action within the next two months.

It is also anticipated that the Board will consider at that time various options with regard to providing written disclosures to consumers about their accounts.

Timetable:

Action	Date	FR Cite
Board proposed revisions	01/13/86	51 FR 1379
Further Board action by	04/00/86	

Small Entity: No

Agency Contact: Daniel L. Rhoads, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3711**

RIN: 7100-AA56

3672. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0511)

Legal Authority: 12 USC 1843(c)(8) Bank Holding Company Act

CFR Citation: 12 CFR 225

Abstract: In March 1984, the Board proposed for comment an amendment to Regulation Y that would list certain additional nonbanking activities as generally permissible for bank holding companies under section 4(c)(8) of the Bank Holding Company Act and in which they may seek Board approval to engage (49 FR 9215, March 12, 1984). The activities proposed to be included in Regulation Y for the first time include: (1) commodity trading advisory services; (2) check guaranty services; (3) consumer financial counseling; (4) armored car services; (5) tax planning and tax preparation; and (6) operating a credit agency and credit bureau.

Consumer financial counseling, check guaranty services and limited types of tax preparation have been permitted previously by Board order on individual applications.

In addition the Board has proposed to expand the activities of property appraisal and providing advice in connection with future commission merchant activities. These activities have been included previously in the list of permissible activities (cont)

Timetable:

Action	Date	FR Cite
Board requested comment	03/12/84	49 FR 9215
Further Board action by	04/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: in Regulation Y, although in a more restricted manner.

The Board has also proposed to define and clarify the insurance agency and underwriting activities generally permissible for bank holding companies so as to conform the regulation to Title VI of the Garn-St. Germain Depository Institutions Act, which was adopted in October 1982.

Adoption of the proposal would enable bank holding companies to engage in additional activities and would impose no additional burden on any bank holding company.

The Board will review the comments and is expected to take further action within the next two months.

Agency Contact: James Scott, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3513**

RIN: 7100-AA17

3673. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0491)

Legal Authority: 12 USC 1843(c)(8) Bank Holding Company Act

CFR Citation: 12 CFR 225

Abstract: In November 1983, the Board published for comment a proposal to eliminate the requirement in Regulation Y that bank holding companies engaging in credit life and credit accident and health insurance underwriting provide rate reductions or increased policy benefits in order to engage in this activity (48 FR 53125, November 25, 1983). The Board took this action as a result of the suggestions of several commenters to the Board's recent revision of Regulation Y, who advocated elimination of the rate reduction requirement from the regulation because, in their view, the requirement puts bank holding companies at a competitive disadvantage with other providers of this service, and because the potential adverse effects on the public that prompted the Board to impose this requirement in 1972 have not been realized.

This proposal, if adopted, would relax the regulatory requirements on bank holding companies that engage in this activity.

The Board will review the comments and is expected to take further action within the next month.

Timetable:

Action	Date	FR Cite
Board requested comment	11/25/83	48 FR 53125
Further Board action by	05/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Michael J. O'Rourke, Attorney, Legal Division, (202) 452-3288.

Agency Contact: J. Virgil Mattingly, Deputy General Counsel, Federal Reserve System, Legal Division, **202 452-3430**

RIN: 7100-AA40

3674. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0536)

Legal Authority: 12 USC 1841 et seq Bank Holding Company Act

CFR Citation: 12 CFR 225

Abstract: In January 1985, the Board requested comment as to whether it should permit bank holding companies that own nonbank banks to provide them with internal administrative services and to establish management interlocks with them (50 FR 2057, January 15, 1985). ("Nonbank banks" are institutions that are chartered as banks but either do not accept demand deposits or do not make commercial loans.) The Board took this action to resolve a number of questions that had been raised regarding the appropriate scope of relationships between nonbank banks and their affiliates. It is likely that any action the Board might take would primarily affect larger bank holding systems and would relax a requirement or prohibition. Therefore, it is expected that any Board action would not have a significant economic impact on a substantial number of small entities.

In view of recent litigation involving the legality of nonbank banks, the Board has suspended further consideration of nonbank bank applications by bank holding companies pending a definitive resolution of the status of nonbank banks. Final action on the proposal for comment thus is not likely until this issue (cont)

Timetable:

Action	Date	FR Cite
Board requested comment	01/15/85	50 FR 2057
Awaiting Court Action	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: is resolved.

Agency Contact: Melanie Fein, Senior Counsel, Federal Reserve System, Legal Division, **202 452-3594**

RIN: 7100-AA51

3675. ● REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0557)

Legal Authority: 12 USC 3907; 12 USC 3909 International Lending Supervision Act of 1983

CFR Citation: 12 CFR 225, Appendix A

Abstract: In November 1985, the Board proposed for comment an amendment to its Capital Guidelines that would define as primary capital perpetual debt securities issued by state member banks and bank holding companies (50 FR 47754, November 20, 1985). To qualify as primary capital, such perpetual debt securities would have to meet specific criteria intended to make perpetual debt the functional equivalent, for capital purposes, of preferred stock.

The Board also proposed to limit the amount of preferred stock, perpetual debt, and mandatory convertible securities that could qualify as primary capital to 33-1/3 percent of primary capital exclusive of such instruments.

The proposal is not expected to have a significant effect on small banking organizations that do not rely on preferred stock to any significant degree and that are not likely to issue perpetual debt.

The Board will review the comments and is expected to take further action within the next six months.

Timetable:

Action	Date	FR Cite
Board requested comment	11/20/85	50 FR 47754
Further Board action by	10/00/86	

Small Entity: No

Agency Contact: James E. Scott, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3513**

RIN: 7100-AA65

3676. ● REGULATION Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0567)

Legal Authority: 12 USC 3907; 12 USC 3909 International Lending Supervision Act of 1983

CFR Citation: 12 CFR 225, Appendix A

Abstract: In January 1986, the Board proposed for comment an amendment to its Capital Guidelines that would provide for a supplemental adjusted capital measure designed to be more systematically and explicitly sensitive to the risk exposure of individual banking organizations (51 FR 3976, January 31, 1986). This measure would be based on a ratio of primary capital to total assets adjusted to account for certain types of risks, including many kinds of off-balance-sheet risk. The Board is considering replacement of the total capital zones in its current Guidelines with zones based upon the proposed supplemental adjusted capital ratio.

These new zones would apply only to large banking organizations with assets in excess of $1 billion. Consequently the proposal is not likely to have a significant impact on smaller banking organizations.

The Board will review the comments and is expected to take further action within the next six months.

Timetable:

Action	Date	FR Cite
Board requested comment	01/31/86	51 FR 3976
Further Board action by	10/00/86	

Small Entity: No

Agency Contact: James E. Scott, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3513**

RIN: 7100-AA66

3677. REGULATION: Z - TRUTH IN LENDING (DOCKET NUMBER R-0545)

Legal Authority: 15 USC 1604, as amended Truth in Lending Act

CFR Citation: 12 CFR 226

Abstract: Regulation Z currently requires that creditors provide information to consumers regarding variable rate features in credit transactions. Concern has been expressed in Congress and elsewhere as to whether Truth in Lending disclosures adequately convey to consumers the terms and potential costs of adjustable rate mortgages.

The Board has proposed that creditors make more extensive disclosure of the variable rate feature in transactions secured by the consumer's home (50 FR 20221, May 15, 1985). The proposal would amend the regulation to require that creditors make available to consumers general descriptive material about adjustable rate mortgages as well as provide a more detailed description of their variable rate feature along with an example showing the effect of a rate increase of two percentage points for each of the first three years of the transaction. Finally, the proposal would eliminate a provision of the regulation that currently permits creditors to substitute the disclosures required by other federal agencies for those required by Regulation Z. The Board is concerned about (cont)

Timetable:

Action	Date	FR Cite
Board proposed amendment	05/15/85	50 FR 20221
Further Board action by	05/00/86	

Small Entity: Yes

Additional Information: ABSTRACT CONT: creditor burdens of compliance with the overlapping and duplicative disclosures in this area, and believes that eliminating substitution could encourage the agencies to develop uniform disclosure requirements.

If the Board adopts this proposal, mortgage creditors, including small businesses engaged in mortgage lending, could incur some costs in revising and reprinting forms, and changing certain procedures to comply with the requirement. Before any final action, the Board would consider appropriate actions to minimize the burdens and costs of compliance.

The Federal Financial Institutions Examination Council (FFIEC) is considering the proposal in an effort to seek uniformity among the agencies' disclosure requirements. The Board is expected to take further action after the next meeting of the FFIEC in March.

Agency Contact: Susan Werthan, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, **202 452-3667**

RIN: 7100-AA50

3678. FURTHER PROPOSALS TO REDUCE RISKS ON LARGE-DOLLAR WIRE TRANSFER SYSTEMS (DOCKET NUMBER: R-0515A, R-0515B, R-0515C)

Legal Authority: 12 USC 221 et seq

CFR Citation: 00 CFR None

Abstract: In May 1985, the Board adopted a statement of its policy on reducing risks on large-dollar wire transfer systems (50 FR 21120, May 22, 1985). The Board determined, however, that certain aspects of this topic require further study and issued the following three requests for comments: (1) Book-entry securities transfer (R-0515A). In formulating its policy on risk reduction, the Board has been concerned about the impact that overdraft restrictions could have in the U.S. government securities market, which is vital to the conduct of monetary policy and the funding of the federal debt. Consequently, the Board has exempted daylight overdrafts resulting from the transfer of such securities from these restrictions. Instead, the Board is seeking comment on a proposal to reduce risks associated with transfers of book-entry securities that would require institutions to choose between treating book-entry related overdrafts the same as funds overdrafts or pledging collateral to secure book-entry overdrafts. (2) Automated Clearing Houses (R-0515B). The Board has previously regarded automatic clearing houses (ACHs) as low-dollar networks. Recently, however, ACHs have begun (cont)

Timetable:

Action	Date	FR Cite
Board requested comment	05/22/85	50 FR 21130
Board extended comment period until	09/30/85	
Further Board action by	10/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: processing large-dollar payments, thus presenting many of the

same risks as large-dollar networks. Accordingly, the Board is requesting comment on risks associated with ACH payments and how such risks can be controlled. (3) Net Settlement Arrangements (R-0515C). The Board did not consider risks associated with the many net settlement services offered by the Federal Reserve (ATM, POS, check, and credit cards). The Board has determined to consider these risks, and requested comment on various aspects of these services, and the risks they entail, to aid it in its study.

It is not expected that these proposals, if adopted, would have a significant economic impact on a substantial number of small entities, because small entities do not usually participate in large-dollar wire transfer systems.

The Board will review the comments and take further action within the next six months.

Agency Contact: Edward C. Ettin, Deputy Director, Federal Reserve System, Division of Research and Statistics, **202 452-3368**

RIN: 7100-AA59

FEDERAL RESERVE SYSTEM (FRS) — Completed Actions

3679. REGULATION: B - EQUAL CREDIT OPPORTUNITY (DOCKET NUMBER: R-0541)

Legal Authority: 15 USC 1691b Equal Credit Opportunity Act

CFR Citation: 12 CFR 202

Abstract: In March 1985, the Board published for comment proposed revisions to Regulation B (50 FR 10890, March 18, 1985). The proposal stems from the Board's commitment to review its regulations every five years. The review of Regulation B focussed on how the regulation could be clarified, and whether any burdens on creditors could be reduced without diminishing consumer protections.

After considering the comments, the Board adopted the proposal with some changes (50 FR 48018, November 20, 1985). The final revisions include a streamlined procedure dealing with incomplete applications and a broader selection of sample forms for informing applicants of the reasons for credit denial. The revisions also change the data notation requirements applicable to residential mortgage transactions and revise the definition of "applicant" to give a guarantor (who already has certain protections under Regulations B) legal standing in the courts when there is an alleged violation of the regulation. The Board also published an official staff commentary that replaces existing staff and Board interpretations. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	06/21/83	48 FR 28285
Board proposed specific amendments for comment	03/18/85	50 FR 10890
Board adopted amendments	11/20/85	50 FR 48018

Small Entity: No

Additional Information: ABSTRACT CONT:

The revisions apply to all creditors equally. Small creditors will incur some additional burden in complying with the expanded monitoring data requirements, but the shortening of the regulation and the clarification and streamlining of other rules such as treatment of incomplete applications, should reduce some burdens and the addition of a staff commentary and sample notice forms should make compliance easier for small creditors.

Agency Contact: John Wood, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, **202 452-2412**

RIN: 7100-AA28

3680. REGULATION: Q - INTEREST ON DEPOSITS (DOCKET NUMBER: R-0514)

Legal Authority: 12 USC 371b

CFR Citation: 12 CFR 217

Abstract: The Board's proposed amendments, in March 1984, concerning advertisements for split rate time deposits and for deposits used as Individual Retirement Account (IRA) investments (49 FR 11642, March 27, 1984), have been incorporated in the zero-based revision of Regulation Q (51 FR 1379, January 13, 1986). See Regulation Q entry in Section 2.

Timetable:

Action	Date	FR Cite
Board proposed amendments	03/27/84	49 FR 11642
Amendments included in new proposal	01/13/86	51 FR 1379

Small Entity: No

Agency Contact: Daniel L. Rhoads, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3711**

RIN: 7100-AA36

3681. REGULATION: U - CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS (DOCKET NUMBER: R-0510)

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 221

Abstract: In the October Agenda the Board indicated that it might review a proposal submitted by a bank calling for an amendment to Regulation U that would permit banks to extend credit for options transactions in the same manner permitted brokers-dealers under Regulation T (Credit by Brokers and Dealers). The proposal was viewed as tentative because of litigation involving Securities and Exchange Commission (SEC) Rule 3b-9 (17 CFR 240.3b-9), which would require banks to conduct the activities involved through a broker-dealer subject to Regulation T. The courts allowed the SEC Rule 3b-9 to become effective on January 1, 1986 and the petitioner, therefore, has withdrawn the request. It is not expected that the Board will consider the subject further.

Timetable:

Action	Date	FR Cite
Board review not expected	02/28/86	

Small Entity: No

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, 202 452-2781

RIN: 7100-AA38

3682. REGULATORY IMPROVEMENT PROJECT

Legal Authority: 12 USC 3501 Financial Regulation Simplification Act of 1980; 5 USC 605 Regulatory Flexibility Act

CFR Citation: 00 CFR None

Abstract: The Board's Regulatory Planning & Review Section, formerly the Regulatory Improvement Project, coordinates the substantive, zero-based review of all Federal Reserve regulations that affect the public. Each review determines: (1) the fundamental objectives of the regulation and the extent to which it is meeting current policy goals, (2) nonregulatory alternatives that would accomplish the objectives, (3) costs and benefits of the regulation, (4) unnecessary burdens imposed by the regulation, and (5) the clarity of the regulation. Because of a change in format of the Unified Agenda, each Federal Reserve regulation that will be subject to a zero-based review during the upcoming year will be listed as a separate entry under section 1 of this agenda.

The Section also participates in the development of other proposals listed in this agenda to ensure that the objectives of the Regulatory Flexibility Act and the Board's Policy Statement on Expanded Rulemaking are met.

Since publication of the last semi-annual Agenda, a revised Regulation B ("Equal Credit Opportunity") has been (cont)

Timetable:

Action	Date	FR Cite
Board adopted Regulation B proposals	11/20/85	50 FR 48018
Board proposed revisions to Regulation Q	01/13/86	51 FR 1379

Small Entity: No

Additional Information: ABSTRACT CONT: adopted. (See Entry RIN 7100-AA28.) A proposed revision of Regulation Q ("Interest on Deposits") has also been issued for comment. (See Entry RIN 7100-AA56.)

Agency Contact: Barbara R. Lowrey, Associate Secretary, Federal Reserve System, Office of the Secretary, 202 452-3742

RIN: 7100-AA14

[FR Doc. 86-5797 Filed 04-18-86; 8:45am]

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Monday
April 21, 1986

Part LIV

Federal Trade Commission

Semiannual Regulatory Agenda

FTC

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Trade Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The following agenda of Commission proceedings is published in accordance with section 22(d)(1) of the Federal Trade Commission Act, 15 U.S.C. 57b-3(d)(1), section 610(c) of the Regulatory Flexibility Act, 5 U.S.C. 610(c). Each projected event reflects the FTC staff's assessment of events that it expects will occur in the listed proceedings during the coming year. No Commission determination on the need for or the substance of a trade regulation rule or any other procedural option should be inferred from the projected events included in this agenda.

Several agenda items concern proceedings that may affect a substantial number of small businesses as that term is used in the Regulatory Flexibility Act. Whether any such proceeding will result in a rule which is likely to have a significant economic impact on such entities depends upon final Commission determinations on the need for or on the substance of a trade regulation rule.

Except for notice of completed actions, the information in this agenda represents judgments of the FTC staff, based upon information now available. These views should not be regarded as a final staff position, nor should they be attributed to the Commission itself. The Commission will address the issues presented on the rulemaking record in the final consideration of each proceeding.

Agenda items include the projected timing of any future Commission action. In most instances the dates of future events are listed by month, not a specific day. Further details may be obtained from the agency contact responsible for a particular proceeding. Discovery of new information, changes in circumstances, or in the law may alter the information set forth in this agenda.

FOR FURTHER INFORMATION CONTACT: Further details may be obtained from the agency contact responsible for a particular proceeding.

By direction of the Commission.

Emily H. Rock,

Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3683	Cooling-Off Period for Door-to-Door Sales	3084-AA18
3684	Mail Order Merchandise	3084-AA19
3685	Franchising and Business Opportunities	3084-AA25
3686	Informal Dispute Settlement Procedures	3084-AA30
3687	Negative Option Rule	3084-AA33
3688	Care Labeling Rule	3084-AA34

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3689	Ophthalmic Practice Rules (formerly Eyeglasses II)	3084-AA03
3690	Amendment to Trade Regulation Rule Concerning Preservation of Consumers Claims and Defenses ("Holder-in-Due Course Rule")	3084-AA08
3691	Amendment to Labeling and Advertising of Home Insulation Rule	3084-AA09
3692	Mobile Home Sales and Service	3084-AA10
3693	Proprietary Vocational and Home Study Schools	3084-AA11
3694	Pre-Sale Availability of Written Warranty Terms (Existing Regulation; Modifications under Consideration)	3084-AA15
3695	Retail Food Store Advertising and Marketing Practices	3084-AA17
3696	Review of the Premerger Notification Rules and Report Form	3084-AA23
3697	Games of Chance in the Food Retailing and Gasoline Industries Rule	3084-AA24
3698	Appliance Labeling Rule -- Energy Policy and Conservation Act	3084-AA26

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3699	Health Spas	3084-AA06
3700	Octane Certification and Posting Rule--Petroleum Marketing Practices Act	3084-AA32

FEDERAL TRADE COMMISSION (FTC)

Prerule Stage

3683. COOLING-OFF PERIOD FOR DOOR-TO-DOOR SALES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 429

Abstract: The rule states that sellers of consumer goods or services with a purchase price of $25.00 or more who sell away from their place of business must furnish to the buyer certain information regarding the buyer's right to cancel sales within three business days and must give the buyer a full refund of any down payment upon the buyer's cancellation. The rule requires a seller to furnish the buyer with a complete receipt or copy of a contract, along with a notice informing the buyer of the right to cancel the transaction, to furnish the buyer with a completed Notice of Cancellation. The rule is intended to benefit consumers by permitting them to reflect on their purchase and the terms of any contract, to compare the purchase with offerings of other sellers, and to ascertain the accuracy of any representations made. The resulting costs to sellers include the costs associated with cancellation (processing cancelled orders, returning downpayments, retrieving delivered goods, and returning traded-in merchandise) and the additional cost of printing the required cancellation notices. Since the rule affects all door-to-door sellers, it may have a significant economic effect on a (cont)

Timetable:

Action	Date	FR Cite
Begin Reg Flex Act Review	03/00/83	
End Reg Flex Review	12/00/85	
Staff Recommendations to Commission	02/00/86	
Commission Consideration of Staff Recomendations	05/00/86	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: substantial number of small entities. The Commission is continuing its review of the rule in accordance with Section 610 of the Regulatory Flexibility Act. Staff is exploring non-substantive changes in the notices required by the rule.

Agency Contact: Lewis Franke, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 376-2891

RIN: 3084-AA18

3684. MAIL ORDER MERCHANDISE

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 435

Abstract: The Commission's rule concerning mail order merchandise was promulgated on October 22, 1975. The rule requires mail order sellers to possess a reasonable basis for any claims made concerning shipping date or, in the absence of any specifically stated date, to ship the ordered merchandise within thirty (30) days of receipt of an order. In the event of delays in shipment, the rule establishes notification procedures whereby buyers have the option either to agree to the delay or to cancel the order and receive a prompt refund. The Commission's rule is designed to address a number of significant consumer problems described on the record of the rulemaking proceeding, including failure to deliver ordered merchandise, unexplained delays in delivery, failure to make prompt (or any) refunds upon cancellation of an order, and inability to obtain responses to inquiries about pending orders. The rule enables consumers to obtain ordered merchandise within a reasonable time period or, if delays occur, to cancel the order and obtain a prompt refund, so that losses due to undelivered merchandise, delays, and inadequate or nonexistent refunds can be avoided. By subjecting sellers (cont)

Timetable:

Action	Date	FR Cite
Rule Promulgated	10/22/75	40 FR 49492
Initiation of Reg Flex Act Review	10/20/83	
Final Report to Commission	10/00/86	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: who solicit orders they cannot fill within a reasonable time to the risk of cancellation, the rule may provide competitive benefits, since buyers may shift their business to more efficient merchants. Costs relating to the rule may include the cost of establishing a system for monitoring and recording orders, deliveries, delays, cancellations, consents to delays, and refunds; the costs of complying with the rule's notification requirements regarding delays (printing, postage, etc.); the cost of processing refunds; and additional inventory costs. Pursuant to Sec. 610 of the Regulatory Flexibility Act, the Commission is undertaking a review of this rule to determine whether the rule has had a significant economic impact on a substantial number of small entities and, if so, whether the rule should be amended to minimize any such impact. The rule applies to all members of the mail order industry, including small firms. In addition, the staff is considering whether the rule should be amended to cover orders placed by telephone or other electronic means.

Agency Contact: Raymond L. Rhine, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 376-2863

RIN: 3084-AA19

3685. FRANCHISING AND BUSINESS OPPORTUNITIES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 436

Abstract: The franchise trade regulation rule was adopted in response to evidence of deceptive and unfair practices in connection with the sale of the types of businesses covered by the rule. In some instances prospective franchisees lack a ready means of obtaining essential and reliable information about their proposed business investment. This lack of information reduces the ability of prospective franchisees either to make an informed investment decision or otherwise verify the representations of the business' salespersons. The rule attempts to deal with these problems by requiring franchisors and franchise brokers to furnish prospective franchisees with information about the franchisor, the franchise business and the terms of the franchise agreement. Franchisors and franchise brokers must furnish additional information if they have made any claim about actual or potential earnings, either to the prospective franchisee or in the media. All disclosures must be made (i) before

any sale is made and (ii) by means of disclosure documents whose form and content are set forth in the rule. The rule requires disclosure of (cont)

Timetable:

Action	Date	FR Cite
Rule promulgated	12/21/78	43 FR 59614
Begin Reg Flex Act Review	03/00/84	
Request for Comment on Reg Flex Review	02/00/86	
End Reg Flex Review	05/00/86	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: certain information. It does not regulate the substantive terms of the franchisor-franchisee relationship. It does not require registration of the offering or the filing of any documents with the Federal Trade Commission in connection with the sale of franchises. In accordance with Section 610 of the Regulatory Flexibility Act, the Commission will review this rule to examine its impact on small entities and assess whether any modifications are needed.

Agency Contact: John M. Tifford, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 376-2805

RIN: 3084-AA25

3686. INFORMAL DISPUTE SETTLEMENT PROCEDURES

Legal Authority: 15 USC 2309; 15 USC 2310(a)(2) Magnuson-Moss Warranty--FTC Improvements Act

CFR Citation: 16 CFR 703

Abstract: The Magnuson-Moss Warranty act, enacted on January 4, 1975, requires that the Federal Trade Commission promulgate a rule prescribing the minimum requirements for any informal dispute settlement procedure which is incorporated into the terms of a written warranty subject to the Act. Because warrantors are not required to incorporate such procedures into warranties, the rule applies only to warrantors who voluntarily choose to do so. The present rule sets forth detailed procedural, recordkeeping, and reporting requirements for dispute settlement mechanisms designed to insure their fairness. In accordance with Section 610 of the Regulatory Flexibility Act, The Commission has begun a review of the rule to examine whether the rule has had a significant economic impact on a substantial number of small entities and to assess whether any changes are needed. As part of that review, the Commission is considering whether to begin a negotiated rulemaking, in which all affected interests would have an opportunity to agree to recommend to the Commission revisions to the rule that would facilitate the Congressional (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	12/31/75	
Begin Reg Flex Act Review	09/00/85	
Initial Notice of Intent to Form Advisory Committee	02/12/86	51 FR 5205
Convene Advisory Committee (if appropriate)	04/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: objective of encouraging warrantors to establish and participate in informal dispute settlement mechanisms.

Agency Contact: Joseph Kattan, Federal Trade Commission, Division of Marketing Practices, Federal Trade Commission, Washington, D.C. 20580, 202 523-3860

RIN: 3084-AA30

3687. NEGATIVE OPTION RULE

Legal Authority: 15 USC 41 Federal Trade Commission Act

CFR Citation: 16 CFR 425

Abstract: The Trade Regulation Rule concerning negative option plans was promulgated on February 15, 1973. The rule imposes specific requirements concerning procedures that must be followed in the operation of negative option methods of merchandising. The rule requires that all covered advertisements clearly disclose the material terms of the plan; that the subscriber be given a minimum of 10 days in which to instruct the seller not to mail a selection; and that the seller must give full credit, and guarantee return postage, for merchandise returned by subscribers who were not obligated to receive it. The rule is designed to address a number of significant consumer problems described in the record of the rulemaking proceeding, including denying subscribers sufficient time to respond to the negative option cards sent under these plans, thereby denying subscribers the opportunity to make an informed decision; delivering unordered merchandise without prior consent of subscribers; and placing the burden and expense of correcting "errors" on the subscriber.

Timetable:

Action	Date	FR Cite
Rule Promulgated	02/15/73	38 FR 4896
Begin Reg Flex Review	03/31/86	51 FR 10883
End Reg Flex Review	07/00/86	

Small Entity: Undetermined

Additional Information: EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: The rule applies to all sellers that use negative option plans, some of which are small businesses as defined by the Regulatory Flexibility Act. 5U.S.C. 601(6). To assess the possible impact of the rule on such small entities, the Commission has scheduled a review of the rule during fiscal 1986, in accordance with Section 610 of the Regulatory Flexibility Act.

Agency Contact: Lew Franke, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, D.C. 20580, 202 376-2891

RIN: 3084-AA33

3688. CARE LABELING RULE

Legal Authority: 15 USC 41 et seq. Federal Trade Commision Act

CFR Citation: 16 CFR 423

Abstract: The Trade Regulation Rule concerning care labeling of textile wearing apparel and certain piece goods used to make wearing apparel was promulgated on December 16, 1971. The rule requires manufacturers and importers to provide labels for covered items which disclose information for cleaning and care of the product. The rule is intended to assist consumers in making informed purchase decisions concerning the care characteristics of competing products and to enable

FTC — Prerule Stage

consumers and cleaners to avoid product damage caused by the use of improper cleaning procedures. The rule was amended on May 20, 1981. The amendments require a more complete statement of the same procedures and establish a standard for the accuracy of each care procedure on a label. The amendments also provide a glossary of standardized care terminology that can be used. With the clarification of the rule's requirements provided by the amendments, manufacturers and importers will be able to minimize inadvertent violations and avoid unnecessary compliance costs.

Timetable:

Action	Date	FR Cite
Rule Promulgated	12/16/71	36 FR 23883
Amendments Promulgated	05/20/83	48 FR 22733
Begin Reg Flex Review	01/07/86	51 FR 614
End Reg Flex Review	04/00/86	

Small Entity: Undetermined

Additional Information: EFFECTS ON SMALL BUSINESSES AND OTHER ENTITIES: The rule applies to textile wearing apparel and certain piece goods manufacturers and importers, some of which are small businesses as defined by the Regulatory Flexibility Act, 5 U.S.C. 601(6). To assess the possible impact of the rule on such small entities, the Commission has scheduled a review of the rule during fiscal 1986, in accordance with Section 610 of the Regulatory Flexibility Act.

Agency Contact: Earl Johnson, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Ptotection, Washington, D.C. 20580, 202 376-2891

RIN: 3084-AA34

FEDERAL TRADE COMMISSION (FTC) — Proposed Rule Stage

3689. OPHTHALMIC PRACTICE RULES (FORMERLY EYEGLASSES II)

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 456, (Revision)

Abstract: The staff of the FTC's Bureau of Consumer Protection has identified several state and private restrictions on the delivery of eye care goods and services which may decrease consumer access to vision care services, increase the cost of those services, and impede the growth of alternative methods of organizing eye-care practices. The principal question the Commission is exploring is the impact of such restrictions on the price, quality and availability of vision care. The Commission's investigation has sought, through the development of empirical market research, to determine whether higher prices result from these restrictions and, if so, whether offsetting consumer benefits also result. The primary impact of a rule on small businesses could stem from the increased competition in the vision care industry which can be anticipated as a result of deregulatory effect of the rule. Rule provisions removing certain restraints on commercial ophthalmic practice could enhance competition by permitting small entities (i.e., optometrists and opticians) to engage in alternate modes of practice; or to expand, should they desire to do so. The affirmative requirements of a rule could impose additional (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/01/80	45 FR 79823
ANPRM Comment Period End	02/02/81	
NPRM	01/04/85	50 FR 598
NPRM Comment Period End	04/05/85	
Public Hearings Begin	05/20/85	
Public Hearings End	07/12/85	
Rebuttal Period Ends	09/18/85	
Staff Report	09/00/86	
Presiding Officer Report	10/00/86	
Comment Period Ends	12/00/86	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: record-keeping, postage, and photocopying costs. The alternatives to an FTC trade regulation rule include: a formal complaint against a professional association or an ophthalmic board alleged to have engaged in illegal acts or practices; a voluntary guide defining unfair acts or practices; legislative recommendations to Congress or to the States; or the release of a public report setting forth the findings of the staff. The Commission is postponing the Regulatory Flexibility Act review of the existing Advertising of Ophthalmic Goods and Services Trade Regulation Rule (Eyeglasses Rule) because that Rule will be modified by the current rulemaking. The Eyeglasses Rule requires eye doctors to furnish copies of spectacle prescriptions to consumers after eye examinations. The advertising portions of the Eyeglasses Rule are not in effect, pursuant to the decision in American Optometric Association v. FTC, 626 F. 2d 896 (D.C. Cir. 1980).The court in that case remanded the Eyeglasses Rule's advertising provisions for further consideration in light of the Supreme Court decision in Bates v. State Bar of Arizona, 433 U.S. 350 (1977).

Government Levels Affected: Local, State

Agency Contact: Renate Kinsheck, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 523-3377

RIN: 3084-AA03

3690. AMENDMENT TO TRADE REGULATION RULE CONCERNING PRESERVATION OF CONSUMERS CLAIMS AND DEFENSES ("HOLDER-IN-DUE COURSE RULE")

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 433

Abstract: The objective of the proposed amendment is to ensure that a purchaser's duty to pay is not separated from sellers' duty to perform when consumer sales are financed by third party creditors or purchase money lenders. The original rule requires sellers to ensure that credit contracts used in consumer installment sales and

purchase money loans contain a provision that makes any holder of the contract subject to all legal claims and defenses related to the sale transaction which the buyer may have against the seller. The proposed amendment would extend to creditors the obligation to ensure that credit contracts contain the required provision. Benefits from the proposed amendments may include improvement in the retail market due to increased scrutiny by creditors of the sellers with whom they do business and availability to consumers of additional claims and defenses against creditors. Some creditors may have increased costs associated with screening contracts and monitoring the reputations of retailers with whom they deal. Alternatives considered by the Commission include: rejection of the amendment; postponement of decision pending additional information on (cont)

Timetable:

Action	Date	FR Cite
Notice of Proposed Amendment	11/18/75	40 FR 53530
Rule & Statement of Basis & Purpose	11/18/75	40 FR 53506
Final Notice of Proposed Amendment	02/05/76	41 FR 5305
Guidelines on TRR	05/14/76	41 FR 20022
Statement of Enforcement Policy	08/16/76	41 FR 34594
Open End Consumer Credit Contracts	09/16/77	42 FR 46509
Presiding Officer's Report	02/16/78	43 FR 6810
Staff Report	11/24/78	43 FR 54950
Tentative Cmsn Approval and Request for Comment	11/15/79	44 FR 65771
Staff Recommendation to Commission	09/00/86	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: compliance with the original rule; adoption of the amendment extending the rule to creditors and also making additional technical amendments. The amendment would shift some compliance costs from small businesses to creditors that control the contract form. Otherwise, because the existing rule already applies to retail sellers, the amendment should have no appreciable effect on other small businesses. The Regulatory Flexibility Act review for the original Holder-in-Due-Course Rule has been postponed, pending resolution of the proceeding to amend the rule.

Agency Contact: Jonathan D. Jerison, Federal Trade Commission, Division of Credit Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 724-1160

RIN: 3084-AA08

3691. AMENDMENT TO LABELING AND ADVERTISING OF HOME INSULATION RULE

Legal Authority: 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 460.10; 16 CFR 460.18; 16 CFR 460.19; 16 CFR 460, Appendix B

Abstract: The Commission's home insulation trade regulation rule became effective on September 29, 1980. Among other things, it requires advertisers to disclose specific additional information in advertisements or other promotional materials when they make energy savings claims about an insulation product or refer to the product's thickness, R-Value or price. The Commission temporarily stayed the effective date of those disclosure requirements as they applied to television ads pending completion of these amendment proceedings. The Commission has announced its intention to reopen the rulemaking proceeding to consider whether it should amend the rule's disclosure requirements insofar as they apply to television advertising. (ANPR, 46 FR 47236, Sept. 25, 1981.) The TV ad disclosure requirements in the rule benefit consumers by ensuring that they have an opportunity to understand and evaluate claims that may otherwise lead to misguided purchasing decisions. The major cost to consumers is the possible displacement of other valuable information in advertisements by the required disclosures. The major cost to industry members is the (cont)

Timetable:

Action	Date	FR Cite
Final Rule Published	08/29/79	44 FR 50218
Rule Promulgated	08/31/79	
Temp. stay of certain requirements	08/15/80	45 FR 54702
Rule effective except requirmt stay	09/29/80	
ANPRM	09/25/81	46 FR 47236
Lift test requirement stay	08/24/82	47 FR 36806
Commission consideration of TV disclosure requirements	06/00/86	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: time necessary to make the required disclosures. Possible alternatives to the disclosure requirements include: amended disclosures or disclosure language; shortened disclosures; no disclosures; and different requirements as to the manner in which required disclosures must be made.

Agency Contact: Kent Howerton, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 376-8934

RIN: 3084-AA09

3692. MOBILE HOME SALES AND SERVICE

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 47(a) Federal Trade Commission Act

CFR Citation: 16 CFR 441, (New)

Abstract: Almost all mobile homes are sold with a manufacturer's warranty but many buyers may not receive adequate and timely service under the warranty. The rule would address possibly inadequate performance of mobile home warranties through a number of possible remedies: setting specific service deadlines, prohibiting exclusion of set-up and transportation from warranty coverage, requiring written service agreements between warrantors and their service agents, and requiring maintenance of service records. Compliance costs estimated by staff will be approximately $145 per home for most firms affected, and could

be less, depending on what provisions are actually adopted. An estimated 20% of buyers would benefit by saving about $242 for warranty repairs they would otherwise not get; another 15% of buyers would have service time cut by an estimated 4 months. The incidence of warranted defects could be reduced, increasing the useful life of homes. Buyers could also receive better financing terms due to lowering the incidence of defects that diminish resale value. Consumers might benefit from better information, if warranties accurately reflected what service is included (cont)

Timetable:

Action	Date	FR Cite
NPRM - Previous	05/29/75	40 FR 23334
NPRM	05/23/77	42 FR 26398
Presiding Officer's Report	09/11/79	
Staff Report	08/13/80	
Staff Recommendation to Commission	04/00/86	

Small Entity: Yes

Additional Information: ABSTRACT CONT: in the purchase price of the home. The proposed rule will have an impact on 200 mobile home manufacturers and 12,000 mobile home dealers, most of which are small businesses. There are alternatives to rule provisions. Instead of specific time deadlines for warranty repairs, manufacturers and dealers could set their own deadlines as long as they are disclosed in their warranties; instead of requiring manufacturers to disseminate consumer questionnaires, to monitor effectiveness of factory and dealer warranty repairs, manufacturers could select their own monitoring devices; some responsibilities and duties of the manufacturers may not be needed (e.g., pre-occupancy inspection, set-up and transportation damage).

Agency Contact: Allen Hile, Federal Trade Commission, Division of Marketing Practices, Bureau of Consumer Protection, Washington, DC 20580, **202 523-1670**

RIN: 3084-AA10

3693. PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 438, (New)

Abstract: In 1979, the Second Circuit Court of Appeals set aside the rule as originally issued by the Commission, citing problems with some of the remedies that the rule provided to purchasers of proprietary vocational training. The Staff has prepared recommendations as to how the Commission should respond to the Court's decision. Alternatives under consideration include a rule that would give schools the option of providing either a strict pro rata refund remedy or a track record disclosure, a rule requiring some refunds but not on a strict pro rata basis, and a rule with no refund requirements at all. Alternatives to rulemaking include case-by-case enforcement, and FTC intervention before other state and federal agencies having jurisdiction over vocational schools to prevent deceptive practices. The rule may benefit consumers by enabling them to avoid expenditures on inappropriate courses and increasing the effectiveness of the vocational school industry in training and placing people in productive jobs. The cooling-off, track record disclosures, and refund components of the rule variations under consideration would impose real social costs on schools covered (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/15/74	39 FR 29385
Final Rule previously published	12/18/78	43 FR 60796
Rule set aside & remanded by Court	12/13/79	
New Staff Recommendation published	07/10/81	46 FR 35668
Staff Recommendations to Commission	05/00/86	

Small Entity: Yes

Additional Information: ABSTRACT CONT: including administrative costs associated with processing and collecting and disseminating information. Price increases may result from these costs as well as the possibility of paying out increased refunds. The rule should be most costly to schools that use unfair or deceptive practices to induce students to enroll in their courses. Schools that do not use these practices may not incur significant cost increases. The rule seeks to deter deceptive sales practices by requiring schools to provide material information to prospective students, and to provide students with contractual remedies which they can use to protect themselves when necessary. Most of the 6,000 schools that would be affected by the rule are small businesses.

Agency Contact: Walter Gross, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, **202 523-3826**

RIN: 3084-AA11

3694. PRE-SALE AVAILABILITY OF WRITTEN WARRANTY TERMS (EXISTING REGULATION; MODIFICATIONS UNDER CONSIDERATION)

Legal Authority: 15 USC 2302(b)(1)(A); 15 USC 2309(a) Magnuson-Moss Warranty--FTC Improvements Act

CFR Citation: 16 CFR 702

Abstract: The Magnuson-Moss Warranty Act (15 U.S.C. 2302(b)(1)(A)) requires that the Federal Trade Commission promulgate a rule to require that the terms of written warranties for consumer products be made available to consumers prior to purchase. The Rule modifications approved by the Commission currently being considered are intended to achieve the Congressional objective more effectively by making the Rule requirements more flexible and thus lessening the costs and burdens of compliance while still ensuring consumers access to warranties prior to purchase. The rule previously required that retailers of consumer products costing more than $15 make warranty texts available to consumers prior to purchase by placing the warranty text in one or a combination of four specified locations; (1) on the product, (2) in a binder, (3) on the package, or (4) on a sign. Both the former and the amended versions of the Rule require manufacturers to provide materials sufficient for retailers to meet their obligations. The Rule modifications will reduce retailers' obligations by requiring only that warranties

accompany the product or be made readily available on request prior (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	12/31/75	45 FR 60168
Begin Review	11/04/81	
End Review	01/17/85	
NPRM	05/01/85	50 FR 18495
NPRM Comment Period End	06/17/85	
Rule Amended	03/05/86	
Publication of Amended Rule	05/00/86	

Small Entity: Yes

Additional Information: ABSTRACT CONT: to sale, and that retailers using the latter means of making warranties available post signs advising consumers that warranties are available. These changes have been submitted to OMB for review under the Paperwork Reduction Act. Changes in the Rule will produce benefits by reducing the total costs of compliance with the present rule for retailers.

Agency Contact: Michael Solinsky, Federal Trade Commission, Division of Marketing Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 523-3355

RIN: 3084-AA15

3695. RETAIL FOOD STORE ADVERTISING AND MARKETING PRACTICES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 424

Abstract: The Commission's Rule on Retail Food Store Advertising and Marketing Practices states that it is a violation of Section 5 of the Federal Trade Commission Act for grocery stores to advertise products at a particular price unless such products are in stock and conspicuously and readily available for sale at the advertised price during the effective period of the advertisement. If a store runs out of advertised products, it is in violation of the rule even if the store noted the limitations on availability in its advertisement and even if the store provides rainchecks or substitute items. The rule is intended to benefit consumers by ensuring that advertised items are available, that advertising-induced purchasing trips are not fruitless, and that store prices accurately reflect the prices appearing in the ads. The rule may cause costs to be incurred in maintaining sufficient inventory to meet anticipated demand, and costs associated with the monitoring of price changes, changing marked prices, training employees to comply with the rule and keeping records to prove compliance. (cont)

Timetable:

Action	Date	FR Cite
Comment on Reg Flex Act Review	12/00/83	
ANPRM	12/10/84	49 FR 48059
ANPRM Comment Period End	02/08/85	
Staff Recommendation to Commmission	07/00/85	
NPRM	10/24/85	50 FR 43224
NPRM Comment Period End	01/24/86	
Hearings End	03/00/86	
Rebuttal Period Ends	05/00/86	
Staff Report	09/00/86	
Presiding Officer Report	10/00/86	

Small Entity: Yes

Additional Information: ABSTRACT CONT: The rule may also discourage the advertising of certain kinds of products, such as perishables or goods that are available to the store only in limited supply. The staff has concluded from a careful review of the rule's effects that the costs the rule imposes on consumers in the form of higher grocery prices significantly exceeds its benefits. Consequently, staff has recommended that the rule be modified in such a way that a store could comply with the rule by clearly and adequately disclosing in its advertisements that there are limitations on availability, or by offering rainchecks or substitute items if supplies run out. Staff has concluded that modifying the rule in this way will maintain any benefits it provides to consumers while substantially reducing or eliminating its costs. The Commission has authorized publication of a Notice of Proposed Rulemaking to begin the amendment process.

Agency Contact: Walter Gross, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 523-3826

RIN: 3084-AA17

3696. REVIEW OF THE PREMERGER NOTIFICATION RULES AND REPORT FORM

Significance: Agency Priority

Legal Authority: 15 USC 18a Clayton Act

CFR Citation: 16 CFR 801; 16 CFR 802; 16 CFR 803; 16 CFR 803, Appendix

Abstract: The Premerger Notification Rules and the Antitrust Improvements Act Notification and Report Form were adopted pursuant to Section 7A of the Clayton Act. Section 7A requires firms of a certain size contemplating mergers or acquisitions of a specified size to file notification with the Federal Trade Commission (FTC) and the Department of Justice (DOJ) and to wait a designated period before consummating the transaction. It also requires the FTC, with the concurrence of the Assistant Attorney General for Antitrust, to promulgate rules requiring that notification be in a form and contain information necessary to enable the FTC and DOJ to determine whether the proposed acquisition may, if consummated, violate the antitrust laws. Review of these rules and the Form focuses on reducing the paperwork burden imposed on the business community. On July 29, 1981, the Commission proposed several changes in the current premerger rules (46 Fed. Reg. 38710). These proposed changes, with some modification, were adopted in July 1983. On July 2, 1982, the Commission requested comments on several approaches to reduce further the burden imposed by the premerger rules and the Form. (cont)

Timetable:

Action	Date	FR Cite
Begin Review	09/30/81	
Notice of Request for Comments	07/02/82	47 FR 29182
NPRM Proposed Rule Changes	09/24/85	50 FR 38742
Staff Proposal to Commision on Use of 1982 Revenue Data	01/30/86	

FTC

Proposed Rule Stage

Action	Date	FR Cite
Final Action on Use of 1982 Revenue Data	02/28/86	
Staff Recommendation to Commission: Proposed Rule Changes	03/00/86	

Small Entity: No

Additional Information: SMALL ENTITY CONT: The Premerger Notification Rules do not affect nonbusiness entities or small businesses. A firm must have sales or assets of at least $10 million to be subject to any reporting obligation. Moreover, any transaction is exempt under the rules if it is valued at less than $15 million and will not result in the acquiring person's holding 50% of the voting securities of a corporation with sales or assets of $25 million or more.

ABSTRACT CONT: On September 24, 1985 the Commission proposed amendments to the Premerger rules that pertain for the most part to the burden reduction initiative and that affect the scope of the reporting requirement. In January, 1986, the staff submitted to the Commission a recommendation to promulgate a final rule amendment requiring persons filing notification to submit revenue data for 1982 rather than 1977 in response to certain questions on the Form relating to product lines.

Agency Contact: John M. Sipple, Jr., Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Washington, DC 20580, 202 523-3404

RIN: 3084-AA23

3697. GAMES OF CHANCE IN THE FOOD RETAILING AND GASOLINE INDUSTRIES RULE

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 419.1

Abstract: The Commission's trade regulation rule concerning games of chance became effective on October 17, 1969. The rule establishes requirements for food and gasoline retailers in conducting and advertising games of chance by requiring disclosure of odds-of-winning and prize information in broadcast and print advertisements, as well as in point of sale information. During January, 1983, the Commission granted a temporary partial exemption to allow supermarkets and gas stations to advertise their games on radio and television without disclosing full information on prizes and odds-of-winning. In addition, the Commission also published an advance notice of proposed rulemaking on whether to make the broadcast exemption permanent. Finally, the Commission has proposed to reduce the recordkeeping requirements of the rule from three years to one year in keeping with the goals of the Paperwork Reduction Act, and requests public comment on other possible areas where amendments to the rule may be appropriate. The rule benefits consumers by allowing contestants to enter games of chance with full knowledge of all material information to enable equal competition for (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	08/19/69	34 FR 13302
ANPRM	01/04/83	48 FR 265
Temporary Partial Exemption	01/10/83	48 FR 1046
Submit Staff Analysis to Commission	05/00/86	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: prizes. The major costs to industry are the possible burdensomeness of the electronic media disclosure and recordkeeping provisions of the rule, both of which are currently being reconsidered. Possible alternatives include different disclosures, reduced disclosures, or no disclosures.

Agency Contact: John M. Mendenhall, Federal Trade Commission, Cleveland Regional Office, Suite 500- Mall Building, 118 St. Clair Ave, Cleveland, Ohio 44114, 216 522-4207

RIN: 3084-AA24

3698. APPLIANCE LABELING RULE -- ENERGY POLICY AND CONSERVATION ACT

Legal Authority: 42 USC 6294 National Energy Conservation Policy Act; PL 94-163 Energy Policy and Conservation Act, Sec 324, 1975

CFR Citation: 16 CFR 305

Abstract: The Energy Policy and Conservation Act (EPCA) required the Commission to consider labeling rules for the disclosure of energy information, based on standard test procedures prescribed by the Department of Energy, for at least 13 categories of major household appliances. The Commission adopted a labeling rule for seven appliance categories: (1) refrigerators and refrigerator- freezers; (2) freezers; (3) dishwashers; (4) clothes washers; (5) water heaters; (6) room air conditioners; and (7) furnaces. The Commission exempted five other categories of appliances. Following DOE's adoption of final test procedures for central air conditioners (and heat pumps), the Commission initiated a rulemaking to consider including these products. The Commission is also considering including two new types of furnaces in the rule's current coverage of furnaces.

The rule mandates that specific energy costs or efficiency information for covered products be disclosed in catalogs and on a label (fact sheets are required for furnaces). The label must include a highlighted energy cost or efficiency disclosure, a range indicating the highest and lowest energy costs or (cont)

Timetable:

Action	Date	FR Cite
NPRM (Air Conditioners)	08/11/80	45 FR 53340
NPRM (Furnaces)	07/24/81	46 FR 38105
Begin Reg Flex Act Review	04/08/85	50 FR 13820
Final Reg Flex Rec. to Commission	02/00/86	
Consideration of Staff Rec. (Air Cond. & Furn.)	03/00/86	
Consideration of Amendments	04/00/86	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: efficiencies for all similar appliance models, and a chart that permits an individual to estimate how much it will cost to run the appliance each year based on local utility rates. The primary purpose of the rule is to permit consumers to compare the energy usage of competing appliances and to weigh that information along with other product features.

Since the Commission's rule implements the statutory directives in EPCA, most

of the costs imposed on industry members may not be attributable to the rule. The rule applies mainly to manufacturers of household appliances, but does impose some burdens on distributors and retailers. Some of these entities may be small businesses pursuant to Section 610 of the Regulatory Flexibility Act; therefore, the Commission has begun a review of the rule to determine whether the rule has had a significant economic impact on a substantial number of small entities and, if so, whether the rule should be amended.

Agency Contact: James Mills, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 376-8934

RIN: 3084-AA26

FEDERAL TRADE COMMISSION (FTC) — Completed Actions

3699. HEALTH SPAS

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 443, (New)

Abstract: The rule originally proposed would have required that health spa membership contracts provide consumers with a right to cancel and receive a full refund during a three-day cooling-off period. If a seller's facilities were not yet fully operational, the consumer would have had 10 days to cancel after notice that the spa facilities were fully operational. After this period, the consumer would have had a right to cancel by paying up to a 5% cancellation fee plus a pro-rated portion of the contract price. Other provisions of the proposed rule prescribed the form of cancellation notices,limited contracts to two years, and prohibited the receipt of more than 5 percent of the contract price from consumers if a spa were not fully operational and available for use at the time the contract was signed. All industry members would have incurred costs for printing new contracts to comply with the proposed rule. Membership cancellations due to the requirements of the proposed rule would have adversely affected the cash flow of health spas. Consumers would have benefited from the proposed rule's unlimited cancellation rights to the extent (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/18/75	40 FR 34615
Presiding Officer's Report	04/00/79	
Staff Report	01/22/85	50 FR 2829
Written Comment Period On Staff Report Ends	06/07/85	
Staff Recommendation to Commission	11/00/85	
Commission Determination to End Rulemaking	12/18/85	
Withdrawn	12/18/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: that they are not currently granted by the industry. The proposed rule would have had a significant economic impact on a substantial number of small entities by varying required contract terms and imposing monetary refund requirements where none previously existed. The Commission determined that the evidence in the rulemaking record did not demonstrate industrywide abuses and that the record, therefore, did not support the imposition of such costly and intrusive remedies as those contained in the proposed rule.

Agency Contact: Walter Gross, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 523-3826

RIN: 3084-AA06

3700. OCTANE CERTIFICATION AND POSTING RULE--PETROLEUM MARKETING PRACTICES ACT

Legal Authority: 15 USC 2801 et seq Petroleum Marketing Practices Act

CFR Citation: 16 CFR 306

Abstract: The Federal Trade Commission, in accordance with the Regulatory Flexibility Act and publication of a Plan for the Periodic Review of Commission Rules, 46 FR 35118 (July 7, 1981), is soliciting comments and data on whether the Octane Certification and Posting Rule, 16 CFR Part 306 ("the Rule"), has had a significant economic impact on small entities, and if it has, whether the Rule should be amended to minimize any such significant economic impact on small entities.

The Rule establishes standard procedures for determining, certifying and posting (by means of a label on the fuel dispenser) the octane rating of automotive gasoline intended for sale to consumers. In addition, the Rule contains recordkeeping requirements that require gasoline refiners and importers to retain octane rating test records and gasoline distributors and retailers to retain octane certification records pertaining to the gasoline they sell in commerce for one year.

The Rule is intended to enable consumers to buy gasoline with an octane rating that is high enough to prevent (cont)

Timetable:

Action	Date	FR Cite
Previous Rule promulgated	03/30/79	44 FR 19160
Previous Rule effective	06/01/79	
Begin Reg Flex Review	04/02/85	50 FR 13048
Comment Period Closed	05/02/85	
End Reg Flex Review	03/25/86	51 FR 10186

Small Entity: Yes

Additional Information: ABSTRACT CONT: inefficient and harmful "engine knock" and to help consumers to avoid buying gasoline with an octane rating that is needlessly higher than the requirements of their automobiles.

The purpose of this review is limited to determining whether the Rule should be continued without change, or should be amended or rescinded, consistent with

the stated objectives of applicable statutes, to minimize any significant economic impact of the Rule upon a substantial number of small entities.

Agency Contact: James Mills, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 376-8934

RIN: 3084-AA32

[FR Doc. 86-5889 Filed 04-18-86; 8:45 am]

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federal register

Monday
April 21, 1986

Part LV

Interstate Commerce Commission

Semiannual Regulatory Agenda

ICC

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 420 (Sub-No. 10)]

Semiannual Regulatory Agenda

AGENCY: Interstate Commerce Commission.

ACTION: Notice of semiannual regulatory agenda to be part of a Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to OMB Bulletin No. 86-4, issued under section 6(b) of E.O. 12291 to implement the provisions of section 5 of the Executive Order concerning Regulatory Agendas, the Commission is publishing an agenda of (1) current and projected rulemakings, and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: A list of proceedings appears below, containing information about subject areas in which the Commission is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda also identifies regulations likely to have a significant economic impact on a substantial number of "small entities." Accordingly, this information will satisfy the requirements of section 602 of the Regulatory Flexibility Act, 5 U.S.C. 602.

Finally, this agenda will comprise part of a "Unified Agenda of Federal Regulations" compiled by the Office of Management and Budget which is to be published in a single issue of the Federal Register in April 1986. The purpose of the Unified Agenda is to provide the public with more comprehensive documentation of the Federal government's current regulatory plans, and to provide a systematic means of monitoring regulatory activity in each agency.

This notice is issued pursuant to 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: February 21, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

James H. Bayne,
Secretary.

INTERSTATE COMMERCE COMMISSION (ICC) — Prerule Stage

3701. REVIEW OF CAR-HIRE REGULATION, EX PARTE NO. 334 (SUB-NO. 6)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10706; 49 USC 10734; 49 USC 11122; 5 USC 553

CFR Citation: 49 CFR 1033; 49 CFR 1036

Legal Deadline: None

Abstract: The Commission is considering whether regulation of railroad car-hire charges (except charges for boxcars) should be retained, modified, or eliminated.

Timetable:

Action	Date	FR Cite
ANPRM	04/29/85	50 FR 16724
ANPRM Comment Period End	08/28/85	50 FR 27031
Supplemental Comment Period	02/07/86	50 FR 52972
Comments under Internal Review	00/00/00	

Small Entity: No

Additional Information: This proceeding embraces the proposals and record developed in Zone of Reasonableness for Car-Hire Charges, Ex Parte No. 334 (Sub-No. 5), RIN 3120-AA13.

In a related proceeding, Ex Parte No. 334 (Sub-No. 7), Suspension of Car-Hire Updates, all further updates of car-hire charges have been suspended pending completion of Review of Car-Hire Regulation, Ex Parte No. 334 (Sub-No. 6). Notice of suspension appeared at 51 FR 263 on 01/03/86.

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Room 5417, Washington, DC 20423, 202 275-7245

RIN: 3120-AA13

3702. TRANSFERS OF OPERATING RIGHTS, EX PARTE NO. MC-111 (SUB-NO. 1)

Legal Authority: 49 USC 10101; 49 USC 10926; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1045.11; 49 CFR 1132; 49 CFR 1133; 49 CFR 1141; 49 CFR 1151

Legal Deadline: None

Abstract: When motor carriers, water carriers, brokers, and freight forwarders seek to transfer their operating rights, they must follow Commission procedures. Proposed regulations will seek to consolidate the various regulations, streamline them, and simplify the entire procedure.

Timetable:

Action	Date	FR Cite
Draft NPRM under internal evaluation	00/00/00	

Small Entity: Yes

Agency Contact: Suzanne Higgins, Attorney Adviser, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7181

RIN: 3120-AA81

3703. ELECTRONIC FILING OF TARIFFS, EX PARTE NO. 444

Legal Authority: 49 USC 10321; 49 USC 10762

CFR Citation: 49 CFR 1312

Legal Deadline: None

Abstract: Commission regulations require filing of tariffs in printed form. The Commission is considering establishing rules and procedures to

permit carriers to file tariffs electronically. The advance notice of proposed rulemaking seeks comments from interested parties.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/83	
ANPRM Comment Period End	06/22/83	48 FR 18861
Presently under internal evaluation	00/00/00	

Small Entity: Undetermined

Agency Contact: Charles E. Langyher, III, Chief, Section of Tariffs, Interstate Commerce Commission, Bureau of Traffic, Washington, DC 20423, 202 275-7739

RIN: 3120-AA99

3704. ● EXEMPTION OF DEMURRAGE FROM REGULATION, EX PARTE NO. 462

Significance: Agency Priority

Legal Authority: 49 USC 10505; 49 USC 10750; 49 USC 11121 to 11122; 5 USC 553

CFR Citation: 49 CFR 1033

Legal Deadline: None

Abstract: The Commission is considering whether to exempt in whole or in part rail demurrage from regulation.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/85	50 FR 51565
ANPRM Comment Period End	01/17/86	50 FR 51565
Extension of Public Comment Period	01/21/86	51 FR 2740
Comment Period End	03/18/86	51 FR 2740
Internal Review of Comments	00/00/00	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Room 5417, Washington, DC 20423, 202 275-7245

RIN: 3120-AB35

3705. ● NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE - PETITION TO INSTITUTE RULEMAKING ON NEGOTIATED MOTOR COMMON CARRIER RATES, EX PARTE NO. MC-177

Legal Authority: 5 USC 553; 49 USC 10321; 49 USC 10701; 49 USC 10704

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: Proposal to provide shippers with a limited judicial defense to a claim for undercharges, in circumstances where the shipper has been billed a negotiated rate and is later billed at the higher published rate due to the carrier's failure to file the negotiated rate with the Commission.

Timetable:

Action	Date	FR Cite
ANPRM	09/13/85	50 FR 37391
ANPRM Comment Period End	10/15/85	50 FR 37391
Comments under review	00/00/00	

Small Entity: Undetermined

Agency Contact: Leo Arnaiz, Attorney Adviser, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7831

RIN: 3120-AB40

INTERSTATE COMMERCE COMMISSION (ICC)

Proposed Rule Stage

3706. PETITION TO EXPAND PASSENGER MOTOR CARRIER SUPERHIGHWAY AND DEVIATION RULES, EX PARTE NO. MC-65 (SUB-NO. 6)

Legal Authority: 49 USC 10321; 5 USC 553

CFR Citation: 49 CFR 1042

Legal Deadline: None

Abstract: Proposal to expand the amount by which a motor carrier of passengers may deviate from its certificated route in order to perform authorized service in an efficient and timely way.

Timetable:

Action	Date	FR Cite
NPRM	02/01/79	44 FR 6580
NPRM Supplemental	04/01/86	

Small Entity: Not Applicable

Agency Contact: S. David Berger, Supervising Attorney Adviser, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7980

RIN: 3120-AA24

3707. HANDLING OF C.O.D. SHIPMENTS, EX PARTE NO. MC-42

Legal Authority: 49 USC 10101; 49 USC 10321; 49 USC 10762; 49 USC 11101; 5 USC 553

CFR Citation: 49 CFR 1052

Legal Deadline: None

Abstract: The Commission is considering whether to revise its existing regulations to authorize individual carriers to establish their own nondiscriminatory C.O.D. collection and remittance rules and to eliminate the requirement in existing recordkeeping.

Timetable:

Action	Date	FR Cite
NPRM	03/19/81	46 FR 17814
NPRM Comment Period End	05/04/81	
Draft Decision under internal evaluation	00/00/00	

Small Entity: No

Agency Contact: Tom Barry, Attorney Adviser, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7540

RIN: 3120-AA42

3708. PROCEDURES FOR REQUESTING RAIL VARIABLE COST AND REVENUES DETERMINATION FOR JOINT RATES SUBJECT TO SURCHARGE OR CANCELLATION, EX PARTE NO. 389

Legal Authority: 49 USC 10321; 49 USC 10705a; 5 USC 553

CFR Citation: 49 CFR 1031A

Legal Deadline: None

Abstract: The Commission has proposed procedures for obtaining relevant revenue and variable cost data under 49 USC 10705a.

Timetable:

Action	Date	FR Cite
NPRM - previous	11/03/80	45 FR 72665
NPRM	03/30/81	46 FR 19238
NPRM Comment Period End	04/29/81	46 FR 19238
Presently under internal evaluation	00/00/00	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, 202 275-7245

RIN: 3120-AA57

3709. PROCEDURES GOVERNING THE PROCESSING, INVESTIGATION, AND DISPOSITION OF OVERCHARGE, DUPLICATE PAYMENT, OR OVERCOLLECTION CLAIMS

Legal Authority: 49 USC 10741; 49 USC 10761(a)

CFR Citation: 49 CFR 1008

Legal Deadline: None

Abstract: This action is considering the modification of rules governing processing of overcharge, duplicate payment, and overcollection claims to lessen burdens on small shippers.

Timetable:

Action	Date	FR Cite
NPRM	09/29/86	
NPRM Comment Period End	10/29/86	

Small Entity: Yes

Agency Contact: Linda F. Mitchler, Transportation Industry Analyst, Interstate Commerce Commission, Office of Compliance and Consumer Assistance, Washington, DC 20423, 202 275-0880

RIN: 3120-AA95

3710. RAIL GENERAL EXEMPTION AUTHORITY - MISCELLANEOUS PROCESSED AND MANUFACTURED COMMODITIES

Legal Authority: 49 USC 10505

CFR Citation: 49 CFR 1039

Legal Deadline: None

Abstract: 49 USC 10505 requires that the Commission exempt from regulation the movement by rail of traffic for which it finds continued regulation no longer necessary to serve the Nation's transportation policy objectives and to protect shippers from abuse of market power by the railroads. In examining the transportation characteristics and markets of various commodities moving by rail, there appear to be many products for which sufficient competition exists among transportation alternatives so that regulation may no longer be necessary. Exemption of such commodities should provide increased rate and service flexibility for railroads to meet shippers' needs and to compete more effectively for the subject traffic. Anticipated benefits include lower rates and improved service, at a possible "cost" of increased price instability and competition to alternative transport firms.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Undetermined

Agency Contact: Robert Lundy, Economist, Interstate Commerce Commission, Washington, DC 20423, 202 275-6853

RIN: 3120-AB08

3711. PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS (REVISION OF OPERATIONAL REGULATIONS), EX PARTE NO. MC-19 (SUB-NO. 36)

Legal Authority: 49 USC 11110

CFR Citation: 49 CFR 1056

Legal Deadline: None

Abstract: This proceeding involves a plenary review of the household goods regulations in which the Commission invites public comment and proposals which would minimize the regulatory burden on movers to the maximum extent consistent with the protection of individual shippers.

Timetable:

Action	Date	FR Cite
ANPRM	10/26/83	48 FR 49561
ANPRM Comment Period End	01/12/84	48 FR 49561
NPRM	09/29/86	
NPRM Comment Period End	10/29/86	

Small Entity: Yes

Agency Contact: Patricia M. Schulze, Transportation Industry Analyst, Interstate Commerce Commission, OCCA, Washington, DC 20423, 202 275-7841

RIN: 3120-AB17

3712. BOX CAR HIRE AND CAR SERVICE, EX PARTE NO. 346 (SUB-NO. 19)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10505; 5 USC 553

CFR Citation: 49 CFR 1039

Legal Deadline: None

Abstract: This proceeding considers alternatives to present car-hire and car service rules affecting boxcars and to the proposals made in Ex Parte No. 346 (Sub-No. 8), Exemption From Regulation - Boxcar Traffic (48 FR 20412, May 6, 1983).

Timetable:

Action	Date	FR Cite
ANPRM	06/27/84	49 FR 26745
ANPRM Comment Period End	11/20/84	49 FR 26745
Supplemental ANPRM comment period	07/24/85	50 FR 26015
NPRM	12/03/85	50 FR 49576
NPRM Comment Period End	02/03/86	50 FR 52973
Comments under review	00/00/00	

Small Entity: Undetermined

ICC

Proposed Rule Stage

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Room 5417, Washington, DC 20423, 202 275-7245

RIN: 3120-AB19

3713. POLICY ON RELEASE OF DATA FROM THE ICC WAYBILL SAMPLE

Legal Authority: 49 USC 10321; 49 USC 11144; 5 USC 552; 5 USC 553

CFR Citation: 49 CFR 1244.8

Legal Deadline: None

Abstract: The Commission, in recognition of the sensitivity of unaggregated waybill data and the potential for competitive harm to shippers and railroads, proposes to establish a policy for the release of waybill sample data. The policy will balance the need of the users of the data and assure that confidential carrier or shipper information is not disclosed. The policy will be added to 49 C.F.R. 1244 as Section 1244.8.

Timetable:

Action	Date	FR Cite
NPRM	01/08/86	51 FR 767
NPRM Comment Period End	02/24/86	
Comments Under Evaluation	00/00/00	

Small Entity: No

Agency Contact: James A. Nash, Transportation Industry Analyst, Interstate Commerce Commission, Washington, DC 20423, 202 275-6864

RIN: 3120-AB20

3714. ● LEASE OF EQUIPMENT AND DRIVERS TO PRIVATE CARRIERS - PETITIONS FOR MODIFICATION, EX PARTE NO. MC-122 (SUB-NO. 2)

Legal Authority: 5 USC 553

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: Proposal to eliminate the requirement of a 30-day lease in leases of equipment and drivers to private carriers.

Timetable:

Action	Date	FR Cite
NPRM	08/02/85	50 FR 31439
NPRM Comment Period End	09/03/85	50 FR 31439
Comment period extended (comment period end 10/03/85)	09/09/85	50 FR 36680
Comments under review	00/00/00	

Small Entity: Undetermined

Agency Contact: Robert Rothstein, Supervising Attorney Adviser, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7912

RIN: 3120-AB36

3715. ● RAIL CONSOLIDATION PROCEDURES - CONTINUANCE IN CONTROL OF A NONCONNECTING CARRIER, EX PARTE NO. 282 (SUB-NO. 11)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10505; 5 USC 553

CFR Citation: 49 CFR 1180.2(d)(2), (Revision)

Legal Deadline: None

Abstract: The Commission is considering whether to include in the class exemption from the prior approval requirements of 49 U.S.C. 11343, the continuance in control by one rail carrier of a nonconnecting carrier.

Timetable:

Action	Date	FR Cite
NPRM	01/15/86	51 FR 1828
NPRM Comment Period End	03/17/86	51 FR 1828
Internal Review of Comments	00/00/00	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Room 5417, Washington, DC 20423, 202 275-7245

RIN: 3120-AB37

3716. ● INVESTIGATION OF MOTOR CARRIER INSURANCE RATES, EX PARTE NO. MC-178

Significance: Agency Priority

Legal Authority: 49 USC 10101; 49 USC 10321; 49 USC 10927; 49 USC 11701

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Investigation of escalating insurance costs facing the motor carrier industry and the increasing difficulty in obtaining required insurance, the causes of this insurance crisis, and what, if any, action is appropriate to alleviate the problems.

Timetable:

Action	Date	FR Cite
Notice of Investigation (Public comment period end 12/02/85)	11/01/85	50 FR 45672
Notice of proposed guidelines	03/00/86	

Small Entity: Undetermined

Agency Contact: Mark Shaffer, Principal Attorney, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7292

RIN: 3120-AB39

INTERSTATE COMMERCE COMMISSION (ICC)

Final Rule Stage

3717. REVOCATION PROCEDURES FOR FAILURE TO FILE AND MAINTAIN INSURANCE (MOTOR CARRIERS), OR SURETY BONDS (MOTOR CARRIERS, BROKERS AND FREIGHT FORWARDERS), EX PARTE NO. MC-5 (SUB-NO. 3)

Legal Authority: 49 USC 10925; 49 USC 10927

CFR Citation: 49 CFR 1043.7(f); 49 CFR 1084.8(g)

Legal Deadline: None

Abstract: Motor carriers, brokers and forwarders are required to file evidence of security for public protection in prescribed amounts. This proceeding involves improvement of the procedures by which revocation of certificates, licenses and permits is accomplished for failure to file or maintain the required security.

Timetable:

Action	Date	FR Cite
NPRM	12/13/82	47 FR 55980
NPRM Comment Period End	01/13/83	47 FR 55980
Final Action	09/29/86	

Small Entity: No

Agency Contact: Margaret Ginyard, Transportation Industry Analyst, Interstate Commerce Commission, Office of Compliance & Consumer Assistance, Washington, DC 20423, 202 275-6749

RIN: 3120-AA39

3718. IMPROVEMENT OF TOFC/COFC REGULATION (RAILROAD AFFILIATED MOTOR CARRIERS AND OTHER MOTOR CARRIERS), EX PARTE NO. 230 (SUB-NO. 6)

Significance: Agency Priority

Legal Authority: 49 USC 10321(a); 49 USC 10505; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1039

Legal Deadline: None

Abstract: The Commission has voted to extend to non-rail affiliated motor carriers its exemption from 49, Subchapter IV of the U.S. Code motor transportation of trailers and of containers used in continuous intermodal movements (TOFC and COFC service). The date the exemption will become effective is not yet determined.

Timetable:

Action	Date	FR Cite
ANPRM	08/22/79	44 FR 49279
ANPRM Comment Period End	10/22/79	44 FR 49279
NPRM	02/27/81	46 FR 14365
NPRM Comment Period End	03/30/81	46 FR 14365
Vote of the Commission	09/20/84	
Draft Final Decision under internal evaluation	00/00/00	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, 202 275-7245

RIN: 3120-AA47

3719. STANDARDS FOR RAILROAD REVENUE ADEQUACY, EX PARTE NO. 393 AND EX PARTE NO. 393 (SUB-NO. 1)

Significance: Agency Priority

Legal Authority: 49 USC 10704(a)(2)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: To assist the Commission in determining whether railroads are revenue adequate as prescribed by the IC Act. A final decision in the lead proceeding was issued on 03/30/81. The present NPRM (Sub-No. 1) is to resolve several issues left outstanding in the earlier decision.

Timetable:

Action	Date	FR Cite
NPRM	11/26/80	
NPRM	02/28/83	
NPRM Comment Period Begins	03/01/83	
NPRM Comment Period Ends	04/15/83	
Comment Period Extended to	09/16/83	48 FR 29964
Comments due	09/23/83	48 FR 42876
Final Action	04/00/86	
Draft Decision under internal evaluation	00/00/00	

Small Entity: Undetermined

Agency Contact: Ward L. Ginn, Jr., Chief, Section of Financial Analysis, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Washington, DC 20423, 202 275-7488

RIN: 3120-AA61

3720. ADOPTION OF UNIFORM RAIL COSTING SYSTEM FOR DETERMINING VARIABLE COST FOR JURISDICTIONAL THRESHOLD AND SURCHARGE PURPOSES (URCS), EX PARTE NO. 431

Significance: Agency Priority

Legal Authority: 49 USC 10705(a); 49 USC 10709

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Develops new cost methodology applicable to the rail industry as mandated in the 1976 4-R Act and the 1980 Staggers Rail Act.

Timetable:

Action	Date	FR Cite
NPRM	01/31/83	48 FR 4562
NPRM Comment Period End	09/28/83	48 FR 25290
Decision to hold in abeyance until further notice	11/13/84	49 FR 45080
Final Action	01/00/87	

Small Entity: Yes

Agency Contact: William T. Bono, Chief, Section of Cost Development, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Washington, DC 20423, 202 275-7354

RIN: 3120-AA63

3721. AGRICULTURAL COOPERATIVE EXEMPTION

Legal Authority: 49 USC 10529

CFR Citation: 49 CFR 1047.21 to 1047.23

Legal Deadline: None

Abstract: The draft final rules would modify existing regulations to enhance the Commission's enforcement powers over cooperatives. Cooperatives would be required to compile simple reports and maintain certain records in one location. Non-resident cooperatives would have to make such reports and records available in the United States, and the Notice Form OCP 102 required to be filed with the Commission would expire one year from the filing date.

Timetable:

Action	Date	FR Cite
NPRM	06/10/81	49 FR 30668
NPRM Comment Period End	07/27/81	49 FR 30668
Final Action	09/29/86	

Small Entity: Yes

Agency Contact: Lee C. Payne, Transportation Industry Analyst, Interstate Commerce Commission, OCCA, Washington, DC 20423, 202 275-0025

RIN: 3120-AA74

3722. SPECIAL INTERMODAL AUTHORITY, EX PARTE NO. 282 (SUB-NO. 7)

Legal Authority: 49 USC 11344(e)

CFR Citation: 49 CFR 1111.11

Legal Deadline: None

Abstract: The rules will implement a provision allowing special applications to provide the motor portion of a motor-rail movement as a substitute for impaired rail service.

Timetable:

Action	Date	FR Cite
NPRM	10/18/80	
Interim Final Rule	10/18/80	
NPRM Comment Period End	11/18/80	
Presently under internal evaluation	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Room 5417, Washington, DC 20423, 202 275-7245

RIN: 3120-AA82

3723. REVISION OF ACCOUNTING AND REPORTING REQUIREMENTS FOR MOTOR CARRIERS OF PROPERTY, DOCKET NO. 38904

Significance: Agency Priority

Legal Authority: 49 USC 11142

CFR Citation: 49 CFR 1207; 49 CFR 1249

Legal Deadline: None

Abstract: This rule would eliminate all the Commission's accounting and reporting rules for Class I and II common and contract motor carriers of property.

Timetable:

Action	Date	FR Cite
NPRM	02/21/85	50 FR 7201
NPRM Comment Period End	04/08/85	
Final Action	04/30/86	

Small Entity: No

Agency Contact: Andrew J. Lee, Assistant Chief, Interstate Commerce Commission, Section of Accounting and Reporting, 12th & Constitution Avenue, NW, Washington, DC 20423, 202 275-7510

RIN: 3120-AA84

3724. REVISION TO THE UNIFORM SYSTEM OF ACCOUNTS FOR RAILROADS

Significance: Agency Priority

Legal Authority: 49 USC 11166

CFR Citation: 49 CFR 1201

Legal Deadline: None

Abstract: The purpose of this regulation is to update the uniform system of accounts for railroads. This includes incorporating various suggestions from users and carriers and recommendations from Commission staff. It also addresses such areas as compliance with GAAP, clarity of presentation, and logic for level of detail in account classifications. Further, the operating expense account explanations will be revised for clarity.

Timetable:

Action	Date	FR Cite
NPRM	06/13/84	49 FR 24554
NPRM Comment Period End	07/30/84	49 FR 24554
Final Action	04/30/86	

Small Entity: No

Agency Contact: William E. Moss, III, Chief, Section of Audit and Accounting, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Washington, DC 20423, 202 275-7510

RIN: 3120-AA86

3725. ● REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED SERVICES, EX PARTE NO. 246 (SUB-NO. 2)

Legal Authority: 5 USC 553; 31 USC 9701; 49 USC 10321

CFR Citation: 49 CFR 1002

Legal Deadline: None

Abstract: In a decision published at 49 FR 18490 (May 1, 1984), the Commission adopted a major revision of its user fee regulations. On review the District of Columbia Circuit Court of Appeals affirmed the Commission's user fee regulations in most respects. See Central & Southern Motor Freight Tariff Ass'n, Inc. v. ICC 777 F 2nd 722 (D.C. Cir 1985). However, the court did remand the proceeding for further explanation of certain costing issues. This decision will reopen the May 1, 1984 decision. In this decision the Commission will provide further explanation to the Court and make any necessary adjustment to the fee regulations.

Timetable:

Action	Date	FR Cite
NPRM	02/17/84	49 FR 6118
Reopening of Proceeding as a result of court remand	00/00/00	

Small Entity: No

Agency Contact: Kathleen M. King, Assistant Secretary, Interstate Commerce Commission, Office of the Secretary, 12th & Constitution Avenue, NW, Washington, DC 20423, 202 275-7428

RIN: 3120-AA90

3726. ACCEPTABLE FORMS OF REQUESTS FOR OPERATING AUTHORITY FOR MOTOR CARRIERS AND BROKERS OF PROPERTY, EX PARTE NO. MC-55 (SUB-NO. 43A)

Significance: Agency Priority

Legal Authority: 5 USC 553; 49 USC 10101; 49 USC 10321; 49 USC 10922; 49 USC 10923; 49 USC 10924; 49 USC 11102

CFR Citation: 49 CFR 1160

Legal Deadline: None

Abstract: To permit applications for any reasonably broad commodity description.

Timetable:

Action	Date	FR Cite
NPRM	08/08/83	
NPRM Comment Period End	09/26/83	
Most rules effective	05/18/84	49 FR 15205
NPRM Supplemental (bulk commodities only)	07/02/84	49 FR 27182
Comments Due	08/16/84	
Final Action	04/01/86	

Small Entity: No

Agency Contact: Suzanne Higgins, Attorney Adviser, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7181

RIN: 3120-AB05

3727. MOTOR CARRIER RATE BUREAUS - EXPANSION OF COLLECTIVE RATEMAKING TERRITORY, EX PARTE NO. 297 (SUB-NO. 7)

Legal Authority: 49 USC 10321; 49 USC 10706; 5 USC 553

CFR Citation: 00 CFR None

Legal Deadline: None

Abstract: Proposal to allow motor carrier rate bureaus to expand the territorial scope of collective ratemaking activities beyond that presently authorized.

Timetable:

Action	Date	FR Cite
Notice of proposed consolidation of petitions and request for comments	03/20/84	49 FR 10381
Notice of oral argument	11/09/84	49 FR 44818
Interim decision	08/19/85	50 FR 33421
Final decision (pending completion of individual rate bureau agreements)	00/00/00	

Small Entity: Undetermined

Additional Information: Decision served 8/16/85 withholds disposition of proceeding and holds matter in abeyance pending disposition of MC-82 rate bureau agreements; certified copies of record sent to appropriate Congressional committees.

Agency Contact: Robert Rothstein, Supervising Attorney Adviser, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7912

RIN: 3120-AB25

3728. SHORT NOTICE EFFECTIVENESS FOR INDEPENDENTLY FILED SINGLE-FACTOR MOTOR-WATER RATES, EX PARTE NO. MC-170 (SUB-NO. 1)

Legal Authority: 49 USC 10321; 49 USC 10762; 5 USC 553

CFR Citation: 49 CFR 1312

Legal Deadline: None

Abstract: Proposal to reduce the notice period for independently filed single-factor domestic motor-water rates for transportation of property to one day for rate decreases and seven days for rate increases.

Timetable:

Action	Date	FR Cite
NPRM	05/21/85	50 FR 20920
NPRM Comment Period End	06/21/85	50 FR 20920
Open Special Conference	03/12/86	51 FR 07664
Final Action	05/01/86	

Small Entity: No

Agency Contact: Ardith Horne, Attorney Adviser, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-1764

RIN: 3120-AB26

3729. ELIMINATION OF ACCOUNTING AND REPORTING REQUIREMENTS FOR MOTOR CARRIERS OF PASSENGERS, NO. 39953

Significance: Agency Priority

Legal Authority: 49 USC 11142; 49 USC 11145

CFR Citation: 49 CFR 1206; 49 CFR 1249

Legal Deadline: None

Abstract: This rule would eliminate the Uniform System of Accounts and revise the periodic reporting requirements for Class I motor common and contract carriers of passengers. The Commission believes these provisions are no longer necessary for Commission oversight of the ratemaking process. The Commission is proposing a new condensed report, applicable only to Class I motor carriers of passengers, to replace the current comprehensive annual and quarterly report forms. These changes should significantly reduce the carriers' accounting and reporting costs and burden.

Timetable:

Action	Date	FR Cite
NPRM	06/26/85	50 FR 26594
NPRM Comment Period End	10/08/85	50 FR 26594
NPRM Comment Period Extended 10/8/85 to	12/09/85	50 FR 38559
Final Action Effective	01/01/86	
Final Action	04/30/86	

Small Entity: No

Agency Contact: Andrew J. Lee, Assistant Chief, Interstate Commerce Commission, Section of Accounting & Reporting, 12th & Constitution Ave., NW, Washington, DC 20423, 202 275-7510

RIN: 3120-AB31

3730. ADOPTION OF NET SALVAGE FOR DEPRECIABLE RAILROAD PROPERTY, NO. 39325

Significance: Agency Priority

Legal Authority: 49 USC 10321

CFR Citation: 49 CFR 1201

Legal Deadline: None

Abstract: This rule would modify the accounting rules for recognizing the costs of dismantling, removing and retiring depreciable assets. The objective is to assure that all operating expenses associated with long term depreciable assets are recognized and written off during the useful lives of the assets. The proposal would require the separate maintenance of three components: (1) the usual write-off of the cost of the asset, (2) the write-off of the estimated cost of removing the asset from service, (3) the recognition of the estimated salvage value of the asset when removed from service.

Timetable:

Action	Date	FR Cite
Final Action	09/00/86	
Final Action Effective	09/00/86	

Small Entity: No

ICC

Final Rule Stage

Agency Contact: Andrew J. Lee, Assistant Chief, Interstate Commerce Commission, Section of Accounting & Reporting, 12th & Constitution Ave., NW, Washington, DC 20423, 202 275-7510

RIN: 3120-AB33

INTERSTATE COMMERCE COMMISSION (ICC)

Completed Actions

3731. SPECIAL TEMPORARY AUTHORITY PROCEDURES, EX PARTE NO. MC-64 (SUB-NO. 2A)

CFR Citation: 49 CFR 1131

Completed:

Reason	Date	FR Cite
Discontinued	03/12/86	51 FR 8573

Small Entity: Not Applicable

Agency Contact: Howell I. Sporn 202 275-7691

RIN: 3120-AA19

3732. DORMANCY, DIVISION OF OPERATING RIGHTS, AND NEW COMPETITIVE SERVICE IN MOTOR CARRIER ACQUISITION CASES, EX PARTE NO. MC-155

CFR Citation: 49 CFR 1132; 49 CFR 1134

Completed:

Reason	Date	FR Cite
Discontinued	01/24/86	

Small Entity: Undetermined

Agency Contact: Warren Wood 202 275-7977

RIN: 3120-AA27

3733. INTERCHANGE POLICIES AT INTERNATIONAL BOUNDARY LINES, EX PARTE NO. MC-73 (SUB-NO. 1)

CFR Citation: 49 CFR 1004; 49 CFR 1057

Completed:

Reason	Date	FR Cite
Withdrawn Discontinued by Decision Svd. 2/7/86	02/10/86	51 FR 4944

Small Entity: Undetermined

Agency Contact: Andrew L. Lyon 202 275-7805

RIN: 3120-AA36

3734. REGULATIONS GOVERNING THE ADEQUACY OF INTERCITY MOTOR COMMON CARRIER PASSENGER SERVICE, EX PARTE NO. MC-95 (SUB-NO. 3)

CFR Citation: 49 CFR 1063

Completed:

Reason	Date	FR Cite
Discontinued	03/06/86	51 FR 7838

Small Entity: Not Applicable

Agency Contact: James Brown 202 275-7898

RIN: 3120-AA40

3735. STAGGERS RAIL ACT OF 1980 - CONFERENCE OF INTERESTED PARTIES, EX PARTE NO. 456

Significance: Agency Priority

CFR Citation: 00 CFR None

Completed:

Reason	Date	FR Cite
Conference Terminated	03/14/85	

Small Entity: No

Agency Contact: Louis E. Gitomer 202 275-7245

RIN: 3120-AB23

3736. REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED SERVICES - 1985 UPDATE, EX PARTE NO. 246 (SUB-NO. 3)

Significance: Agency Priority

CFR Citation: 49 CFR 1002

Completed:

Reason	Date	FR Cite
Final Action	10/01/85	50 FR 40024
Final Action Effective	11/04/85	

Small Entity: No

Agency Contact: Kathleen M. King 202 275-7428

RIN: 3120-AB24

3737. INTRAMODAL RAIL COMPETITION, EX PARTE NO. 445 (SUB-NO. 1)

Significance: Agency Priority

CFR Citation: 49 CFR 1144.1 to 1144.6

Completed:

Reason	Date	FR Cite
Final Action	11/06/85	50 FR 46066
Final Action Effective	10/31/85	50 FR 46066

Small Entity: No

Agency Contact: Louis E. Gitomer 202 275-7245

RIN: 3120-AB27

3738. EXEMPTION OF RAILROADS FROM SECURITIES REGULATION UNDER 49 U.S.C. 11301, EX PARTE NO. 397

CFR Citation: 49 CFR 1175

Completed:

Reason	Date	FR Cite
Final Action	02/10/86	51 FR 4927
Final Action Effective	03/12/86	51 FR 4927

Small Entity: No

Agency Contact: Louis E. Gitomer 202 275-7245

RIN: 3120-AB28

3739. EXEMPTION FROM REGULATION - SHIPMENTS SUBSEQUENTLY MADE SUBJECT TO A CONTRACT RATE, EX PARTE NO. 387 (SUB-NO. 958)

Significance: Agency Priority

CFR Citation: 49 CFR 1039.19; 49 CFR 1039.2(e)

Completed:

Reason	Date	FR Cite
Final Action	12/27/85	50 FR 52926
Final Action Effective	01/27/86	50 FR 52926

Small Entity: No

Agency Contact: Louis E. Gitomer 202 275-7245

RIN: 3120-AB29

3740. CERTIFICATION OF RAILROAD ANNUAL REPORT R-1 BY INDEPENDENT ACCOUNTANT, EX PARTE NO. 460

Significance: Agency Priority

CFR Citation: 49 CFR 1241

Completed:

Reason	Date	FR Cite
Final Action	10/16/85	50 FR 41899
Final Action Effective	01/01/86	50 FR 41899

Small Entity: No

Agency Contact: William F. Moss, III 202 275-7510

RIN: 3120-AB30

3741. INTERNATIONAL JOINT THROUGH RATES INVOLVING OCEAN CARRIERS - REVISION OF TARIFF FILING REQUIREMENTS, EX PARTE NO. MC-175

CFR Citation: 49 CFR 1312

Completed:

Reason	Date	FR Cite
Final Action	01/23/86	51 FR 3071
Final Action Effective	02/24/86	51 FR 3071

Small Entity: No

Agency Contact: Marc Lerner 202 275-7150

RIN: 3120-AB32

3742. ●CLASS EXEMPTION FOR THE ACQUISITION AND OPERATION OF RAIL LINES UNDER 49 U.S.C. 10901, EX PARTE NO. 392 (SUB-NO. 1)

CFR Citation: 49 CFR 1150.31 to 1150.34

Completed:

Reason	Date	FR Cite
Final Action	01/17/86	51 FR 2503
Final Action Effective	02/17/86	51 FR 2503

Small Entity: No

Agency Contact: Louis E. Gitomer 202 275-7245

RIN: 3120-AB38

[FR Doc. 86-5798 Filed 04-18-86; 8:45 am]

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federal register

Monday
April 21 1986

Part LVI

National Credit Union Administration

Semiannual Regulatory Agenda

NCUA

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Semiannual Agenda of Regulations

AGENCY: National Credit Union Administration (NCUA).

ACTION: Semiannual agenda of regulations.

SUMMARY: Pursuant to its ongoing policy of reviewing regulations, NCUA is publishing a list of pending and recently completed actions as of January 16, 1986. NCUA will also include this Agenda in the "Unified Agenda of Federal Regulations."

DATE: This information is current as of January 16, 1986.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: On a particular regulation, contact the person(s) named in the listing for that regulation at the above address.

SUPPLEMENTARY INFORMATION: The purpose of this Agenda is to enable credit unions and the public to track regulatory development and review at NCUA and to enable interested parties to more effectively participate in that process. This year, NCUA has added Interpretive Rulings and Policy Statements to its Agenda.

The Agenda is published pursuant to the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) and NCUA's statement of policy concerning development and review of regulations (IRPS 81-4, 46 FR 2948).

NCUA will voluntarily include this Agenda in the Office of Management and Budget's next publication of its "Unified Agenda of Federal Regulations." The NCUA Board believes that participation in this joint publication will further the public interest by including NCUA in a single source of information concerning current and projected rulemaking and reviews of existing regulations.

Approved by the NCUA Board this 16th day of January, 1986.

Rosemary Brady,

Secretary of the Board.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
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Proposed Rule Stage

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3761	Advertisement of Insured Status	3133-AA10
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NCUA

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
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3771	Credit Union Service Organizations	3133-AA46

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3772	Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the National Credit Union Administration	3133-AA29
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3774	Employee Responsibility and Conduct - Financial Interest	3133-AA63
3775	Interpretive Ruling and Policy Statement 85-2 Repurchase Agreements of Depository Institutions with Securities Dealers and Others	3133-AA66
3776	Interpretive Ruling and Policy Statement 85-1-Trustees and Custodians of Pension Funds	3133-AA69
3777	Interpretive Ruling and Policy Statement 85-3 Assumption of Real Estate Loans by Nonmembers	3133-AA70
3778	Report of Crime or Catastrophic Act	3133-AA71

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

Prerule Stage

3743. RESERVES

Legal Authority: 12 USC 1762; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 702.1; 12 CFR 702.2

Legal Deadline: None

Abstract: These regulations set forth the requirements for the establishment and maintenance of a regular reserve (as provided by the Federal Credit Union Act) and set forth procedures for applications for approval to decrease reserves.

Timetable:

Action	Date	FR Cite
End Review	12/31/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Michael Riley, Director, Office of Programs, (202) 357-1140.

Agency Contact: Robert Fenner, General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA12

3744. NONDISCRIMINATION REQUIREMENTS

Legal Authority: 12 USC 1757; 12 USC 1759; 12 USC 1766; 12 USC 1786; 12 USC 1789; 24 USC 3601 to 3610; 24 USC 1981; 15 USC 1601 et seq

CFR Citation: 12 CFR 701.31

Legal Deadline: None

Abstract: This regulation sets forth prohibitions against discrimination by Federal credit unions in making real estate related loans and appraisals. The regulation also sets forth guidelines for compliance with the Fair Housing Act and court decisions rendered thereunder.

Timetable:

Action	Date	FR Cite
End Review	12/31/86	

Small Entity: No

Agency Contact: Hattie M. Ulan, Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA17

3745. DESCRIPTION OF OFFICE, DISCLOSURE OF OFFICIAL RECORDS, AVAILABILITY OF INFORMATION, PROMULGATION OF REGULATIONS

Legal Authority: 12 USC 1752a

CFR Citation: 12 CFR 790

Legal Deadline: None

Abstract: These regulations set forth the organizational format of the central and regional offices, information which may or may not be made available to the public and the procedures and costs for obtaining such information, procedures for the promulgation of agency rules and regulations, and National Security Information procedures.

Timetable:

Action	Date	FR Cite
End Review	06/30/86	

Small Entity: No

Agency Contact: Benny R. Henson, National Credit Union Administration, Administrative Office, 1776 G Street, NW, Washington, DC 20456, **202 357-1055**

RIN: 3133-AA32

NCUA

Prerule Stage

3746. FINANCIAL AND STATISTICAL AND OTHER REPORTS

Legal Authority: 12 USC 1756; 12 USC 1766; 12 USC 1782; 12 USC 1789

CFR Citation: 12 CFR 701.13

Legal Deadline: None

Abstract: This regulation sets forth reporting requirements for Federal credit unions. The regulation will be reviewed for accuracy and consistency with other regulations.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/31/86	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA48

3747. LOAN PARTICIPATION

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.22

Legal Deadline: None

Abstract: This regulation sets forth definitions and requirements for Federal credit unions that wish to participate in making loans with other credit unions, credit union organizations or financial organizations. The regulation will be reviewed to determine the need to update, revise and simplify it.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/31/86	

Small Entity: No

Agency Contact: Yvonne Gilmore, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA49

3748. PURCHASE, SALE AND PLEDGE OF ELIGIBLE OBLIGATIONS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.23

Legal Deadline: None

Abstract: This regulation sets forth definitions and requirements for Federal credit unions that wish to purchase, sell or pledge a loan or group of loans. The regulation will be reviewed to determine the need to update, review and simplify it.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/31/86	

Small Entity: No

Agency Contact: Yvonne Gilmore, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA50

3749. COMPENSATION OF OFFICIALS

Legal Authority: 12 USC 1761; 12 USC 1761a; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.33

Legal Deadline: None

Abstract: This regulation sets out the restrictions on compensation to Federal credit union directors and credit and supervisory committee members. The regulation will be reviewed for accuracy and consistency with the Federal Credit Union Act.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/31/86	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA51

3750. FEDERAL CREDIT UNIONS ACTING AS DEPOSITORIES AND FINANCIAL AGENTS OF THE GOVERNMENT

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1767; 12 USC 1787; 12 USC 1789

CFR Citation: 12 CFR 701.37-2

Legal Deadline: None

Abstract: This regulation sets out the authority for and requirement of federally insured credit unions when they serve as depositories and financial agents of the United States government. It also lists the functions credit unions may perform in this capacity. The regulation will be reviewed for clarification and simplification.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/31/86	

Small Entity: No

Agency Contact: Steven R. Bisker, Assistant General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA53

3751. BORROWED FUNDS FROM NATURAL PERSONS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.38

Legal Deadline: None

Abstract: This regulation sets forth the requirements a Federal credit union must meet when it borrows funds from natural persons. The regulation will be reviewed to determine whether clarification or simplification is necessary.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/31/86	

Small Entity: No

Agency Contact: Steven R. Bisker, Assistant General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA54

3752. CLARIFICATION AND DEFINITION OF ACCOUNT INSURANCE COVERAGE

Legal Authority: 12 USC 1781; 12 USC 1782; 12 USC 1783; 12 USC 1784; 12 USC 1785; 12 USC 1786; 12 USC 1787; 12 USC 1788; 12 USC 1789; 12 USC 1790; 12 USC 1766

NCUA

Prerule Stage

CFR Citation: 12 CFR 745

Legal Deadline: None

Abstract: This regulation sets forth definitions, general principles, and types of accounts that are insured by the National Credit Union Share Insurance Fund. This regulation will be reviewed for any necessary clarification and simplification in conjunction with Parts 740 and 741.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	04/30/86	

Small Entity: No

Agency Contact: D. Michael Riley, Director, National Credit Union Administration, Office of Examination and Insurance, 1776 G Street, NW, Washington, DC 20456, 202 357-1140

RIN: 3133-AA55

3753. RECORDS PRESERVATION PROGRAMS

Legal Authority: 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 749

Legal Deadline: None

Abstract: This regulation mandates that Federal credit unions maintain a records preservation program. It sets forth program implementation procedures and also lists what records must be stored. This regulation will be reviewed to determine the need to update, revise and simplify.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/31/86	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA56

3754. DIVISION OF ASSETS, LIABILITIES AND CAPITAL

Legal Authority: 12 USC 1766 to 1789

CFR Citation: 12 CFR 709

Legal Deadline: None

Abstract: This regulation prescribes the procedures to enable members of a Federal credit union who are in a separately identifiable group to undertake an equitable division of their assets, liabilities and capital and to charter a new Federal credit union.

Timetable:

Action	Date	FR Cite
Initial staff review complete Further action will be taken by	06/30/86	

Small Entity: No

Additional Information: This is the result of a splitting of two regulations which appeared together in the previous computer printout. The previous RIN was 3133-AA08. The previous title was Mergers of Credit Unions, Division of Assets, Liabilities and Capital.

Agency Contact: Wilmer A. Theard, National Credit Union Administration, Office of Examination and Insurance, 1776 G Street, NW, Washington, DC 20456, 202 357-1065

RIN: 3133-AA60

3755. ● CONFLICTS OF INTEREST AND SELF-DEALING

Legal Authority: 12 USC 1766(a); 12 USC 1789

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The NCUA Regulations presently contain various sections (i.e., lending regulation 12 C.F.R. 701.21(c)(8), and investment regulation 12 C.F.R. 703.4(e)), dealing with conflicts of interest on particular issues. Staff is currently reviewing this subject, to evaluate both the regulation and NCUA's enforcement procedures.

Timetable:

Action	Date	FR Cite
End Review	06/30/86	

Small Entity: No

Agency Contact: Steven R. Bisker/Yvonne Gilmore, Assistant General Counsel/Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA61

3756. ● EMPLOYEE RESPONSIBILITY AND CONDUCT

Legal Authority: EO 11222; 5 CFR 735.104; 12 USC 1766

CFR Citation: 12 CFR 792

Legal Deadline: None

Abstract: Legal and regulatory requirements concerning employee ethics are currently found in Part 792 of the NCUA Regulations, the NCUA Examiners Guide, the Office of Personnel Management's Regulations, and various Federal statutes. Staff is attempting to consolidate and explain all essential provisions in either a proposed rule or policy statement.

Timetable:

Action	Date	FR Cite
Initial recommendation to be made by	06/30/86	

Small Entity: No

Agency Contact: James J. Engel/Hattie M. Ulan, Deputy General Counsel/Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA64

3757. ● CONSERVATORSHIPS AND LIQUIDATIONS

Legal Authority: 12 USC 1766(a); 12 USC 1786; 12 USC 1789

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: NCUA does not presently have a comprehensive regulation on conservatorship and liquidation procedures. NCUA was granted conservatorship authority in 1982. An Involuntary Liquidation Manual exists, but has not been updated for several years. A task force has been formed to evaluate what measures should be taken to assure that uniform conservatorship and liquidation procedures are in place.

NCUA **Prerule Stage**

Timetable:

Action	Date	FR Cite
End Review	06/30/86	

Small Entity: No

Agency Contact: Timothy Hornbrook/Allan Meltzer, Director of Risk Management/Assistant, General Counsel, National Credit Union Administration, Office of Examination and Insurance, 1776 G Street, NW, Washington, DC 20456, 202 357-1065

RIN: 3133-AA65

3758. ● COMMERCIAL LOANS/CONCENTRATION OF ASSETS

Legal Authority: 12 USC 1757(5); 12 USC 1766(a); 12 USC 1789

CFR Citation: 12 CFR 701.21(c)(5)

Legal Deadline: None

Abstract: Section 701.21(c)(5) implements the statutorily imposed limit of lending no more than ten percent of a credit union's unimpaired shares and surplus to any one credit union member. Staff is currently reviewing whether further guidelines are necessary to avoid safety and soundness problems associated with a credit union making large loans (usually of a commercial nature) relative to the credit union's assets.

Timetable:

Action	Date	FR Cite
End Review	06/30/86	

Small Entity: No

Agency Contact: Robert M. Fenner, General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA67

3759. ● CORPORATE CREDIT UNIONS

Legal Authority: 12 USC 1762; 12 USC 1766(a); 12 USC 1781; 12 USC 1789

CFR Citation: 12 CFR 704

Legal Deadline: None

Abstract: Staff is currently reviewing various aspects of this regulation, including reserve requirements and permissible activities for corporate credit unions.

Timetable:

Action	Date	FR Cite
End Review	06/30/86	

Small Entity: No

Agency Contact: D. Michael Riley, Director, Office of Examination and, Insurance, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1140

RIN: 3133-AA68

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) Proposed Rule Stage

3760. REQUIREMENTS FOR INSURANCE

Legal Authority: 12 USC 1781 to 1790

CFR Citation: 12 CFR 741

Legal Deadline: None

Abstract: These regulations set forth criteria for determining the insurability of a credit union which makes application for insurance of its accounts pursuant to Title II of the Federal Credit Union Act. The rule also prescribes requirements for continuing implementation of the capitalization of the National Credit Union Share Insurance Fund through credit union deposits and, if necessary, insurance premiums. The review of this regulation will determine the need to update, revise and simplify these requirements. This regulation will be reviewed in conjunction with Parts 740 and 745. (See 3133-AA10 and 3133-AA55.)

Timetable:

Action	Date	FR Cite
Staff expects to make a recommendation by	04/30/86	

Small Entity: No

Agency Contact: D. Michael Riley, Director, National Credit Union Administration, Office of Examination and Insurance, 1776 G Street, NW, Washington, DC 20456, 202 357-1140

RIN: 3133-AA09

3761. ADVERTISEMENT OF INSURED STATUS

Legal Authority: 12 USC 1785; 12 USC 1789

CFR Citation: 12 CFR 740

Legal Deadline: None

Abstract: This regulation prescribes requirements with regard to the official sign which insured credit unions must display and also pertains to requirements for advertising. The regulations will be reviewed to determine whether mandatory requirements are necessary and to update, simplify and revise, if necessary. They will be reviewed in conjunction with Parts 741 and 745.

Timetable:

Action	Date	FR Cite
Staff expects to make a recommendation by	04/30/86	

Small Entity: No

Agency Contact: D. Michael Riley/James J. Engel, Director/Deputy General Counsel, National Credit Union Administration, Office of Examination and Insurance, 1776 G Street, NW, Washington, DC 20456, 202 357-1140

RIN: 3133-AA10

3762. PAYOUT PRIORITIES FOR INVOLUNTARY LIQUIDATION OF FEDERALLY INSURED CREDIT UNIONS

Legal Authority: 12 USC 1766(a); 12 USC 1766(b); 12 USC 1787(a)(2); 12 USC 1787(d); 12 USC 1789(11)

CFR Citation: 12 CFR 744

Legal Deadline: None

Abstract: This proposed rule would implement a change in the manner in which NCUA currently makes payouts

as the liquidating agent of Federally insured credit unions.

Timetable:

Action	Date	FR Cite
NPRM	11/21/83	48 FR 52588
NPRM Comment Period End	01/20/84	48 FR 52588
Further Board action expected by	12/31/86	

Small Entity: No

Additional Information: Subsequent actions including recapitalization of the National Credit Union Share Insurance Fund and review of involuntary liquidation procedures have caused internal delay and a reevaluation of this proposal.

Agency Contact: James J. Engel, Deputy General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA28

3763. ESTABLISHMENT OF A CASH FUND

Legal Authority: 12 USC 1757(12)

CFR Citation: 12 CFR 701.10

Legal Deadline: None

Abstract: This rule provides the regulatory authority to cash checks and money orders.

Timetable:

Action	Date	FR Cite
Further action expected by	12/31/86	

Small Entity: No

Agency Contact: Steven R. Bisker, Asst. General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA34

3764. REFUND OF INTEREST

Legal Authority: 12 USC 1766(a); 12 USC 1761b(9)

CFR Citation: 12 CFR 701.24

Legal Deadline: None

Abstract: This rule provides the conditions and limitations on an FCU making interest payment refunds to members who paid interest on loans during a dividend period.

Timetable:

Action	Date	FR Cite
Further action will be taken by	06/30/86	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA36

3765. RULES OF BOARD PROCEDURE

Legal Authority: 12 USC 1752a(d)

CFR Citation: 12 CFR 791

Legal Deadline: None

Abstract: This regulation sets forth the rules of procedure governing how the Board will conduct its business.

Timetable:

Action	Date	FR Cite
Further action will be taken by	06/30/86	

Small Entity: No

Agency Contact: Rosemary Brady, Secretary of the NCUA Board, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1100

RIN: 3133-AA39

3766. OPERATIONAL PROCEDURES FOR SHARE DRAFT PROGRAMS; FEDERALLY INSURED STATE CHARTERED CREDIT UNIONS

Legal Authority: 12 USC 1766(a); 12 USC 1785(f)(1)

CFR Citation: 12 CFR 761

Legal Deadline: None

Abstract: The rule provides the regulatory authority for federally insured state chartered credit unions to offer share draft accounts.

Timetable:

Action	Date	FR Cite
Initial Staff review complete - further action will be taken by	12/31/86	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA42

3767. OTHER APPLICATIONS

Legal Authority: 12 USC 1766(a)

CFR Citation: 12 CFR 701.5

Legal Deadline: None

Abstract: This rule specifies the manner in which applications, requests, or submittals to NCUA, not addressed in other sections shall be presented to the Agency.

Timetable:

Action	Date	FR Cite
Recommendation to be made to NCUA Board	06/30/86	

Small Entity: No

Agency Contact: Steven R. Bisker, Assistant General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA44

3768. DEFINITIONS

Legal Authority: 12 USC 1752(5); 12 USC 1757(6); 12 USC 1766(a)

CFR Citation: 12 CFR 700.1

Legal Deadline: None

Abstract: This regulation sets forth basic definitions applicable in all of NCUA's regulations. The definitions will be reviewed for accuracy and simplification.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	12/31/86	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA47

3769. MERGERS OF CREDIT UNIONS

Legal Authority: 12 USC 1766 to 1789

NCUA **Proposed Rule Stage**

CFR Citation: 12 CFR 708

Legal Deadline: None

Abstract: The proposed rule sets forth procedural requirements for a credit union to merge with another credit union and sets forth needed time frames.

Timetable:

Action	Date	FR Cite
Initial staff review complete will be presented to NCUA Board by	11/30/85	
NPRM	01/16/86	
NPRM Comment Period End	03/16/86	

Small Entity: No

Additional Information: This is the result of a splitting of two regulations which appeared together in the previous computer printout. The previous RIN was 3133-AA08. The previous title was Mergers of Credit Unions, Division of Assets, Liabilities and Capital.

Agency Contact: Harvey Baine, Regional Director, Region II (Capital), National Credit Union Administration, 1776 G Street, NW, Washington, DC 20006, **202 682-1900**

RIN: 3133-AA59

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Final Rule Stage

3770. COMMUNITY DEVELOPMENT CREDIT UNION PROGRAM

Legal Authority: 12 USC 1754; 12 USC 1758; 12 USC 1759; 12 USC 1766(f); 42 USC 2981; 42 USC 2985(e)

CFR Citation: 12 CFR 705

Legal Deadline: None

Abstract: This rule implements a demonstration program called the Community Development Credit Union (CDCU) Program. The program provides for seed capital funds and technical assistance to strengthen a limited number of credit unions and thereby enable them to deliver improved services to, and to aid in the revitalization and the economic development of, their communities. The funds dispersed under the program are scheduled for complete repayment by the end of fiscal year 1986. At that time the regulation will no longer be necessary.

Timetable:

Action	Date	FR Cite
Initial staff review complete - staff will make a recommendation to the Board by	06/30/86	

Small Entity: No

Agency Contact: Wilmer A. Theard, National Credit Union Administration, Office of Examination and Insurance, 1776 G Street, NW, Washington, DC 20456, **202 357-1065**

RIN: 3133-AA37

3771. CREDIT UNION SERVICE ORGANIZATIONS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1784

CFR Citation: 12 CFR 701.27

Legal Deadline: None

Abstract: The NCUA Board has proposed a substantial revision of the rules implementing the authority of Federal credit unions to invest in and make loans to credit union service organizations (CUSO's). The proposal clarifies FCU's authority, expands the list of permissible activities for CUSO's, and addresses basic safety and soundness concerns in areas such as accounting standards and insider dealing.

Timetable:

Action	Date	FR Cite
NPRM	09/05/85	50 FR 36998
NPRM Comment Period End	11/08/85	
Final Action	03/31/86	

Small Entity: No

Agency Contact: Robert M. Fenner, General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA46

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Completed Actions

3772. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE NATIONAL CREDIT UNION ADMINISTRATION

Legal Authority: 12 USC 1766(a)

CFR Citation: 12 CFR 794

Legal Deadline: None

Abstract: The proposed rule is a uniform rule to be adopted by Federal agencies which provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended. The Act prohibits discrimination on the basis of handicap as it applies to programs or activities conducted by the NCUA.

Timetable:

Action	Date	FR Cite
NCUA Board approved a Proposed Rule	01/18/84	
NPRM Comment Period End	12/26/84	
End Review	12/26/84	

Small Entity: No

Additional Information: Comments received have been forwarded to the Department of Justice for their review and further action.

Agency Contact: Benny R. Henson, Department of Administration, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, TDD contact number 202 357-1050, 202 357-1055

RIN: 3133-AA29

3773. ● LOAN INTEREST RATES

Legal Authority: 12 USC 1757(5)(A)(vi)(I); 12 USC 1757(5)(A)(ix); 12 USC 1766

CFR Citation: 12 CFR 701.21(c)(7)

Legal Deadline: None

Abstract: This rule continues the 21 percent FCU loan rate ceiling through May 14, 1987.

Timetable:

Action	Date	FR Cite
Final Action Effective	11/14/85	50 FR 48075
Final Action	11/21/85	50 FR 48075

Small Entity: No

Agency Contact: D. Michael Riley/Steven Bisker, Director, Office of Examination and Insurance/Office of General Counsel, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1140

RIN: 3133-AA62

3774. ● EMPLOYEE RESPONSIBILITY AND CONDUCT - FINANCIAL INTEREST

Legal Authority: 12 USC 1766

CFR Citation: 12 CFR 792.106

Legal Deadline: None

Abstract: This rule exempts member accounts in and loans from credit unions that are subject to supervision, regulation, and examination by the NCUA, from the type of financial interest that might otherwise be prohibited for Agency employees.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/07/85	50 FR 41673
Final Action	10/15/85	50 FR 41673

Small Entity: No

Agency Contact: James J. Engel, Deputy General Counsel, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA63

3775. ● INTERPRETIVE RULING AND POLICY STATEMENT 85-2 REPURCHASE AGREEMENTS OF DEPOSITORY INSTITUTIONS WITH SECURITIES DEALERS AND OTHERS

Legal Authority: 12 USC 1757(7); 12 USC 1757(8)

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This Policy Statement adopts the Federal Financial Institutions Examination Council's Supervisory Policy setting forth guidelines for FCU investments in repurchase transactions and reverse repurchase transactions.

Timetable:

Action	Date	FR Cite
Final Action	11/14/85	50 FR 48372

Small Entity: No

Agency Contact: Donald W. Sorrels/Steven R. Bisker, Office of Examination and Insurance/ Assistant General Counsel, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1140

RIN: 3133-AA66

3776. ● INTERPRETIVE RULING AND POLICY STATEMENT 85-1-TRUSTEES AND CUSTODIANS OF PENSION FUNDS

Legal Authority: 12 USC 1787(c)(3); 26 USC 401(d); 26 USC 408(a); 26 USC 408(h)

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This new Interpretive Ruling clarifies that FCU's may offer self-directed Individual Retirement Accounts and Keogh accounts and act as the custodians of such accounts.

Timetable:

Action	Date	FR Cite
Final Action	11/14/85	50 FR 48176

Small Entity: No

Agency Contact: Steven Bisker/Yvonne Gilmore, Assistant General Counsel/Staff Attorney, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA69

3777. ● INTERPRETIVE RULING AND POLICY STATEMENT 85-3 ASSUMPTION OF REAL ESTATE LOANS BY NONMEMBERS

Legal Authority: 12 USC 1757(5)(A)(i)

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This Interpretive Ruling allows FCU's to authorize a nonmember to assume the outstanding balance and maturity of a mortgage loan in conjunction with the purchase of the member's principal residence.

Timetable:

Action	Date	FR Cite
Final Action	12/12/85	50 FR 51840

Small Entity: No

Agency Contact: Steven R. Bisker, Assistant General Counsel, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA70

3778. ● REPORT OF CRIME OR CATASTROPHIC ACT

Legal Authority: 12 USC 1766

CFR Citation: 12 CFR 748

Legal Deadline: None

Abstract: The revised rule provides a new criminal referral form for use by federally insured credit unions in reporting suspected criminal activity to Federal authorities.

Timetable:

Action	Date	FR Cite
Final Action	12/31/85	50 FR 53294

Small Entity: No

Agency Contact: D. Michael Riley, Director, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1140

RIN: 3133-AA71

[FR Doc. 86-5799 Filed 04-18-86; 8:45 am]

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Federal Register

Monday
April 21, 1986

Part LVII

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NRC

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual publication of NRC regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing its semiannual Regulatory Agenda in accordance with Pub. L. 96-354, "the Regulatory Flexibility Act," and Executive Order 12291, "Federal Regulations." The Agenda is a compilation of all rules on which the NRC has recently completed action or has proposed, or is considering action. This issuance updates any action occurring on rules since publication of the last semiannual Agenda on October 29, 1985 (50 FR 44992).

ADDRESSES: Comments on any rule in the Agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Comments may also be hand delivered to Room 1131, 1717 H Street, N.W., Washington, D.C. between 8:15 a.m. and 5:15 p.m. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the Agenda.

The Agenda and any comments received on any rule listed in the Agenda are available for public inspection, and copying at a cost of five cents per page, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555. Single copies of the NRC Quarterly Agenda can be purchased from the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, D.C. 20013-7082. Customers may call (202) 275-2060 or (202) 275-2171.

FOR FURTHER INFORMATION CONTACT: For further information concerning NRC rulemaking procedures or the status of any rule listed in this Agenda, contact John D. Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 492-7086. Persons outside the Washington, D.C. metropolitan area may call toll-free: (800) 368-5642. For further information on the substantive content of any rule listed in the Agenda, contact the individual listed under the heading "Agency Contact" for that rule.

SUPPLEMENTARY INFORMATION: Although publication of the Agenda is only required semiannually in April and October, the NRC has chosen to update and publish its Agenda each quarter. However, the information contained in this semiannual publication is updated to reflect any action which has occurred on rules since publication of the last NRC semiannual Agenda on October 29, 1985 (50 FR 44992).

Organization of the Agenda

The information in this Agenda has been updated through March 14, 1986. The date included under the heading "timetable," for next scheduled action indicates the date the rule is scheduled to be published in the **Federal Register.** The date is considered tentative and is not binding on the Commission or its staff. This Regulatory Agenda is intended to provide increased notice and opportunity for public participation in the NRC rulemaking process. The NRC may, however, consider or act on any rulemaking even if it is not included in the Regulatory Agenda.

Rulemakings Approved by the Executive Director for Operations (EDO)

The Executive Director for Operations (EDO) initiated a procedure for the review of the regulations being prepared by staff offices that report to him to ensure that staff resources were being allocated to achieve most effectively NRC's regulatory priorities. This procedure requires EDO approval before staff resources may be expended on the development of any new rulemaking. Furthermore, all existing rules must receive EDO approval prior to the commitment of additional resources.

Rules that have received EDO approval to date are identified by the symbol (+) at the beginning of the title. As additional rules receive EDO approval, they will be identified in subsequent editions of this Agenda. Those unpublished rules whose further development has been terminated will be noted in this edition of the Agenda and deleted from subsequent editions. Rules whose termination was directed subsequent to publication of a notice of proposed rulemaking will be removed from the Agenda after publication of a notice of withdrawal.

The NRC Agenda lists rulemaking actions. Of these, no rulemaking items are considered to be priority or major as defined in section 1(b) of Executive Order 12291.

Nine rules potentially will have a "significant economic impact on a substantial number of small entities" as defined in the Regulatory Flexibility Act.

Dated at Bethesda, Maryland this 14th day of March 1986.

For the Nuclear Regulatory Commission.

Donnie H. Grimsley,

Director, Division of Rules and Records, Office of Administration.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3779	+ Definition of High-Level Radioactive Waste (HLW) in 10 CFR Part 60	3150-AB89

NRC

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3780	Revision to Ex Parte and Separation of Functions Rules Applicable to Formal Adjudicatory Proceedings	3150-AC18
3781	Revised Rules of Practice for Domestic Licensing Proceedings	3150-AB66
3782	Regulatory Reform of the Rules of Practice and Rules for Licensing of Production and Utilization Facilities	3150-AB04
3783	Rules of Practice for Domestic Licensing Proceedings: Role of NRC Staff in Adjudicatory Licensing Hearings	3150-AB42
3784	+ Licensing Requirements for the Storage of Spent Fuel and High- Level Radioactive Waste	3150-AB70
3785	Availability of Official Records	3150-AC07
3786	Security Requirements for Category II Material at Fixed Sites	3150-AC10
3787	Rules of Practice for Domestic Licensing Proceedings-- Procedural Changes in Hearing Process	3150-AC22
3788	Retention Periods for Records	3150-AB43
3789	+ Standards for Protection Against Radiation	3150-AA38
3790	Effectiveness of an Initial Decision Directing Issuance or Amendment of a Power Reactor License or Permit	3150-AC15
3791	Residual Radioactive Contamination Limits for Decommissioning	3150-AC21
3792	+Proposed Revisions to the Criteria and Procedures for the Reporting of Defects and Noncompliance	3150-AA68
3793	+ Posting Requirements for the Protection of Contractor Employees and Extension of Criminal Penalties	3150-AC08
3794	+ Access Authorization for Licensee Personnel: Implementation of National Security Decision Directive (NSDD) 84, "Safeguarding National Security Information"	3150-AB80
3795	+ Emergency Preparedness for Fuel Cycle and Other Radioactive Materials Licensees	3150-AA41
3796	Licensing of Sources and Devices	3150-AB34
3797	+ Financial Responsibility of Materials Licensees for Cleanup After Accidental and Unexpected Releases	3150-AB58
3798	Informal Hearing Procedures for Materials Licenses Proceedings	3150-AB83
3799	Requirements for Notification of NRC of Cases of Bankruptcy Filing	3150-AC16
3800	Safety Requirements for Industrial Radiographic Exposure Devices	3150-AC12
3801	+ Uranium Mill Tailings Regulations: Ground Water Protection and Other Issues	3150-AB56
3802	+ Emergency Core Cooling Systems; Revisions to Acceptance Criteria	3150-AA44
3803	Modification of the Policy and Regulatory Practice Governing the Siting of Nuclear Power Reactors	3150-AA49
3804	Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors	3150-AA86
3805	Radon 222 Estimate for Table S-3	3150-AA87
3806	Station Blackout	3150-AB38
3807	Deletion of the Unusual Event Emergency Classification	3150-AB84
3808	Safety Related and Important to Safety in 10 CFR Part 50	3150-AB88
3809	Broad Scope Modification of General Design Criterion 4 Requirements For Protection Against Dynamic Effects of Postulated Pipe Ruptures	3150-AC05
3810	Part 51; Conforming Amendments	3150-AC04
3811	+ Elimination of Inconsistencies between NRC Regulations and EPA Standards	3150-AC03
3812	+ Financial Responsibility Standards for Long Term Care for Low Level Waste Disposal Sites	3150-AB57
3813	+ Special Nuclear Material Physical Inventory Summary Reports	3150-AB26
3814	+ Rule to Amend the Transportation Provisions Pertaining to the Shipment of Low Specific Activity (LSA) Material	3150-AB33
3815	Seismic and Geologic Siting Criteria for Nuclear Power Plants	3150-AA51
3816	+ Nuclear Regulatory Commission Acquisition Regulations	3150-AC01
3817	Disposal of Low-Level Radioactively Contaminated Waste Oil from Nuclear Power Plants	3150-AC14

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3818	Procedures Involving the Equal Access to Justice Act: Implementation	3150-AA01
3819	Separation of Functions and Ex Parte Communications in On-the-Record Adjudications	3150-AA00
3820	Licensing and Regulatory Policy and Procedures for Environmental Protection; Alternative Site Reviews	3150-AA03
3821	Possible Amendments to "Immediate Effectiveness" Rules	3150-AA04
3822	Modifications to the NRC Hearing Process (Limited Interrogatories and Factual Basis for Contentions)	3150-AA05
3823	Commission Review Procedures for Power Reactor Construction Permits; Immediate Effectiveness Rule	3150-AA55
3824	Adjudications -- Special Procedures for Resolving Conflicts Concerning the Disclosure or Nondisclosure of Information	3150-AB78
3825	Criteria for Reopening Records in Formal Licensing Proceedings	3150-AB79
3826	+ Nondiscrimination on Basis of Age in Federally Assisted Commission Programs	3150-AA06
3827	+Nondiscrimination on the Basis of Sex - Title IX of the Education Amendments of 1972, as Amended	3150-AB53
3828	+Nondiscrimination on the Basis of Handicap in Nuclear Regulatory Commission Programs	3150-AB54
3829	+ Improved Personnel Dosimeter Processing	3150-AA39
3830	Adjustment to Fee Schedule Publication	3150-AC00
3831	Residual Contamination in Smelted Alloys	3150-AA10

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Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3832	Decommissioning Criteria for Nuclear Facilities	3150-AA40
3833	+ Radiation Surveys and In-House Inspection Systems in Radiography	3150-AB12
3834	+ Medical Use of Byproduct Material	3150-AA73
3835	+ Licenses and Radiation Safety Requirements for Well-logging Operations	3150-AB35
3836	+ Material Balance Reports	3150-AB82
3837	Fitness for Duty of Personnel with Access to Nuclear Power Plants	3150-AA27
3838	+ Safeguards Requirements for Nonpower Reactor Licensees Possessing Formula Quantities of Strategic Special Nuclear Material	3150-AA30
3839	+ Mandatory Property Insurance for Decontamination of Nuclear Facilities	3150-AA47
3840	Notice and Comment on, Procedures for State Consultation on, and Standards for Making Determinations about Whether License Amendments Involve No Significant Hazards Considerations	3150-AA61
3841	Operators' Licenses	3150-AA88
3842	Personnel Access Authorization Program (Part of Insider Package)	3150-AA90
3843	Protection of Contractor Employees	3150-AB07
3844	+ Communications Procedures Amendments	3150-AB61
3845	Consideration of Earthquakes in the Context of Emergency Preparedness	3150-AB75
3846	+ Limited Scope Modification to GDC 4 Requirements for Protection Against Postulated Pipe Ruptures	3150-AB76
3847	Explanation to Table S-3 Uranium Fuel Cycle Environmental Data	3150-AA31
3848	+ Disposal of High Level Radioactive Wastes in Geologic Repositories: Procedural Amendments	3150-AB47
3849	Material Control and Accounting Requirements for Licensees Possessing Formula Quantities of Strategic Special Nuclear Material	3150-AA50
3850	+ Miscellaneous Amendments Concerning Physical Protection of Nuclear Power Plants (Part of Insider Rule Package)	3150-AA36
3851	+ Modification of Protection Requirements for Spent Fuel Shipments	3150-AA96
3852	+ Searches of Individuals at Power Reactor Facilities (Part of Insider Package)	3150-AB17
3853	+ Reporting Requirements for Safeguards Events	3150-AB46
3854	+ Criteria for an Extraordinary Nuclear Occurrence	3150-AB01
3855	Export and Import of Nuclear Equipment and Material	3150-AC20

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3856	Change in Region II Telephone Number	3150-AC13
3857	Regional Licensing Program; Fort St. Vrain Nuclear Generating Station	3150-AC23
3858	Statement of Organization and General Information	3150-AC19
3859	Hybrid Hearing Procedures for Expansions of Onsite Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors	3150-AB19
3860	Production or Disclosure in Response to Subpoenas or Demands of Courts or Other Authorities	3150-AB63
3861	Minor Clarifying Amendments	3150-AC06
3862	Miscellaneous Amendments	3150-AC11
3863	+ Revised Criteria and Procedures for Determining Eligibility for Access or Control Over Special Nuclear Material	3150-AB99
3864	+ Conforming Amendments to Prenotification, Quality Assurance, and Package Monitoring Requirements	3150-AB51
3865	Residual Radioactive Contamination Limits for Decommissioning	3150-AB52
3866	General Statement of Policy and Procedure for Enforcement Actions	3150-AC09
3867	Certification of Industrial Radiographers	3150-AA43
3868	Patient Dosage Measurement	3150-AA12
3869	+ Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards	3150-AB50
3870	Technical Specifications for Nuclear Power Reactors	3150-AA22
3871	Design and Other Changes in Nuclear Power Plant Facilities After Issuance of Construction Permit	3150-AA46
3872	Revision of Backfitting Process for Power Reactors	3150-AA59
3873	Extension of Criminal Penalties	3150-AA80
3874	Codes and Standards for Nuclear Power Plants (1983 Edition, Winter 1982 through Summer 1984 Addenda)	3150-AA83
3875	General Design Criterion on Human Factors	3150-AB13
3876	Refinement of Emergency Planning Regulations	3150-AB48
3877	Limiting The Use of Highly Enriched Uranium in Domestic Research and Test Reactors	3150-AB60
3878	Specific Exemptions	3150-AB93
3879	Physical Protection Requirements for Independent Spent Fuel Storage Installations (ISFSI's)	3150-AB27

NUCLEAR REGULATORY COMMISSION (NRC)

Prerule Stage

3779. + DEFINITION OF HIGH-LEVEL RADIOACTIVE WASTE (HLW) IN 10 CFR PART 60

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 60

Abstract: This advance notice of proposed rulemaking (ANPRM) seeks to revise the definition of HLW in Part 60 to reflect certain changes in the legal definition of HLW contained in the Nuclear Waste Policy Act of 1982. Because of the complex issues involved in revising the definition of HLW, which affects virtually the entire radioactive waste management system, the staff is proposing an ANPRM rather than a proposed rule. A revision of the definition of HLW would affect DOE's plans for a geologic repository, State plans for regional compacts to manage low-level waste, Federal vs. State responsibility for some above Class C wastes, costs of waste disposal for certain waste generators, and the development of new technologies and facilities to dispose of certain types of wastes. A definition of HLW which reduces uncertainty about responsibility for different types of wastes would benefit the radioactive waste management system. NRC staff time for processing this rule is estimated to be 4 staff years. Alternatives to rulemaking would be to take no action or request Congress to amend the NWPA. The rulemaking would eliminate uncertainty and reduce costs for the public, industry, and NRC.

Timetable:

Action	Date	FR Cite
ANPRM	03/01/86	

Small Entity: No

Agency Contact: Clark Prichard, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 427-4586

RIN: 3150-AB89

NUCLEAR REGULATORY COMMISSION (NRC)

Proposed Rule Stage

3780. ● REVISION TO EX PARTE AND SEPARATION OF FUNCTIONS RULES APPLICABLE TO FORMAL ADJUDICATORY PROCEEDINGS

Legal Authority: 5 USC 554 (d); 5 USC 557(d)

CFR Citation: 10 CFR 0; 10 CFR 2

Abstract: The proposed rule would amend the Commission's regulations dealing with ex parte communications and separation of adjudicatory and nonadjudicatory functions in formal adjudicatory proceedings to update the agency's rules of practice and to incorporate requirements imposed by the Government in the Sunshine Act. Changes are proposed in both the form and the substance of the existing rules to clarify their meaning and to aid agency adjudicatory officials to maintain effective communication with NRC staff personnel and persons outside the agency while at the same time ensuring that proceedings will be conducted fairly and impartially. This proposed rule would supersede a prior proposed rule entitled, "Ex Parte Communications and Separation of Adjudicatory and Non Adjudicatory Functions," (3150-AA00) published March 7, 1979 (44 FR 12428).

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 202 634-3224

RIN: 3150-AC18

3781. REVISED RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841; 5 USC 552

CFR Citation: 10 CFR 0; 10 CFR 1; 10 CFR 2; 10 CFR 9; 10 CFR 50

Abstract: The Nuclear Regulatory Commission is proposing an amendment that would revise its procedural rules governing the conduct of all adjudicatory proceedings, with the exception of export licensing proceedings. The proposed rule would comprehensively restate current practice, retitle the hearing office, and revise and reorganize the Commission's procedural rules. The changes set out in this proposed rule are intended to enable the Commission to render decisions in a more timely fashion and reduce the burden and expense to the parties participating in the proceedings.

Timetable:

Action	Date	FR Cite
NPRM	05/01/86	
Final Action	09/01/86	

Small Entity: No

Agency Contact: B. Paul Cotter, Jr., Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, DC 20555, 301 492-7787

RIN: 3150-AB66

3782. REGULATORY REFORM OF THE RULES OF PRACTICE AND RULES FOR LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 2; 10 CFR 50

Abstract: This proposed rule would amend thirty-three sections of two parts affecting the hearing process associated with the issuance of all NRC licenses. Streamlining the hearing process would ultimately provide cost savings to all participants in the process. However, intervenors may initially be required to provide more information than is now required at some added expense.

In the screening process, the most significant changes would (1) establish a screening Atomic Safety and Licensing Board (ASLB) to act as a clearinghouse for all requests for hearings, petitions for leave to intervene, and proposed contentions, (2) require a participant in a hearing to show that he or she has an interest to protect in the proceeding, and (3) require evidence of a factual dispute for a contention to be admitted.

During the conduct of hearings, the most significant changes would (1) not hear discovery requests requiring the staff to support positions other than its own, (2) permit the ASLB to decide the case on the basis of written material, (3) permit the ASLB to appoint a panel of technical experts if needed, (cont)

Timetable:

Action	Date	FR Cite
ANPRM	04/12/84	49 FR 14698
ANPRM Comment Period End	06/11/84	49 FR 14689

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: (4) allow presiding officers to raise issues on their own motion (sua sponte) only in unusual cases, (5) allow summary disposition motions to be filed at any stage of the proceeding, (6) allow the Commission to designate a hearing examiner in lieu of a three-member ASLB, and (7) require the filing of cross examination plans.

During the decision-making process, the most significant changes would (1) remove the ASLB as an independent appeal board but place it organizationally directly under the Commission to review, as before, ASLB decisions, and give its recommendations to the Commission, (2) allow any generic issue resolved in an initial licensing proceeding to be codified, allowing a 45 day comment period (3) allow an intervenor to participate in discussing only those items he or she introduced, and (4) reinstate the immediate effectiveness of an ASLB decision on an operating license, construction permit, or work authorization. The proposals, submitted by the Commission's Regulatory Reform Task Force suggest ways to improve the reactor licensing process.

Agency Contact: James R. Tourtellotte, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, 202 634-1461

RIN: 3150-AB04

3783. RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS: ROLE OF NRC STAFF IN ADJUDICATORY LICENSING HEARINGS

Legal Authority: 42 USC 2201; 42 USC 2231

CFR Citation: 10 CFR 2

Abstract: The role of the NRC staff in initial proceedings was among the issues discussed in an enclosure to a January 2, 1985, memorandum to the Chairman of the House Subcommittee on Energy and Water Development from Chairman Palladino. This discussion stated that the Commission has decided that the NRC's role in these proceedings should not be changed. Therefore, the action proposed by this advance notice of proposed rulemaking will be terminated.

The Commission is considering amending its Rules of Practice concerning what role the NRC staff should have in adjudicatory licensing hearings to most effectively contribute to the protection of the public health and safety. This notice invites public comments and suggestions on four options and related questions, briefly described below. Option 1 would limit staff participation in contested initial licensing proceedings to only those controverted factual issues it disagrees with on a technical basis or rationale. Option 2 would require (cont)

Timetable:

Action	Date	FR Cite
ANPRM	11/02/83	48 FR 50550
ANPRM Comment Period Extended	01/03/84	48 FR 54243
ANPRM Comment Period End	01/03/85	48 FR 50550

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: the NRC staff to supply the Commission and the Licensing Board with its view and analyses on every substantive issue raised in an initial licensing proceeding but would prohibit the staff's participation in any procedural matter. Option 3 would retain status quo, i.e., the NRC staff would participate as full party on all issues. Option 4 would expand public involvement in the prehearing stage of initial licensing proceedings, and this option could be used in conjunction with any of the first three options. The staff would subsequently address each substantive issue raised in the Safety Evaluation Report.

Alternatives to rulemaking could include a policy statement or no action, depending on the option chosen. The possible means of addressing this issue through rulemaking are discussed above. The effects of the rulemaking, including benefits and costs, will depend on the option chosen. NRC resources needed for this rulemaking are estimated at 500 staff hours.

Agency Contact: James R. Tourtellotte, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, 301 492-7678

RIN: 3150-AB42

3784. + LICENSING REQUIREMENTS FOR THE STORAGE OF SPENT FUEL AND HIGH- LEVEL RADIOACTIVE WASTE

Legal Authority: 42 USC 2021; 42 USC 2071; 42 USC 2073; 42 USC 2077; 42 USC 2093; 42 USC 2095; 42 USC 2099; 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2234; 42 USC 2236; 42 USC 2237; 42 USC 2282

CFR Citation: 10 CFR 2; 10 CFR 19; 10 CFR 20; 10 CFR 21; 10 CFR 51; 10 CFR 70; 10 CFR 72; 10 CFR 73; 10 CFR 75; 10 CFR 150

Abstract: The proposed rule will revise existing regulations to cover specific licensing requirements for the storage of spent nuclear fuel and high-level radioactive waste in a monitored retrievable storage installation (MRS). This revision, required by the Nuclear Waste Policy Act, is intended to ensure that the Commission has in place the appropriate regulations to fulfill the requirements contained in the Nuclear Waste Policy Act of 1982 concerning the licensing of facilities which could be part of the MRS program.

Paragraph (d) of Section 141 of the NWPA provides that any monitored retrievable storage installation pursuant to Section 141 shall be subject to licensing by the Commission. The Commission could await further development of the MRS option before proposing its MRS rules. However, this approach could result in unnecessary delay in reviewing a license application if congress authorizes construction of an MRS. The Department of Energy (DOE) is required to complete a detailed study of the need for and feasibility of a MRS installation. In a proposal to be submitted to Congress on or before June 1, 1985, DOE must (cont)

NRC

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	03/31/86	
Final Action	10/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: include the establishment of a federal program for the siting, development, construction, and operation of facilities capable of storing spent fuel and high-level radioactive waste. Site specific designs, specifications, and cost estimates must also be included in the proposal.

Agency Contact: William R. Pearson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7663**

RIN: 3150-AB70

3785. AVAILABILITY OF OFFICIAL RECORDS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The proposed amendment would conform the NRC's regulations pertaining to the availability of official records to existing case law and agency practice. The purpose of the amendment is to reaffirm that the terms of 10 CFR 2.790 (c) provide submitters of information a qualified right to have their information returned upon request. This amendment informs the public of three exceptions to the right to withdraw pursuant to 10 CFR 2.790 (c) of the NRC's regulations, i.e., information submitted in a rulemaking proceeding that subsequently forms the basis for the final rule, information which has been made available to an advisory committee or was received at an advisory committee meeting, and information that is subject to a pending Freedom of Information Act request.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-3224**

RIN: 3150-AC07

3786. ● SECURITY REQUIREMENTS FOR CATEGORY II MATERIAL AT FIXED SITES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2; 10 CFR 70; 10 CFR 73

Abstract: The proposed rule would amend the physical protection requirements for special nuclear material of moderate strategic significance (Category II) at fixed sites. Since the publication of Category II safeguards regulations in 1979, there have been several terrorist acts which involved coordinated actions against separate targets, showing an ability and willingness by at least some adversary groups to plan their attacks in advance and to closely coordinate and execute simultaneous acts by geographically separated parties. While there is no available evidence of such acts being directed against US nuclear facilities, multiple thefts of Category II material could result in the accumulation of a quantity of material of high strategic significance.

The proposed amendments would increase physical protection requirements for those Category II licensees who possess SSNM, including those licensees who possess a formula quantity but implement only Category II requirements because their fuel is irradiated to at least 100 rem/hr at three feet. The amendments also limit the use of the 100 rem/hr exemption to a (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/28/86	
Final Action	12/31/86	

Small Entity: No

Additional Information: ABSTRACT CONT: reduction of one physical protection category with no reduction below the requirements of low strategic significance (Category III). In addition, minor conforming amendments are also being proposed for Parts 2 and 70. The alternatives considered were requiring improvements for only one or two of the three major functions of the security system and continuing with status quo.

The benefit of the proposed rule is that it is designed to make the measures used to protect Category II quantities of high enriched uranium, plutonium, and uranium-233 more resistant to attempted theft of material by external adversaries as well as by a single internal adversary. The proposed requirements will result in an estimated cost of $6,700 to $11,600 to each affected licensee initially and $1,600 to $2,900 annually thereafter. About 0.8 staff years will be expended in completing the proposed rule.

Agency Contact: Carl Withee, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safe guards, Washington, DC 20555, **301 492-4768**

RIN: 3150-AC10

3787. RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS-- PROCEDURAL CHANGES IN HEARING PROCESS

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The Nuclear Regulatory Commission (NRC) is proposing amendments to its rules of practice which address the following aspects of the hearing process: admission of contentions, discovery against NRC staff, use of cross examination plans, timing of motions for summary disposition and limitations on matters and issues that may be included in proposed findings of fact or conclusions of law or in an appellate brief submitted by a person who does not have the burden of proof or who has only a limited interest in the proceeding. These proposals were initially developed by the Regulatory Reform Task Force and published for public comment. The NRC is also proposing related amendments on the process of intervention that were developed by Commissioner Asselstine.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: George Esymontt, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, 202 634-3302

RIN: 3150-AC22

3788. RETENTION PERIODS FOR RECORDS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 4; 10 CFR 11; 10 CFR 21; 10 CFR 25; 10 CFR 30; 10 CFR 31; 10 CFR 32; 10 CFR 34; 10 CFR 35; 10 CFR 40; 10 CFR 50; 10 CFR 60; 10 CFR 61; 10 CFR 70; 10 CFR 71; ...

Abstract: This proposed rule would establish a specific retention period for certain NRC-required records. It would also provide a uniform standard acceptable to the NRC for the condition of a record throughout a specified retention period. Further, the rule would establish throughout NRC regulations, with some exceptions, uniform retention periods of three years, five years, ten years, and the life of a license. This rule would bring NRC regulations into compliance with the Office of Management and Budget's (OMB) regulation (5 CFR 1320.6) that requires a specified retention period for each required record. It also implements NRC's 1982 commitment to OMB to establish a record retention period of determinable length for each required record.

Amending twenty one parts of NRC regulations to specify clearly what records to retain, how long to retain them, and the condition of a record useful for NRC inspection, will be mutually beneficial to applicants and licensees and to the NRC.

Recordkeeping labor for NRC's approximately 6,700 licensees who would be affected by the rule can be divided into four functions: (1) preparing the report, (2) storing the report, (3)

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
Final Action	08/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: files, and (4) retrieving the report information.

The principal savings to the licensee, dispersed over the period licensed, would be in physical storage space and associated storage equipment and materials. The burden of recordkeeping would be reduced approximately 10 percent annually for these licensees by the proposed rule. An estimated 466,323 hours associated with recordkeeping or $28,000,000 annually would be saved. Preparing and publishing this rule would cost NRC approximately 500 hours of staff time at $60 per hour for an estimated total of $30,000.

Agency Contact: R. Stephen Scott, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 492-8585

RIN: 3150-AB43

3789. + STANDARDS FOR PROTECTION AGAINST RADIATION

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2273; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 20

Abstract: Radiation protection philosophy and technology have changed markedly since the present Part 20 was promulgated nearly thirty years ago. Since Part 20 contains the NRC standards for protection against radiation which are used by all licensees and affects exposures of workers and members of the public, it should be the most basic of the NRC regulations. However, because the present Part 20 has become outdated, most radiation protection actions occur through licensing actions independent of Part 20. A complete revision is necessary to provide better assurance of protection against radiation; establish a clear health protection basis for the limits; reflect current information on health risk, dosimetry, and radiation protection practices and experience; provide NRC with a health protection base from which it may consider other regulatory actions taken to protect public health; be consistent with recommendations of world authorities (ICRP); and apply to all licensees in a consistent manner.

Alternatives to the complete revision considered were no action; delay for further guidance; and partial revision of the standards. They were rejected as ignoring scientific (cont)

Timetable:

Action	Date	FR Cite
ANPRM	03/20/80	45 FR 18023
ANPRM Comment Period End	06/18/80	45 FR 18023
NPRM	12/20/85	50 FR 51992
NPRM Comment Period End	05/12/86	51 FR 1092
Final Action	04/00/88	

Small Entity: Yes

Additional Information: ABSTRACT CONT: advancements; being unresponsive to international and national guidance; and correcting only some of the recognized problems with the present Part 20. Benefits would include updating the regulations to reflect contemporary scientific knowledge and radiation protection philosophy; implementing regulations which reflect the ICRP risk-based rationale; reducing lifetime doses to individuals receiving highest exposures; implementing provisions for summation of doses from internal and external exposures; providing clearly identified dose limits for the public; providing understandable health-risk base for protection; and placing constraints on collective dose evaluations at levels where risks are trifles.

Initial estimates of the cost of implementing the revision is about $23 million the initial year and about $7 million in subsequent years. This cost does not include any savings which might also be realized by the revision.

Agency Contact: Robert E. Alexander, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 427-4370

RIN: 3150-AA38

3790. ● EFFECTIVENESS OF AN INITIAL DECISION DIRECTING ISSUANCE OR AMENDMENT OF A POWER REACTOR LICENSE OR PERMIT

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The Nuclear Regulatory Commission proposed to amend its regulation that specifies when an initial adjudicatory decision authorizing the issuance or amendment of a license or

permit becomes effective. Changes are proposed to simplify the existing rule and to delete language in the regulations emanating from Three Mile Island related regulatory policies, action upon which has not been completed. This proposed rule will supersede two prior proposed rules entitled "Possible Amendments to "Immediate Effectiveness' Rules," published May 22, 1980 (45 FR 34279), and "Commission Review Procedures for Power Reactor Construction Permits; Immediate Effectiveness Rule," published October 25,1982 (47 FR 47260).

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	

Small Entity: No

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 202 634-3224

RIN: 3150-AC15

3791. RESIDUAL RADIOACTIVE CONTAMINATION LIMITS FOR DECOMMISSIONING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20

Abstract: The proposed rule would establish residual radioactive contamination limits (including induced and other volumetric radioactivity as well as removable and fixed surface contamination) which must be met before structures and lands can be released on an unrestricted, unregulated basis. Structures and lands with residual radioactive contamination below these limits would be eligible for unrestricted release without regulatory restrictions from a radioactivity standpoint.

The proposed amendments are necessary to provide licensees with quantitative criteria to use during decommissioning relative to cleanup of structures and lands intended to ensure that structures and lands used in NRC licensed facilities and activities will be decontaminated in a manner that adequately protects public health before being released on an unrestricted, unregulated basis.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	
Final Action	12/31/87	

Small Entity: Undetermined

Agency Contact: Don F. Harmon, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 427-4566

RIN: 3150-AC21

3792. + PROPOSED REVISIONS TO THE CRITERIA AND PROCEDURES FOR THE REPORTING OF DEFECTS AND NONCOMPLIANCE

Legal Authority: 42 USC 2201; 42 USC 2282; 42 USC 5841; 42 USC 5846

CFR Citation: 10 CFR 21; 10 CFR 50

Abstract: This proposed rule would amend Part 21 and sec. 50.55(e) both of which require the reporting of safety defects by licensees. This effort was prompted by TMI Action Plan Task II.J.4 and has as its main objectives: (1) elimination of duplicate reporting among all requirements, (2) consistent reporting among all reporting requirements, (3) establishment of uniform and clear definitions for defects which need to be reported, (4) establishment of uniform time limits within which a defect must be reported and evaluated and, (5) establishment of uniform content for reporting of defects.

Approximately 450 to 500 reports are issued annually under Part 21 and sec. 50.55 (e) respectively. The reports identify plant-specific safety concerns and potential generic safety concerns for further NRC followup. These reports form the basis for numerous NRC bulletins and information notices.

This proposed rulemaking will reduce the potential for duplicate reporting and evaluation that now exists and will establish a more coherent regulatory framework that is expected to reduce industry and NRC burden in this area without(cont)

Timetable:

Action	Date	FR Cite
NPRM	03/01/86	
Final Action	09/01/86	

Small Entity: No

Additional Information: ABSTRACT CONT: sacrificing safety effectiveness. Alternatives to this approach varied from establishment of a single rule for all reporting to maintaining a status quo for defect reporting. All alternatives were rejected since they would not result in any substantial improvement to the present regulatory framework.

Current costs of reporting under Part 21 and section 50.55 (e) are estimated at $12,400,000 annually for industry and $2,900, 000 annually for NRC evaluations . It is anticipated that industry reporting burden with the proposed rulemaking will be reduced by 36,800 hours or $2,208,000 while NRC burden should be increased by $100,000. Additional burden to industry and NRC, while minimal, is anticipated in the areas of adherence to time schedules, and enforcement, recordkeeping respectively.

Agency Contact: Robindra N. Singh, Nuclear Regulatory Commission, Office of Inspection and Enforcement, Washington, DC 20555, 301 492-4149

RIN: 3150-AA68

3793. + POSTING REQUIREMENTS FOR THE PROTECTION OF CONTRACTOR EMPLOYEES AND EXTENSION OF CRIMINAL PENALTIES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 21

Abstract: The proposed rule would combine the Extension of Criminal Penalties and Protection of Employees Who Provide Information into the above titled proposed rule. The proposed rule would require the posting of the provisions of section 223 (b) of the Atomic Energy Act of 1954, as amended, and section 210 of the Energy Reorganization Act which notify any individual director, officer, and employee of a firm constructing or supplying the components of a nuclear power plant of the provisions of section 223(b) and 210.

Timetable:

Action	Date	FR Cite
NPRM	06/00/86	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Stanley P. Turel, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-7925

RIN: 3150-AC08

3794. + ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL: IMPLEMENTATION OF NATIONAL SECURITY DECISION DIRECTIVE (NSDD) 84, "SAFEGUARDING NATIONAL SECURITY INFORMATION"

Legal Authority: 42 USC 2165; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 25

Abstract: The proposed rule would adopt revised National policy, initiated by the National Security Council and approved by the President, which prescribes that a new, standardized form titled "Classified Information Nondisclosure Agreement" (SF-189) be completed by all licensees who request NRC access authorization under Part 25. The proposed rule also requires that a security indoctrination be given to the affected individuals prior to completing the new form. These amendments are necessary in order to comply with National Security Decision Directive (NSDD) 84, "Safeguarding National Security Information."

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
Final Action	05/00/86	

Small Entity: No

Agency Contact: Richard A. Dopp, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 427-4549**

RIN: 3150-AB80

3795. + EMERGENCY PREPAREDNESS FOR FUEL CYCLE AND OTHER RADIOACTIVE MATERIALS LICENSEES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 70

Abstract: The proposed rule would require about 30 fuel cycle and other radioactive materials licensees to submit an emergency plan that would among other actions, require the notification of local authorities in case of an accident and that the licensee recommend protective actions for the public. The proposed rule is intended to further protect the public from accidental exposure to radiation. The affected licensees are those whose possession limits indicate the potential for an accident that could deliver a radiation dose offsite exceeding one rem effective dose equivalent or 5 rems to the thyroid or could cause a soluble uranium inhalation of 2 milligrams (a chemical toxicity hazard).

Timetable:

Action	Date	FR Cite
ANPRM	06/03/81	46 FR 29712
ANPRM Comment Period End	08/03/81	46 FR 29712
NPRM	03/01/86	
Final Action	01/31/87	

Small Entity: No

Analysis: Regulatory Impact Analysis

Agency Contact: Stephen A. McGuire, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7636**

RIN: 3150-AA41

3796. LICENSING OF SOURCES AND DEVICES

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2071; 42 USC 2092

CFR Citation: 10 CFR 30; 10 CFR 32; 10 CFR 40; 10 CFR 70

Abstract: The NRC regulations clearly provide for pre-marketing approval of certain sealed sources of radioactive material and devices which incorporate those sources. Examples are: smoke detectors used under an exemption from regulations, gauges used under a general license, and certain medical devices used under specific license. The regulations are less clear with respect to pre-marketing approval of other products, e.g., industrial radiographic devices and in-plant gauging devices which are used under specific license. The proposed rule would clarify and formalize the procedures for manufacturers and distributors of sealed sources and devices to obtain pre-marketing approval of these other products. Consistent with present practice, the rule would require the applicant for approval to submit specified radiation safety information about the product for NRC's consideration. The proposed rulemaking would assure that all manufacturers/distributors (vendors) are informed of NRC's program for pre-marketing approval of sources and devices used under specific license. The rule, by improving communications with vendors, would assist timely and efficient (cont)

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: consideration of radiation safety features of products and thus cause savings, primarily of an administrative nature, for vendors, users, and the NRC.

The EDO approved transfer from RES to NMSS, and continued activity on the rulemaking on November 29, 1985. The rule would require one staff year of effort.

Agency Contact: Vandy L. Miller, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4002**

RIN: 3150-AB34

3797. + FINANCIAL RESPONSIBILITY OF MATERIALS LICENSEES FOR CLEANUP AFTER ACCIDENTAL AND UNEXPECTED RELEASES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 61; 10 CFR 70; 10 CFR 72

Abstract: The advance notice of proposed rulemaking (ANPRM) seeks comments on the advisability of having NRC require a mechanism to assure financial capability on the part of certain NRC materials licensees (e.g., fuel fabricators and users of sealed radiation sources) to undertake prompt cleanup of accidental releases or contamination, both on and off site. Estimates for cleanup costs in the recent past have ranged up to $2 million for a single event. To date, cleanup has been conducted by the State or Federal government, but frequently public monies are used only after lengthy delays.

Use of an alternative, i.e., the 1980 Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), is effectively blocked by EPA policy. CERCLA provides funds for cleanup if the owner or operator is unable to do so and if the release is not covered by "Price-Anderson" provisions, which address liability and do not provide funds for cleanup per se. EPA maintains that NRC has full authority to require cleanup of accidental releases by licensees; thus,

CERCLA public funds should not be used for this purpose. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	06/07/85	50 FR 20906
ANPRM Comment Period End	10/05/85	50 FR 20906
NPRM	04/01/87	
Final Action	04/30/88	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT:

Cost to licensees of the possible different financial assurance mechanisms is based on proprietary information. Staff is inviting comments in response to the ANPRM to address costs aspects, as well as scope of coverage and availability of alternative mechanisms. After evaluating the comments, the staff will recommend to the Commission if the rulemaking should continue. The estimated NRC resources necessary for the ANPRM in FY86 is 1.2 FTE.

Agency Contact: Mary Jo Seeman, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4647**

RIN: 3150-AB58

3798. INFORMAL HEARING PROCEDURES FOR MATERIALS LICENSES PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2111

CFR Citation: 10 CFR 30; 10 CFR 32; 10 CFR 33; 10 CFR 34; 10 CFR 35; 10 CFR 40; 10 CFR 70; 10 CFR 71; 10 CFR 50; 10 CFR 61; 10 CFR 72

Abstract: This proposed rule, being prepared at Commission direction, would provide comprehensive treatment of hearing procedures to be implemented by the Commission for materials licensing proceedings. In addition, the proposed rule would encompass the objective of the proposed rule, "Jurisdiction of Adjudicatory Boards," identified as 3150-AA53 which is being deleted from OMB's Unified Agenda. There are no reasonable alternatives to rulemaking for implementing these informal hearing procedures. The procedures are expected to reduce the economic burden imposed on a participant in a proceeding.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-3224**

RIN: 3150-AB83

3799. ● REQUIREMENTS FOR NOTIFICATION OF NRC OF CASES OF BANKRUPTCY FILING

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 61; 10 CFR 70; 10 CFR 72

Abstract: The proposed rule would require licensees to notify the appropriate regional office of the NRC within a certain time period in the event of a bankruptcy proceeding involving the licensee. There is no action required of a licensee by these amendments unless and until a bankruptcy petition is filed. Notification of the NRC in cases of bankruptcy would alert the Commission so that it may deal with potential hazards to the public health and safety posed by a licensee that does not have the resources to properly handle licensed radioactive material or clean up possible contamination. Cases have occurred in which materials licensees have filed for bankruptcy and NRC has not generally been aware of this.

The net overall impact on industry of this rule should be negligible since this rule only consists of one additional notification beyond that already required by the United States Code and that is simply a notification of NRC by mail. The net effect on NRC should be a reduction in staff resources since it would put NRC in a better reactive mode for proceeding with(cont)

Timetable:

Action	Date	FR Cite
NPRM	05/15/86	
Final Action	04/30/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: necessary enforcement actions.

The benefit of the rule is that it will assist in protection of the public health and safety by reducing the risk of radiation exposure to the public and workers by enabling NRC to be aware of potential licensee problems in handling and disposing of radioactive materials caused by severe economic problems.

Agency Contact: Frank Cardile, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7815**

RIN: 3150-AC16

3800. ● SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC EXPOSURE DEVICES

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233

CFR Citation: 10 CFR 34

Abstract: The proposed rule would amend the present regulations to establish performance standards for industrial radiography exposure devices. Overexposures of radiographers (and occasionally the general public) are more than double that of other radiation workers and have been a concern to the NRC for some time. Approximately 25-35% of the radiography overexposures are associated with equipment malfunction. The issue of safety requirements for these devices is a primary concern since the devices use relatively high intensity, high energy gamma-ray emitting sources with the potential for serious overexposures. Although a consensus standard for radiographic exposure devices was published in 1981, (American National Standard. N432) it is not clear that all manufacturers are adopting the standard. The alternatives considered were to take no action at this time, adopt the consensus standard in the regulations, endorsing the consensus standard by a regulatory guide, and endorsing the consensus standard by reference in the regulations along with such other performance standards deemed necessary (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/31/86	

Small Entity: Yes

Additional Information: ABSTRACT CONT: and simultaneously issuing a regulatory guide in support of the proposed regulation.

The proposed rule would require licensees to modify radiographic

devices to meet the performance standards through design changes and quality control procedures. Costs of incorporating the proposed standards are estimated to be of the order of $250,000 per year or approximately $230.00 per year per licensee. Determination of the monetary value of the benefits gained are difficult, but in view of the potential hazards involved in radiography incidents, the safety benefits far outweigh the costs involved. NRC resources required for processing this rule to final publication are estimated to be 0.4 person-years.

Agency Contact: Donald O. Nellis, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4588**

RIN: 3150-AC12

3801. + URANIUM MILL TAILINGS REGULATIONS: GROUND WATER PROTECTION AND OTHER ISSUES

Legal Authority: 42 USC 2201; 42 USC 5841; 42 USC 7901 Note

CFR Citation: 10 CFR 40

Abstract: The advance notice of proposed rulemaking seeks comment on NRC's tentative approach to making further amendments to its uranium mill tailings regulations. The contemplated rulemaking proceeding is intended to incorporate groundwater provisions and other requirements established by the Environmental Protection Agency for similar hazardous wastes into NRC regulations. This action is necessary to make NRC regulations consistent with EPA standards as required by the Uranium Mill Tailings Radiation Control Act. Alternatives to this action involve timing and scope.

Comments on th ANPRM will help define the nature and scope of the action. EPA has estimated that compliance with their groundwater standards and with the stability, radon release, and other requirements recently promulgated will cost the industry from about $310 million to $540 million for all tailings generated by the year 2000. The range depends on the eventual cost of groundwater protection for future tailings. The EPA regulations are binding on NRC licensees in the interim. Estimates of NRC resources are still being developed.

Timetable:

Action	Date	FR Cite
ANPRM	11/26/84	49 FR 46425
ANPRM Comment Period End	03/01/85	50 FR 2293
NPRM	05/23/86	
Final Action	04/22/87	

Small Entity: No

Agency Contact: Kitty S. Dragonette, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, D.C. 20555, **301 427-4300**

RIN: 3150-AB56

3802. + EMERGENCY CORE COOLING SYSTEMS; REVISIONS TO ACCEPTANCE CRITERIA

Legal Authority: 42 USC 2132; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2282; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed rule would amend regulations concerning acceptance criteria for emergency core cooling systems (ECCS) by changing the methods used to demonstrate that an ECCS would protect the nuclear reactor core during a loss-of-coolant accident. This action is proposed because research has shown that calculations performed under current requirements result in estimates of cooling system performance are significantly worse than estimates based on the improved knowledge gained from this research and because the operation of some nuclear reactors is being unnecessarily restricted. This results in increased cost of electricity generation. The proposed rule would allow use of the best information currently available to demonstrate that the ECCS would protect the reactor core during a loss-of-coolant accident. The proposed rule would apply to all applicants for and holders of construction permits for light water reactors.

Because the proposed rule represents a significant change in a regulatory requirement, the staff is currently preparing a summary of ECCS research performed over the last 10 years which will serve as the technical basis for the proposed rule (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/06/78	43 FR 57157
ANPRM Comment Period End	02/05/79	43 FR 57157
NPRM	06/00/86	
Final Action	06/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: and a regulatory guide which will provide definition of what constitutes an acceptable best estimate model and acceptable methods of performing the uncertainty evaluation. The estimated cost to the NRC of this rulemaking is 2-3 staff years and $200,000 of contractor support.

Agency Contact: L.M. Shotkin, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4254**

RIN: 3150-AA44

3803. MODIFICATION OF THE POLICY AND REGULATORY PRACTICE GOVERNING THE SITING OF NUCLEAR POWER REACTORS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 5842

CFR Citation: 10 CFR 50; 10 CFR 51; 10 CFR 100

Abstract: This rulemaking is intended to review and revise the Commission's siting regulations to reflect experience gained since the Commission's current reactor siting regulations were published on April 12, l962 (27 FR 3509). Many developments in this period including work to establish a Commission safety goal and the ongoing review of reactor accident source terms, have brought into question both the existing regulations and their technical support. This rulemaking will resolve those questions.

In the present circumstances a lack of applications for new plants argue that these changes are not needed. However, the new information that is being developed and the lead time between the decision to site and the time when a reactor begins producing power commercially make it prudent for the Commission to address these changes in a timely manner.

The alternatives to rulemaking in this case are restricted to no action. If action is taken based on the new and

more reliable data now becoming available, the regulations themselves must be changed. Intermediate remedies such as policy statements and regulatory guides would not have adequate authority to (cont)

Timetable:

Action	Date	FR Cite
ANPRM	07/29/80	45 FR 50350
NPRM	10/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: supplant existing regulations.

An advance notice of rulemaking was published seeking public comment on various approaches to this rulemaking. A proposed rule will be structured to achieve resolution of these comments and reflect information from the reactor accident source term review and the trial implementation period for the Safety Goal. These revised regulations will make the siting and review of power plants more predictable through application of clearer requirements.

There is no indication that the criteria would increase costs or have a significant adverse affect on safety. On the contrary, clear requirements will allow for more informed and more efficient siting decisions. This rulemaking would require additional NRC resources of approximately two staff years and minimal contract support. This rulemaking is presently on hold pending completion of the reactor accident source term review. A schedule for resumption of this activity is to be developed upon completion of the accident source term review.

Agency Contact: William R. Ott, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4631**

RIN: 3150-AA49

3804. PRIMARY REACTOR CONTAINMENT LEAKAGE TESTING FOR WATER-COOLED POWER REACTORS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 5841

CFR Citation: 10 CFR 50, Appendix J

Abstract: The proposed rule would update and revise the 1973 criteria for preoperational and periodic pressure testing for leakage of primary containment boundaries of water-cooled power reactors Problems have developed in application and interpretation of the existing rule. These result from changes in testing technology, test criteria, and a relevant national standard that needs to be recognized. It is proposed to revise the rule as noted to make it current and improve its usefulness.

The revision is urgently needed to resolve continuing conflicts between licensees and NRC inspectors over interpretations, current regulatory practice which is no longer being reflected accurately by the existing rule, and endorsement in the existing regulation of an obsolete national standard that was replaced in 1981.

The benefits anticipated include elimination of inconsistencies and obsolete requirements, and the addition of greater usefulness and a higher confidence in the leak-tight integrity of containment system boundaries under post-loss of coolant accident conditions. The majority of the effort needed by NRC to(cont)

Timetable:

Action	Date	FR Cite
NPRM	04/15/86	
Final Action	04/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: issue the rule has already been expended.

Still remaining are presentation of the proposed rule for public comment and integration of appropriate public comments.

A detailed analysis of costs, benefits, and occupational exposures is available in the Public Document Room, and indicates possible savings to industry of $14 million to $300 million and an increase in occupational exposure of less than one percent per year per plant due to increased testing.

Agency Contact: Gunter Arndt, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7893**

RIN: 3150-AA86

3805. RADON 222 ESTIMATE FOR TABLE S-3

Legal Authority: 42 USC 2201; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 50; 10 CFR 51

Abstract: In a Federal Register notice published on April 14, 1979, the Commission deleted the radon-222 value from Table S-3 because it was recognized to be underestimated. Pending rulemaking action to provide a new estimate for radon-222 in Table S-3, the environmental effects of radon are subject to litigation in individual nuclear power plant licensing proceedings. The purpose of the proposed rule would be to deal with this question generically for all nuclear power plants, thus saving the time and cost of repetitive consideration of the effects of radon-222 in individual power plant licensing proceedings.

The only alternative to generic treatment of the environmental impact of radon-222 is to continue to allow these environmental impacts to be brought into litigation in individual licensing cases. By the proposed rulemaking action, new estimates for the environmental releases of radon-222 will be added to Table S-3 and the narrative explanation of Table S-3 will be modified accordingly. By memorandum from the Secretary dated August 23, 1985, the Commission directed the staff to combine this rulemaking with the final rule to add the narrative explanation

Timetable:

Action	Date	FR Cite
U. S. Court of Appeals D.C. Circuit Invalidates Table S-3	04/27/85	

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: Table S-3 and to incorporate technetium-99 into rulemaking effort. This will complete Table-S-3 and will remove all environmental impacts of the uranium fuel cycle from further consideration and litigation in individual nuclear power plant licensing cases.

However, the rulemaking to add a new radon-222 estimate could not proceed until EPA's new radon standards were established and NRC's uranium milling regulations were modified to conform to the new standards. On October 7, 1984, EPA promulgated new radon standards for inactive uranium mill sites and in October 1985, NRC published revised uranium milling regulations conforming

to the new EPA standards. However, the matter is not yet completely settled, because EPA received in August 1985, a court order requiring them to establish radon standards for active uranium mills. Considering this further delay in making final estimates of total radon releases from uranium milling, the staff is preparing a Commission paper recommending that this rulemaking be dropped.

Agency Contact: William E. Thompson, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-9024**

RIN: 3150-AA87

3806. STATION BLACKOUT

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: NRC is proposing to amend its regulations to require light water nuclear power plants to be capable of withstanding a total loss of alternating current (AC) electrical power, called Station Blackout, to the essential and nonessential switchgear buses for a specified duration. A proposed regulatory guide, to be issued at the same time as the proposed rule, would provide guidance on how to determine the duration.

The proposed requirements were developed in response to information generated by the Commission's study of Unresolved Safety Issue A-44, Station Blackout. The proposed rule is intended to provide further assurance that a loss of both off-site and emergency on-site electric AC power systems will not adversely affect the public health and safety.

A regulatory analysis has been prepared for the proposed rule. The estimated public risk reduction is 80,000 person-rem over 25 years, and the estimated total cost for industry to comply with the proposed rule is $40 million. This results in an overall cost benefit ratio of about 2,000 person-rem per million dollars.

The alternatives to this proposed rulemaking are to (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/31/86	
Final Action	12/30/86	

Small Entity: Not Applicable

Additional Information: ABSTRACT CONT: take no action or to provide only guidance for plants to be able to cope with a station blackout period. To take no action would not yield any reduction in public risk from station blackout events. To provide guidance only, since there is presently no requirement for nuclear power plants to be able to cope with a total loss of AC power, would not result in any basis for enforcement. The proposed rule is the recommended alternative based on its enforceability and, in part, on the favorable cost/benefit ratio.The staff discussed this proposal on 09/11/85 and 11/14/85 with the Commission. A decision by the Commission is necessary before the proposed rule can be issued for public comment.

Agency Contact: Alan Rubin, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-8303**

RIN: 3150-AB38

3807. DELETION OF THE UNUSUAL EVENT EMERGENCY CLASSIFICATION

Legal Authority: 42 USC 2133; 42 USC 2234; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would delete the "Unusual Events" emergency class from the Commission's emergency classification scheme. The current emergency classifications are: (1) notification of unusual events, (2) alert, (3) site area emergency and (4) general emergency. This emergency classification scheme has been used by the NRC, FEMA, licensees and State and local governments for at least four years. During this time, the Commission has noted that the reporting of unusual events not only significantly strains the NRC resources, but tends to establish a "cry wolf" syndrome with State and local governments. The NRC emergency operations center receives approximately 20 notifications of unusual events per week. The purposes of the unusual events offsite notifications are to (1) assure that the first step in any response later found to be necessary has been carried out, (2) bring the operating staff to a state of readiness, and (3) provide systematic handling of unusual events information and decision-making. All of these purposes are redundant to the purposes and required licensee actions associated with the "alert" classification. (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/31/86	
Final Action	08/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: One alternative to the proposed rule would be to not remove the unusual events classification. Another alternative simply would be to delete the unusual event from NUREG-0654. These alternatives would not satisfactorily accomplish the staff's objectives. The staff believes that the deletion of the "unusual events" classification would not impair or decrease the state of preparedness at nuclear power plants. The proposed change would require the NRC to approve revised emergency plans. However, the staff believes that the deletion of "unusual events" will represent a substantial savings to the industry both in dollars and in human resources, approximately one-half staff year per plant. The NRC resources expended through 1985 in order to develop this rulemaking will be approximately two staff-years, or $120,000 per year.

Agency Contact: Michael Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7615**

RIN: 3150-AB84

3808. SAFETY RELATED AND IMPORTANT TO SAFETY IN 10 CFR PART 50

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The Nuclear Regulatory Commission proposes to clarify its regulations on the use of the terms "important to safety" and "safety related" by adding two new definitions to 10 CFR Part 50 and by discussing how these definitions will be applied in NRC licensing reviews. Significant issues concerning the meaning of these terms as they are used in this part have arisen in Commission licensing proceedings. This proposed rule would define these terms and clarify the nature and extent of their effect on

quality assurance requirements, thereby resolving these issues. The rulemaking should not impact licensees or the public because it clarifies existing requirements. The additional burden on NRC to prepare and implement this rule will be very nominal because current practices will not be changed.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Stephen M. Goldberg, Nuclear Regulatory Commission, Office of Inspection and Enforcement, Washington, DC 20555, **301 492-4968**

RIN: 3150-AB88

3809. BROAD SCOPE MODIFICATION OF GENERAL DESIGN CRITERION 4 REQUIREMENTS FOR PROTECTION AGAINST DYNAMIC EFFECTS OF POSTULATED PIPE RUPTURES

Legal Authority: 42 USC 2201; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed broad scope modification of General Design Criterion 4 (GDC 4) would allow demonstration of piping integrity by analyses to serve as a basis for excluding consideration of dynamic effects associated with pipe ruptures. A proposed rule published July 1, 1985 (50 FR 27006) was limited to the primary loops of pressurized water reactors (PWRs), whereas this proposed rule would cover all high energy piping in all light water reactors (LWRs). The modification will permit the general but selective removal of pipe whip restraints and jet impingement shields from operating plants, plants under construction and future plant designs, but will not impact other design requirements.

The only alternatives to rulemaking would be the granting of partial exemptions to GDC 4 or reinterpretation of the text of the existing rule. The staff has, however expressed that extensive use of exemptions to authorize the elimination of pipe whip restraints is inappropriate. Therefore, it appears most appropriate to undertake rulemaking at this time.

Timetable:

Action	Date	FR Cite
NPRM	07/00/86	
Final Action	12/00/86	

Small Entity: No

Agency Contact: John A. O'Brien, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7854**

RIN: 3150-AC05

3810. PART 51; CONFORMING AMENDMENTS

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 51; 10 CFR 60

Abstract: The proposed rule would provide procedures for performing an environmental review of High Level Waste geologic repositories. Part 51 contains no provisions for the environmental review of a license application for a HLW repository. The Nuclear Waste Policy Act of 1982 established requirements for environmental reviews which are at variance with the environmental review which NRC perform in licensing other types of nuclear facilities. This issue must be addressed in order to avoid delay in the U.S. HLW Program. The proposed rule would benefit the public, industry, and NRC by clarifying licensing procedures, thus avoiding case determinations and possible litigation during HLW geologic repository licensing. Minor revisions to Part 60 will be necessary to conform to the environmental requirements of the NWPA. Alternatives are to take no action, issue an ANPRM, or ask Congress for additional legislation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/86	
Final Action	06/01/87	

Small Entity: No

Agency Contact: James R. Wolfe, Nuclear Regulatory Commission, Office of the Executive Legal Director, Washington, DC 20555, **301 492-8694**

RIN: 3150-AC04

3811. + ELIMINATION OF INCONSISTENCIES BETWEEN NRC REGULATIONS AND EPA STANDARDS

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 60

Abstract: The Nuclear Waste Policy Act of 1982 directs NRC to promulgate criteria for the licensing of HLW geologic repositories. By section 121 (c), these criteria must not be inconsistent with standards to be developed by EPA for the disposal of HLW in deep geologic repositories. This proposed rule is needed in order to eliminate several inconsistencies with the EPA standards, thus fulfilling the statutory requirement. The EPA Standard is scheduled to be promulgated in August, 1985. The alternative is to ask Congress to amend the NWPA. The public, industry, and NRC will benefit from eliminating inconsistencies in Federal HLW regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/01/86	
Final Action	01/15/87	

Small Entity: No

Agency Contact: Clark Prichard, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4586**

RIN: 3150-AC03

3812. + FINANCIAL RESPONSIBILITY STANDARDS FOR LONG TERM CARE FOR LOW LEVEL WASTE DISPOSAL SITES

Legal Authority: 42 USC 10171

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 61; 10 CFR 70; 10 CFR 72

Abstract: The proposed rule is designed to provide standards to ensure that each licensee responsible for the disposal of low-level radioactive waste possesses an adequate bond, surety, or other financial arrangement to insure completion of all requirements established by the Commission for decontamination, decommissioning, and site closure. Section 151 of the Nuclear Waste Policy Act authorizes the NRC to develop standards for financial arrangements for low-level radioactive waste site closure. Comments on the NPRM will define the nature and scope of the action.

Timetable:

Action	Date	FR Cite
NPRM	06/30/86	
Final Action	05/19/87	

Small Entity: No

Agency Contact: Mary Jo Seeman, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4647**

RIN: 3150-AB57

3813. + SPECIAL NUCLEAR MATERIAL PHYSICAL INVENTORY SUMMARY REPORTS

Legal Authority: 42 USC 5841

CFR Citation: 10 CFR 70

Abstract: With this proposed rule, previously entitled "Material Status Reports", the NRC is amending its regulations on special nuclear material control and accounting to require the reporting of summary results of physical inventories. These amendments would codify reporting of physical inventory data that has been provided voluntarily by licensees since 1975.

Since the affected licensees are already supplying this information voluntarily, there will be not additional costs to these licensees.

Timetable:

Action	Date	FR Cite
NPRM	03/31/86	
Final Action	10/00/86	

Small Entity: No

Agency Contact: Sandra Frattali, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7890**

RIN: 3150-AB26

3814. + RULE TO AMEND THE TRANSPORTATION PROVISIONS PERTAINING TO THE SHIPMENT OF LOW SPECIFIC ACTIVITY (LSA) MATERIAL

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 71

Abstract: The proposed rule would define two classes of LSA materials with specified shipping or packaging requirements. The two classes represent a consolidation of five classes of LSA materials and surface contaminated objects (SCO) now in the 1985 regulations of the International Atomic Energy Agency (IAEA). In addition, the proposed rule provides special consideration for the inherent safety associated with the shipment of solid, nonflammable objects which are not dispersible in water. A new requirement of the amended rule would impose a dose rate limit on LSA materials. This requirement, which is philosophically consistent with the proposed IAEA regulations, is considered necessary to keep current and future LSA shipments within the envelope of safety originally conceived for such materials. This proposed rule would be responsive to PRM-71-1, PRM-71-2 and PRM-71-4. A new regulatory analysis is currently being developed by the staff which evaluated the financial impacts of having to close heavily traveled roads as a result of a large spill of LSA material.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	
Final Action	05/31/87	

Small Entity: Yes

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7878**

RIN: 3150-AB33

3815. SEISMIC AND GEOLOGIC SITING CRITERIA FOR NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 5842

CFR Citation: 10 CFR 100

Abstract: The advance notice of proposed rulemaking was published to solicit public comment on the need for a reassessment of the Commission's criteria for the siting of nuclear power plants. The Commission determined that this action was necessary as a result of experience gained with application of current criteria and the rapid advancement in the state of the art of earth sciences. The NRC staff was particularly interested in finding out about problems that have arisen in the application of existing siting criteria. The public was invited to state the nature of the problems encountered and describe them in detail. The public was also asked to submit proposed corrective actions. Two petitions for rulemaking filed with the Commission, PRM-50-20 and PRM-100-2 will be addressed as part of this rulemaking. The staff has initiated paperwork to withdraw this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	01/19/78	43 FR 2729
NPRM	12/00/87	

Small Entity: No

Agency Contact: Leon L. Beratan, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4370**

RIN: 3150-AA51

3816. + NUCLEAR REGULATORY COMMISSION ACQUISITION REGULATIONS

Legal Authority: 42 USC 2201

CFR Citation: 48 CFR 20

Abstract: The proposed rule would implement and supplement 48 CFR, Federal Acquisition Regulation (FAR) System and specify those agency policies, procedures, contract clauses, solicitation provisions, and forms governing the contracting process. In publishing the proposed rule, the NRC will comply with P.L. 98-577 and the FAR 1.303 which requires that agency regulations be published in the Federal Register and codified in 48 CFR. The proposed rule will enable prospective contractors to become familiar with NRC contracting regulations and enable the preparation of contractual documents which protect the interest of the NRC. NRC resources needed for this rulemaking are estimated at 1,120 staff hours at an estimated cost of $67,200.

Timetable:

Action	Date	FR Cite
NPRM	03/31/86	
Final Action	09/30/86	

Small Entity: No

Agency Contact: Edward L. Halman, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-4210**

RIN: 3150-AC01

3817. ● DISPOSAL OF LOW-LEVEL RADIOACTIVELY CONTAMINATED WASTE OIL FROM NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20

NRC

Proposed Rule Stage

Abstract: The proposed rule, which is in partial response to a petition filed by Edison Electric Institute and Utility Nuclear Waste Management Group (PRM-20-15) would amend NRC regulations to specify the criteria and limits to allow on-site incineration of waste oil. Currently, the only approved disposal method for low-level radioactively contaminated waste oil from nuclear power plants involves absorption or solidification, transportation to, and burial at a licensed disposal site. There is an urgent need for alternative disposal methods which are most cost-effective from a radiological health and safety standpoint and, at the same time, conserve limited disposal capacity at low-level waste burial sites. Both the public and industry, increased savings to ratepayers without undue risk to the public health, and conservation of limited disposal capacity at low-level waste burial sites. Alternatives to rulemaking are to maintain the status quo or to wait until the Environmental Protection Agency develops Federal guidance on acceptable levels of residual radioactivity which may be released on an unrestricted basis. There would be an (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/30/86	
Final Action	12/31/87	

Small Entity: No

Additional Information: ABSTRACT CONT: estimated industry-wide economic savings of approximately $1.3 million to $2.6 million per year. It is estimated that approximately 0.3 person years of NRC staff time will be required to process this proposed rule.

Agency Contact: Don F. Harmon, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 427-4566

RIN: 3150-AC14

NUCLEAR REGULATORY COMMISSION (NRC)

Final Rule Stage

3818. PROCEDURES INVOLVING THE EQUAL ACCESS TO JUSTICE ACT: IMPLEMENTATION

Legal Authority: 5 USC 504

CFR Citation: 10 CFR 1; 10 CFR 2

Abstract: The proposed rule provides new provisions intended to implement the Equal Access to Justice Act (EAJA). The provisions would provide for the payment of fees and expenses to certain eligible individuals and businesses that prevail in adjudications with the agency when the agency's position is determined not to have been substantially justified. The basis for these proposed regulations is a set of model rules issued by the Administrative Conference of the United States (ACUS) that have been modified to conform to NRC's established rules of practice. The proposed rule would further the EAJA's intent by insuring the development of government-wide "uniform" agency regulations and by providing NRC procedures and requirements for the filing and disposition of EAJA applications. A final draft rule was sent to the Commission in June 1982, but Commission action has been suspended pending a decision by the Comptroller General on the availability of funds to pay awards to intervenor parties. The decision from the Comptroller General has been rendered and is currently the subject of litigation.(cont)

Timetable:

Action	Date	FR Cite
NPRM	10/28/81	46 FR 53189
NPRM Comment Period End	11/28/81	46 FR 53189

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT:

Additionally, in August 1985, the President signed into law an enactment renewing the EAJA after its expiration under a statutory sunset requirement. This legislation, Pub. L. No. 99-80 contains revisions to the EAJA that are being evaluated to determine whether further conforming changes may be necessary in the proposed rule.

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 202 634-3224

RIN: 3150-AA01

3819. SEPARATION OF FUNCTIONS AND EX PARTE COMMUNICATIONS IN ON-THE-RECORD ADJUDICATIONS

Legal Authority: 5 USC 554; 5 USC 557

CFR Citation: 10 CFR 2

Abstract: The proposed rule would amend the Commission's rules of practice regarding the separation of functions and ex-parte communications in on-the-record adjudications. The proposed rule would allow the Commission greater flexibility in communicating with its staff by relaxing the restrictions on Commission-staff communications in initial licensing cases. The proposal would permit Commissioners to consult with staff members who were not personally involved in the proceeding and who did not consult privately with interested persons outside the agency. The proposed rule is intended to provide the Commission with better access to the expertise of its staff. It would conform the Commission's rules to those of the Administrative Procedures Act. It would also supersede a prior proposed rule entitled "Ex Parte Communications and Separation of Adjudicatory and Non-Adjudicatory Functions" published in the Federal Register on March 7, 1979 (44 FR 12428).

The issues encompassed in this rule were considered in the "Regulatory Reform Proposal Concerning the Rules of Practice and Rules for Licensing of Production and Utilization Facilities" (49 FR 14698). As a result of staff evaluation of comments (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/07/79	44 FR 12428

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: received on this proposal and further staff review, a rule addressing

these issues is being proposed for Commission consideration.

NRC resources needed for this rulemaking are estimated at 500 staff hours. This proposed rule and other regulatory reform hearing process should ultimately provide cost savings to all participants in the process.

Agency Contact: James R. Tourtellotte, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, 202 634-1461

RIN: 3150-AA00

3820. LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION; ALTERNATIVE SITE REVIEWS

Legal Authority: 42 USC 2201; 42 USC 4332; 42 USC 5841

CFR Citation: 10 CFR 2; 10 CFR 50; 10 CFR 51

Abstract: The proposed rule would focus on six major issues associated with alternative site selection for nuclear power plants; (1) information requirements, (2) timing, (3) region of interest, (4) selection of candidate sites, (5) comparison of the proposed sites with alternative sites, and (6) reopening of the alternative site decision. The proposed rule would provide procedures and performance criteria for reviewing alternative sites for nuclear power plants under the National Environmental Policy Act of 1969 (NEPA). The proposal is intended to stabilize alternative site review of a license application by codification of the lessons learned in past and recent review of nuclear power plant sites into an environmentally sensitive rule. The proposed rule would develop understandable written NRC review and decision making criteria to permit a rational and timely decision concerning the sufficiency of the alternative site analysis.

Alternatives to this rulemaking would include publishing a policy statement or regulatory guide or withdrawing the proposed rule. Each of these alternatives would be less efficient than completing the rulemaking. The provisions of the proposed (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/09/80	45 FR 24168
NPRM Comment Period End	06/09/80	45 FR 24168
Final Action	03/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: rule provide a flexible and reasoned approach to siting that would facilitate license review and make decisions more predictable. Confusion and controversy over this issue would be reduced. There would be no significant impact on costs other than savings that would result from greater certainty regarding the Commissions requirements. NRC resources necessary to complete this rulemaking are minimal. Approximately two-man months of staff time will be required to finalize this rule if the Commission decides to complete the rulemaking.

After considering the comments on the proposed rule, the Commission published a final rule on May 28, 1981 (46 FR 28630). That final rule addressed the sixth issue, reopening the construction permit or early site review stages insofar as it relates to operating license proceedings. The proposed rule is being withdrawn from the agenda.

Agency Contact: William R. Ott, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 427-4615

RIN: 3150-AA03

3821. POSSIBLE AMENDMENTS TO "IMMEDIATE EFFECTIVENESS" RULES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2; 10 CFR 50

Abstract: The proposed rule indicates that the Commission is considering five alternative amendments to the "immediate effectiveness" rule for construction permit proceedings. Under the original "immediate effectiveness" rule (36 FR 828, January 19, 1971) construction of a nuclear power plant could begin on the basis of an initial decision by the Atomic Safety and Licensing Board (ASLB) even though that decision was subject to further review by the Commission. The Commission is concerned that the rule often prevented it from reviewing a case until construction was well underway and that this might have (1) allowed commitment of large sums of money to altering sites before a final decision was made on site-related issues and (2) promoted piecemeal review rather than promoting early resolution of all licensing issues to be considered. Present rules provide for limited review of ASLB decisions by the Atomic Safety and Licensing Appeal Board (ASLAB) and the Commission prior to issuance of construction permits.

This proposed rule would help to determine whether NRC should return to the former "immediate effectiveness" rule or adopt one of the following alternatives:(1) require the ASLAB (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/22/80	45 FR 34279
Interim Final Rule	03/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: to make a separate ruling on the question of effectiveness, or (2) require final ASLAB and Commission decisions on the merits of certain construction-related issues prior to authorizing issuances of the construction permit; (3) require final ASLAB and Commission decisions on the merits of all issues prior to authorizing issuances of the construction permit; and, return to the former "immediate effectiveness" rule, but relax the standards for obtaining a stay of the ASLAB decisions.

The public comment period on the "Regulatory Reform Proposal Concerning the Rules of Practice and Rules for Licensing of Production and Utilization Facilities" (49 FR 14698) closed June 11, 1984. As a result of staff evaluation of these comments and further staff review of the "immediate effectiveness" issues, a rule is being proposed that will supersede this proposed rule and another entitled, "Commission Review Procedures for Power Reactor Construction Permits; Immediate Effectiveness Rule."

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 202 634-3224

RIN: 3150-AA04

3822. MODIFICATIONS TO THE NRC HEARING PROCESS (LIMITED INTERROGATORIES AND FACTUAL BASIS FOR CONTENTIONS)

Legal Authority: 42 USC 2239

CFR Citation: 10 CFR 2

Abstract: The proposed rule would expedite conduct of NRC adjudicatory proceedings by requiring intervenors in formal NRC hearings to set forth the facts on which contentions are based and the sources or documents used to establish those facts and limit the number of interrogatories that a party may file in an NRC proceeding. The proposed rule would expedite the hearing process by, among other things, requiring intervenors to set forth at the outset the facts upon which their contention is based and the supporting documentation to give other parties early notice of intervenor's case so as to afford opportunity for early dismissal of contentions where there is no factual dispute. Expediting the hearing process should ultimately provide cost savings to all participants in the process. The content of this rule is being considered as part of the regulatory reform rulemaking package.

Timetable:

Action	Date	FR Cite
NPRM	06/08/81	46 FR 30349
ANPRM Regulatory Reform Rule	04/12/84	49 FR 14698

Next Action Undetermined

Small Entity: No

Agency Contact: James Tourtellotte, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, 202 634-1461

RIN: 3150-AA05

3823. COMMISSION REVIEW PROCEDURES FOR POWER REACTOR CONSTRUCTION PERMITS; IMMEDIATE EFFECTIVENESS RULE

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The proposed rule would amend the immediate effectiveness rule with regard to rules of practice for granting a power reactor construction permit to conform to those for granting an operating license. It (1) would retain the requirement that the Commission conduct a limited review of an Atomic Safety and Licensing Board's decision to grant a construction permit pending completion of administrative appeals and (2) would delete the requirement that an Atomic Safety and Licensing Appeal Board conduct a similar review. The proposed rule would not affect the separate Appeal Board and Commission appellate reviews of the merits of Licensing Board decisions. It would reduce somewhat the time required for administrative review of construction permit decisions while retaining direct Commission oversight prior to permit issuance.

The comment period closed November 24, 1982. Nine comments were received. Half of the comments favored the proposed rule while half opposed it. This proposed rule does not preclude further action on five alternatives for amending the "Immediate effectiveness" rule presented in an earlier notice on (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/25/82	47 FR 47260
NPRM Comment Period End	11/24/82	47 FR 47260

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: May 22, 1980 (45 FR 34279).

The public comment period on the "Regulatory Reform Proposal Concerning the Rules of Practice and Rules for Licensing of Production and Utilization Facilities" (49 FR 14698) closed June 11, 1984. As a result of staff evaluation of these comments and further staff review of the "immediate effectiveness" issues, a rule is being proposed that will supersede this proposed rule and another entitled, "Possible Amendments to 'Immediate Effectiveness' Rules."

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 202 634-1465

RIN: 3150-AA55

3824. ADJUDICATIONS -- SPECIAL PROCEDURES FOR RESOLVING CONFLICTS CONCERNING THE DISCLOSURE OR NONDISCLOSURE OF INFORMATION

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The Nuclear Regulatory Commission is considering amending its rules of practice to provide special procedures for resolving conflicts concerning the disclosure or nondisclosure of information relating to an NRC investigation or inspection or provided by a confidential source and deemed relevant and material to an adjudication. Prepared at the express direction of the Commission, the proposed amendments apply to all NRC offices that have information relevant and material to an adjudication.

The proposed amendments provide for ex parte in camera presentations and follow guidance contained in the Commission's recent statement of policy on investigations, inspections, and adjudicatory proceedings.

Timetable:

Action	Date	FR Cite
NPRM	05/22/85	50 FR 21036
NPRM Comment Period End	08/23/85	50 FR 30446
Final Action	05/00/87	

Small Entity: No

Agency Contact: Jane R. Mapes, Nuclear Regulatory Commission, Office of the Executive Legal Director, Washington, DC 20555, 301 492-8695

RIN: 3150-AB78

3825. CRITERIA FOR REOPENING RECORDS IN FORMAL LICENSING PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The Nuclear Regulatory Commission is considering amending its regulations to codify and refine NRC case law criteria for reopening a closed evidentiary record in a formal licensing proceeding. This rulemaking would affect any party who wishes to reopen an evidentiary record .

Timetable:

Action	Date	FR Cite
NPRM	12/27/84	49 FR 50189
NPRM Comment Period End	02/11/85	49 FR 50189
Final Action	03/00/86	

Small Entity: No

Agency Contact: Carole F. Kagan, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 202 634-1493

RIN: 3150-AB79

NRC

Final Rule Stage

3826. + NONDISCRIMINATION ON BASIS OF AGE IN FEDERALLY ASSISTED COMMISSION PROGRAMS

Legal Authority: 42 USC 6101

CFR Citation: 10 CFR 4

Abstract: The proposed rule would implement the provisions of the Age Discrimination Act of 1975, as amended. The proposed amendment makes it unlawful for any recipient of Federal financial assistance to discriminate on the basis of age in programs or activities receiving Federal financial assistance from the NRC. The Act also contains certain exceptions that permit, under limited circumstances, continued use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. The Act applies to persons of all ages. The proposed rule is necessary to comply with the Age Discrimination Act of 1975, which directs that all Federal agencies empowered to provide Federal financial assistance issue rules, regulations, and directives consistent with standards and procedures established by the Secretary of Health and Human Services (HHS). NRC's proposed and final regulations have been modeled after those HHS guidelines as published in 45 CFR 90. (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/21/81	46 FR 46582
NPRM Comment Period End	11/20/81	

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: A copy of the draft final regulations was transmitted to the Office of the General Counsel of the Civil Rights Division, HHS to comply with the requirement that final agency regulations not be published until the Secretary of HHS approved them. HHS has indicated its approval of the draft final rule in a letter transmitted to the NRC.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Edward E. Tucker, Nuclear Regulatory Commission, Office of Small and Disadvantaged Business Utilization/Civil Rights, Washington, DC, 301 492-7697

RIN: 3150-AA06

3827. +NONDISCRIMINATION ON THE BASIS OF SEX - TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AS AMENDED

Legal Authority: 42 USC 2201; 42 USC 5841; 20 USC 1681; 20 USC 1682; 20 USC 1683; 20 USC 1685; 20 USC 1686

CFR Citation: 10 CFR 4

Abstract: The proposed rule would implement the provisions of Title IX of the Education Amendments of 1972, as amended, that prohibit discrimination on the basis of sex in programs and activities receiving Federal financial assistance from the Nuclear Regulatory Commission. The proposed rule sets out the requirements necessary to comply with the legislation and the procedures to be followed by appropriate officials within the NRC in enforcing the requirements. The requirements of the proposed rule would apply to each recipient of Federal financial assistance from the NRC.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: No

Analysis: Regulatory Analysis 02/00/84

Agency Contact: Edward E. Tucker, Nuclear Regulatory Commission, Office of Small and Disadvantaged Business Utilization, Civil Rights, Washington, DC 20555, 301 492-7697

RIN: 3150-AB53

3828. +NONDISCRIMINATION ON THE BASIS OF HANDICAP IN NUCLEAR REGULATORY COMMISSION PROGRAMS

Legal Authority: 42 USC 2021; 42 USC 2201; 42 USC 5841; 29 USC 794; 29 USC 706

CFR Citation: 10 CFR 4

Abstract: The proposed rule would provide for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, in programs or activities conducted by the Nuclear Regulatory Commission. The proposed rule would make it unlawful for the NRC to discriminate, on the basis of handicap, in employment or the conduct of its activities. The proposed rule would place the same obligations on the NRC that are placed on the recipients of Federal financial assistance.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: No

Agency Contact: Edward E. Tucker, Nuclear Regulatory Commission, Office of Small and Disadvantaged Business Utilization, Civil Rights, Washington, DC 20555, 301 492-7697

RIN: 3150-AB54

3829. + IMPROVED PERSONNEL DOSIMETER PROCESSING

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2134; 42 USC 2201; 42 USC 2273; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 20

Abstract: The notice of proposed rulemaking seeks comment on a proposal to add amendments to 10 CFR Part 20 that would improve the accuracy and consistency of reported occupational radiation dose measurement by requiring proficiency tests of dosimetry processors who perform dosimetry for NRC licensees. The proposed amendments would require NRC licensees to have personnel dosimeters (devices carried or worn by each radiation worker to measure radiation exposure received during work) processed by a dosimetry service that is accredited by NBS/NVLAP. The Commission considered five alternatives for establishing a regulatory program intended to improve personnel dosimetry processing. These alternatives included: no change in current requirements; requiring licensees to participate in performance testing without specifying a testing laboratory; requiring licensees to participate in performance testing conducted by an NRC-specified testing laboratory; a request from Congress for the authority for NRC to license personnel dosimetry processors directly; and requiring licensees to obtain dosimetry services from an NRC-

operated or contracted dosimetry service. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	03/28/80	45 FR 20493
ANPRM Comment Period End	06/27/80	45 FR 31118
NPRM	01/10/84	49 FR 1205
NPRM Comment Period End	03/12/84	49 FR 1205
Final Action	05/30/86	

Small Entity: Yes

Additional Information: ABSTRACT CONT:

An evaluation of estimated annual costs to the dosimetry processing industry resulting from an NRC rule requiring licensees to utilize dosimetry processors accredited under an NBS/NVLAP program was projected to be about $717,000. This would result in an estimated net annual increase in the cost of providing monitoring for each worker per year of $0.51, a 2.1% annual increase. The major benefit of the proposed rule would be increased accuracy and reliability of dose measurement to workers in licensed installations. Other benefits include continued assurance of personnel dosimeter processor competence with minimal NRC staff and resource allocation; formulation of a program that can easily be utilized by other agencies; value to the industrial licensee through legal credibility of a nationally-recognized accreditation program; and value to the worker through more accurate assignment of dose. The staff is currently analyzing the comments received on the NPRM.

Agency Contact: Don Nellis, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4588**

RIN: 3150-AA39

3830. ADJUSTMENT TO FEE SCHEDULE PUBLICATION

Legal Authority: 42 USC 2201; 42 USC 2165; 42 USC 5841; 31 USC 9701

CFR Citation: 10 CFR 25

Abstract: The final rule revises current regulatory requirements regarding the frequency of formal publication of changes to the Access Authorization Fees charged by NRC. Currently, section 25.17 states that revised fees will be published in the Federal Register during July of each year. A more accurate and efficient regulatory requirement would be to revise the access authorization fee schedule concurrent with the Office of Personnel Management's (OPM) notification to NRC of its background investigation rate changes since NRC's fees are wholly dependent on the rate charged by OPM.

Timetable:

Action	Date	FR Cite
Final Action	04/00/86	

Small Entity: No

Agency Contact: Richard A. Dopp, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-4124**

RIN: 3150-AC00

3831. RESIDUAL CONTAMINATION IN SMELTED ALLOYS

Legal Authority: 42 USC 2021; 42 USC 2073; 42 USC 2077; 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 30; 10 CFR 32; 10 CFR 70; 10 CFR 150

Abstract: The proposed rule would exempt from licensing and regulatory requirements technetium-99 and low-enriched uranium as residual contamination in any smelted alloy. The proposed rule would remove the Commission's present specific licensing requirement that has the effect of inhibiting trade in and recycling of metal scrap contaminated with small amounts of these radioactive materials. This requirement also prevents recycling by the secondary metals industry of smelted alloys containing these two radioactive materials. The NRC issued the proposed rule in response to a Department of Energy request. A draft environmental statement for this action has been prepared.

Timetable:

Action	Date	FR Cite
NPRM	10/27/80	45 FR 70874
NPRM Comment Period End	12/11/80	45 FR 70874
Final Action	03/00/86	

Small Entity: No

Analysis: Draft Environmental Statement 10/27/80 (45 FR 20874)

Agency Contact: D. R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7878**

RIN: 3150-AA10

3832. DECOMMISSIONING CRITERIA FOR NUCLEAR FACILITIES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 51; 10 CFR 70; 10 CFR 72

Abstract: The advance notice of proposed rulemaking sought comment on a proposal to develop a more explicit policy for decommissioning nuclear facilities. The proposal would provide more specific guidance on decommissioning criteria for production and utilization facility licensees and byproduct, source, and special nuclear material licenses. This action is intended to protect public health and safety and to provide the applicant or licensee with appropriate regulatory guidance for implementing and accomplishing nuclear facility decommissioning. Although it is planned to provide additional guidance through regulatory guides, it is necessary to amend the regulations in order to achieve appropriate assurances that funds for decommissioning will be available.

The major cost impact of the proposed rule would involve proper planning at all stages of nuclear facility operation. Proper planning includes providing for (1) financial assurance that funding will be available for decommissioning, (2) maintenance of records that could affect decommissioning, and (3) careful(cont)

Timetable:

Action	Date	FR Cite
ANPRM	03/13/78	43 FR 10370
NPRM	02/11/85	50 FR 5600
NPRM Comment Period End	07/12/85	50 FR 23025
Final Action	10/30/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: planning of procedures at the time of decommissioning. For non-reactor facilities affected by financial assurance requirements, it is estimated that the major impact will result in an aggregate expenditure of 21 staff-years ($1.6 million) spread over 5 years (or $320,000 per year).

For the approximately 80 operating reactors plus 75 research and test reactors, it is estimated that the major impact will result in an aggregate expenditure of 3.8 staff-years ($288,000) spread over 3 years. These expenditures will ensure that adequate measures have been taken to protect the health and safety of occupational workers, the public, and the environment within the confines of optimum cost benefit consideration.

Analysis: Draft Environmental Statement 02/10/81 (46 FR 11666)

Agency Contact: Keith G. Steyer/Catherine Mattsen, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7910**

RIN: 3150-AA40

3833. + RADIATION SURVEYS AND IN-HOUSE INSPECTION SYSTEMS IN RADIOGRAPHY

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5841

CFR Citation: 10 CFR 34

Abstract: The proposed rule would require that the in-house inspection description in a radiography license application specify a method for inspecting each radiographer and radiographer's assistant's knowledge of applicable regulations, license conditions, and performance of established procedures at intervals not exceeding three months. This action is intended to further ensure that radiographic operations are conducted safely.

The cost of performing the inspection is estimated to be $120.00 per worker or $432,960 per year for the entire industry. There is no impact on the NRC staff. The proposed rule would also require a licensee to perform and record a radiation survey of a radiographic exposure device made when storing the device after use instead of recording the results of the radiation survey made after the last exposure. This action, which is taken in response to a petition for rulemaking (PRM-34-3) is intended to provide an acceptable procedure for assuring that the sealed source has been properly stored within the device.

Alternatives to rulemaking included the preparation of guidance recommending a time-of-storage survey in (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/04/84	49 FR 39168
NPRM Comment Period End	11/18/84	49 FR 39168
Final Action	05/15/86	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: license condition. These approaches would not have a regulatory basis and also would not be adaptable by agreement states. Requiring an additional radiation survey at the time of storage provides additional assurance that accidental exposures will not occur to members of the public as well as workers.

The cost of this survey requirement to the entire industry is estimated to be $541,200 annually ($150.00 per radiographer). There are no additional recordkeeping costs. Impact on NRC staff is negligible since inspectors will review the time-of-storage survey record rather than the last use survey record. NRC staff time for processing this rule to final publication is estimated to be 0.4 staff years.

Twenty comments were received on the proposed rule, most of which were opposed to the three month inspection of radiographers with a roughly 50-50 split on the storage survey issue.

Agency Contact: Don F. Harmon, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4566**

RIN: 3150-AB12

3834. + MEDICAL USE OF BYPRODUCT MATERIAL

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233

CFR Citation: 10 CFR 35

Abstract: The proposed rule would revise Part 35 to modify the process for licensing and regulating the medical use of radioactive byproduct material. Requirements that apply to medical licensees are scattered in the regulations, license conditions, the individual licensee's application, and licensing branch policy statements. The purpose of the proposed rule is to consolidate and codify the requirements in the regulation. This rule will result in a clearer understanding of NRC requirements for all medical licensees. This revision is necessary in order to provide a clear consolidated statement of requirement. The only way to impose requirements on all licensees is by license condition or regulation; therefore no alternative action was considered. Because most of the requirements contained in this regulation are currently imposed by regulation or license condition, there will be no significant cost savings or additional burden; the industry and NRC will benefit by having a clear, concise, complete regulation. The Commission approved publication of the proposed revision, but has some comments that need to be resolved before the proposed rule can be published for public comment. (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/26/85	50 FR 30616
NPRM Comment Period End	11/18/85	50 FR 30616
Final Action	08/31/86	

Small Entity: Yes

Additional Information: ABSTRACT CONT:

A previously published proposed rule requiring that the activity of each radiopharmaceutical dosage be measured before it is administered to a patient has been incorporated into this proposed revision of Part 35. (See 46 FR 43840; September 1, 1981 - RIN 3150-AA12 Patient Dosage Measurement).

Analysis: Regulatory Impact Analysis

Agency Contact: Norman L. McElroy, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4108**

RIN: 3150-AA73

3835. + LICENSES AND RADIATION SAFETY REQUIREMENTS FOR WELL-LOGGING OPERATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 39

Abstract: The proposed rule would establish specific radiation safety requirements applicable to licensees who perform operations such as well-logging, mineral-logging, and subsurface use of radioactive materials in tracer studies. The proposed rule is necessary because current NRC regulations address these operations in a general way without providing the specific

guidance necessary to ensure that these operations are performed safely. As an alternative to the status quo, the proposed rule would adopt the requirements similar to those in the suggested State Regulations for Control of Radiation Part W as new NRC regulations. The potential costs for industry to implement these requirements would be about $1,300,000/yr. However, because most of the requirement is already imposed by license conditions, the net increase in cost would be about $350,000 per year for the industry or about $2000 per licensee. The rule would establish a consistent, comprehensive set of the requirements that would minimize the effort required to obtain reciprocity for NRC licensees to operate in Agreement States or vice versa. The rule would require about one staff-year effort.

Timetable:

Action	Date	FR Cite
NPRM	04/08/85	50 FR 13797
NPRM Comment Period End	07/08/85	50 FR 13797
Final Action	06/30/86	

Small Entity: No

Agency Contact: Stephen McGuire, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7901**

RIN: 3150-AB35

3836. + MATERIAL BALANCE REPORTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 40; 10 CFR 70; 10 CFR 150

Abstract: The rule amendments have been revised in response to public comments. The proposal to have licensees check and verify NRC generated inventory reports has been abandoned on the basis of licensee comments that such a system would be more burdensome to licensees and more susceptible to error. The revisions eliminate statements of material balance by licensees of source material unless the licensee possesses source material of foreign origin or reports under the US/IAEA Safeguards Agreement. The revised rules continue to eliminate the requirement for SNM licensees other than reactor licensees and those reporting under the agreement to submit composition of inventory reports (Form 742c). The reduction in burden for licensees is expected to total 1480 hours per year.

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19695
NPRM Comment Period End	07/09/85	50 FR 19695
Final Action	03/00/86	

Small Entity: No

Agency Contact: June Robertson, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC, **301 427-4004**

RIN: 3150-AB82

3837. FITNESS FOR DUTY OF PERSONNEL WITH ACCESS TO NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2236; 42 USC 2237

CFR Citation: 10 CFR 50

Abstract: At a Commission meeting, October 17, 1984, the Commission directed the staff to draft a policy statement on programs for training and qualification in lieu of publishing this proposed "Fitness for Duty" rule and other proposed training and qualification amendments. On December 10, 1984, the NRC decided to separate the policy statement on fitness for duty from the policy statement on training and qualifications. Therefore, this proposed rule is being withdrawn. The policy is being established to allow power reactor applicants and licensees to develop and implement their own fitness-for-duty programs during a 2-year period. Nothing in the policy statement limits NRC's authority or responsibility to follow up on operational events or its enforcement authority when regulatory requirements are not met.

A proposed policy statement was submitted to the Commission on January 1, 1985, as SECY 85-21. A proposed fitness for duty withdrawal statement was submitted to the Commission on April 12, 1985, as SECY 85-21A. Finally, a staff position paper reaffirming the proposed policy statement was submitted to the Commission on August 26, 1985, as SECY 85-21B. SECY 85-21, 85-21A, and (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/05/82	47 FR 33980
NPRM Comment Period End	10/04/82	47 FR 33980

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: and 85-21B await disposition by the Commission.

Agency Contact: Loren Bush, Nuclear Regulatory Commission, Office of Inspection and Enforcement, Washington, DC 20555, **301 492-8080**

RIN: 3150-AA27

3838. + SAFEGUARDS REQUIREMENTS FOR NONPOWER REACTOR LICENSEES POSSESSING FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL

Legal Authority: 42 USC 2071; 42 USC 2073; 42 USC 2133; 42 USC 2134; 42 USC 2152; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2273; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50; 10 CFR 70; 10 CFR 73

Abstract: When the Commission approved the set of final physical protection requirements for fuel cycle facilities possessing formula quantities (five formula kilograms or more) of strategic special nuclear material (SSNM), they exempted nonpower reactors from these requirements and, instead specified a set of interim requirements. At that time the staff was directed to develop a set of permanent physical protection requirements for this class of nonpower reactors.

This rulemaking is needed: (1) to replace current interim regulations and establish permanent physical security requirements for nonpower reactor licensees who possess a nonexempt formula quantity of SSNM, (2) to provide protection against insiders, and (3) to arrange for a response by local law enforcement or other agencies in time to prevent a theft of a formula quantity.

The staff is using a performance-oriented regulatory approach which would give affected licensees flexibility in designing cost-effective measures for implementing the requirements of the

final rule by allowing licensees to take advantage of existing

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/28/79	44 FR 68199
NPRM	07/27/83	48 FR 34056
NPRM Comment Period End	11/28/83	48 FR 34056

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: requirements at an estimated cost increase of $1,100 to $5,100 for improvements and $300 to $7,900 for annual operating costs per facility. Public comments on the new NPRM have been received and analyzed. Further action on this rule has been deferred based on a February 23, 1984 memorandum from the Office of the Secretary.

Public Compliance Cost: Initial Cost: $12,000; Yearly Recurring Cost: $21,000; Base Year for Dollar Estimates: 1983

Agency Contact: Carl J. Withee, Nuclear Regulatory Commission, Office of Nuclear Materials Safety and Safeguards, Washington, DC 20555, **301 427-4768**

RIN: 3150-AA30

3839. + MANDATORY PROPERTY INSURANCE FOR DECONTAMINATION OF NUCLEAR FACILITIES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The proposed rule would require an increase in the amount of on-site property damage insurance from the current minimum of $585 million to $1.02 billion. The NRC believes that such insurance should be required so that the financing and pace of cleanup following an accident does not become a public health and safety problem. Recent studies indicate that as much $1.06 billion may be required to cover on-site cleanup of the worst reactor accidents if inflation and other factors are included. Other issues addressed in the proposed rule are whether the Federal government can preempt State law that prohibits certain public utilities from buying insurance offered by mutual companies or requiring payment of a retrospective premium and whether a priority of payment of insurance proceeds for decontamination and cleanup can be imposed. Action in these areas is required for the same reason as imposition of general insurance requirements, i.e. to remove the financial aspects of recovery after an accident from having an adverse impact on public health and safety.

Alternatives to the proposed rule that were considered included (1) requiring a lower dollar amount and (2) not explicitly(cont)

Timetable:

Action	Date	FR Cite
ANPRM	06/24/82	47 FR 27371
ANPRM Comment Period End	09/22/82	47 FR 27371
NPRM	11/08/84	49 FR 44645
NPRM Comment Period End	02/07/85	49 FR 44645
Final Action	03/31/86	

Small Entity: No

Additional Information: ABSTRACT CONT: requiring insurance above that currently required but rather allowing the necessity for additional insurance to be determined by economic regulators at the State level.

The impact of the proposed rule on licensees would probably not be large. Most licensees currently purchase insurance in excess of $1.02 billion. Approximately 10 licensees would be required to carry more insurance than they otherwise would for an annual incremental premium cost of roughly $1 million per year. Thus the total impact of the rule would be approximately $10 million per year. The impact on the public would generally be positive in that public health and safety would be better protected. The impact on the NRC would be minimal with respect to increasing the amount of insurance. A decontamination priority, if it were invoked, could require additional hearings with attendant costs. One-half of a staff-year is required by OSP to continue the rulemaking, with minimal impact on other offices expected.

Agency Contact: Robert S. Wood, Nuclear Regulatory Commission, Office of State Programs, Washington, DC 20555, **301 492-9885**

RIN: 3150-AA47

3840. NOTICE AND COMMENT ON, PROCEDURES FOR STATE CONSULTATION ON, AND STANDARDS FOR MAKING DETERMINATIONS ABOUT WHETHER LICENSE AMENDMENTS INVOLVE NO SIGNIFICANT HAZARDS CONSIDERATIONS

Legal Authority: 42 USC 2201; PL 97-415

CFR Citation: 10 CFR 2; 10 CFR 50

Abstract: The NRC is publishing a single final rule that combines the two interim final rules implementing, in part, PL 97-415. Modifications to the final rule are based on further staff review and evaluation of public comments received on the two rules. The rules were published on April 6, 1983 (48 FR 14868). They specify criteria for notice and public comment on, procedures for State consultation on, and standards for making determinations about whether amendments to operating licenses for certain facilities involve no significant hazards considerations. In addition, the rules specify procedures for consultation on these determinations with the State in which the facility of the licensee requesting the amendment is located. The rules permit the Commission to act expeditiously if circumstances surrounding a request for an amendment require prompt response and to issue an amendment before holding any required hearing, unless a significant hazards consideration is involved.

NRC has been receiving about 1,000 amendment requests per year. Since promulgation of the two interim final rules, about 98 percent of these have been deemed to involve no significant

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/06/83	48 FR 14876
Final Action	03/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: rules have increased a licensee's burden in preparing an amendment request by an average of four to eight hours. The additional burden has usually been no more than four to eight hours. The additional burden has usually been no more than four hours. The rules have increased NRC's burden by an average of eight to sixteen hours on an amendment request. The additional burden has

normally been no more than eight hours. Most of NRC's time is spent on reviewing a request and the rest on administrative tasks involved in preparing the request for publication in the Federal Register. Thus, implementation of the two rules has cost NRC per year about five or six professional staff years or about $300,000 to $360,000 not counting Federal Register publication costs.

Agency Contact: Thomas F. Dorian, Nuclear Regulatory Commission, Office of the Executive Legal Director, Washington, DC 20555, 301 492-8690

RIN: 3150-AA61

3841. OPERATORS' LICENSES

Legal Authority: 42 USC 2137; 42 USC 2201; 42 USC 5841; 42 USC 10226

CFR Citation: 10 CFR 50; 10 CFR 55

Abstract: The Nuclear Regulatory Commission was proposing to amend its regulations to (1) require each holder of and each applicant for a license to operate a commercial nuclear power plant to establish and use a systems approach in developing training programs and establishing qualifications requirements for civilian nuclear power plant operators, supervisors, technicians, and, as appropriate, operating personnel; (2) clarify the regulations for the issuance of licenses to operators and senior operators; (3) revise the requirements and scope of written examinations and operating tests for operators and senior operators; (4) codify procedures for the administration of requalification examinations; and (5) describe the form and content for operator license applications.

The proposed rulemaking was in response to Section 306 of the Nuclear Waste Policy Act of 1982. A regulatory analysis showed a public risk reduction of 268,000 person-rem at a cost of $240.4 million dollars resulting in a value/impact ratio of 1,100 person-rem/$million. Coordinated industry objections to the rulemaking were the subject of a Commission meeting on (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/26/84	49 FR 46428
NPRM Comment Period End	02/24/85	
Final Action	05/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: April 9, 1984. Industry requested that the NRC issue a policy statement rather than a rule. Consequently, at an October 17, 1984, Commission meeting, the Commission directed the staff to publish the portion of the proposed rule revising 10 CFR Part 55 "Operators' Licenses," and to draft a Policy Statement on programs for training and qualification of nuclear power plant personnel. The proposed revision was published for comment on November 26, 1984, and the effective Policy Statement was published March 20,1985.

The Policy Statement replaces the portion of this proposed rule that would have added requirements to 10 CFR Part 50 on training and qualification of plant personnel. The training programs are to be developed and implemented by industry during a two-year period. The policy statement provides guidance regarding NRC's support of the industry-managed training accreditation program and states NRC's continuing responsibility to independently evaluate applicants' and licensees' implementation of training programs.

Agency Contact: Bruce Boger, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 492-4868

RIN: 3150-AA88

3842. PERSONNEL ACCESS AUTHORIZATION PROGRAM (PART OF INSIDER PACKAGE)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50; 10 CFR 73

Abstract: The proposed rule would establish a personnel screening program for individuals requiring unescorted reactor facility access, thus providing increased assurance of the trustworthiness and emotional stability of a reactor site population. Study has indicated that disoriented or disgruntled employees (especially ones who might also be psychotic) at nuclear reactors are of primary safeguards concern because of their inside position. While the Commission has stated that at present it is satisfied with the level of safeguards in place at reactors, it approved publication of the proposed rule for public comment (49 FR 30726) as one means of further assuring protection of public health and safety. The public comment period concluded March 7, 1985. Extensive comments were received and analyzed.

Alternatives to rulemaking that were investigated, included endorsing an ANSI standard through a regulatory guide, issuing a policy statement that endorses industry developed guidelines, using staff position papers, and implementing license conditions. These alternatives were rejected because some would not produce and industry standardized program while other lacked (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30726
NPRM Comment Period End	03/07/85	
Final Action	03/31/86	

Small Entity: No

Additional Information: ABSTRACT CONT: regulatory authority.

The proposed regulation will protect against the "insider" threat at reactors through the use of three components: (1) a background investigation to determine past history, (2) a psychological assessment to determine current emotional stability, and (3) a continual behavioral observation program to detect behavioral changes in an individual once granted unescorted access.

Primary benefit to the public and licensees is an increased assurance of the trustworthiness and emotional suitability of individuals working in a nuclear reactor environment. Benefits to the NRC result from the use of a codified program that assures that a uniform approach, meeting minimum requirements, will be applied in screening reactor personnel.

The net increase in cost per applicant and licensee in implementing this requirement is estimated to be $91,800 initially and $260,500 per annum thereafter. The net increase in cost to the NRC due to estimated time in reviewing proposed

Agency Contact: Priscilla A. Dwyer, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington DC 20555, 301 427-4773

RIN: 3150-AA90

3843. PROTECTION OF CONTRACTOR EMPLOYEES

Legal Authority: 42 USC 2236; 42 USC 2282; 42 USC 5851

CFR Citation: 10 CFR 50

Abstract: The proposed rule would require 10 CFR Part 50 licensees, permittees, and applicants to ensure that procurement documents they issue or modify, specify that contractors and subcontractors post a notice to employees related to employee protection. The required notice would contain information notifying employees that an employer is prohibited from discriminating against an employee engaging in protected activities and that an employee may seek a remedy for prohibited discrimination by filing a complaint with the Department of Labor.

The proposed amendment would affect licensees, permittees, applicants, and their contractors and subcontractors who are contractually responsible for construction of basic components or production and utilization facilities. Although there is no health and safety reason for addressing the issue, NRC is interested in protecting employees from discrimination. However, because Section 210 of the Energy Reorganization Act does not give the NRC direct authority over contractors and subcontractors and it clearly envisioned that the Department of Labor would be the principal agency in ensuring the rights of nuclear industry

Timetable:

Action	Date	FR Cite
NPRM	07/06/83	48 FR 31050
NPRM Comment Period End	09/06/83	48 FR 31050
Final Action	06/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: employees; the NRC plans to withdraw this proposed rulemaking and incorporate the issues into a new proposed rule on "Posting Requirements for the Protection of Contractor Employees and Extension of Criminal Penalties (RIN 3150-AC08)."

Agency Contact: Anthony J. DiPalo, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-7613

RIN: 3150-AB07

3844. + COMMUNICATIONS PROCEDURES AMENDMENTS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: This proposed rule would amend the regulations which establish the procedures for submitting correspondence, reports, applications, or other written communications pertaining to the domestic licensing of production and utilization facilities.

The proposed amendments are expected to resolve confusion regarding submittal procedures and improve the communication process with the affected applicants and licensees.

The proposed amendments would (1) simplify the procedures for making Part 50 submittals to the NRC; (2) facilitate the timely dissemination of Part 50 submittals to NRC staff; (3) reduce postage and copying costs for applicants and licensees by requiring fewer copies of submittals; (4) establish a central NRC receipt point for Part 50 submittals; (5) include the NRC Resident Inspectors in the formal communications; and (6) supersede all outdated submittal directions contained in other sources of submittal guidance, such as Regulatory Guide 10.1 (Revision 4) and NRR Generic Letter 82-14. Although these documents addressed the problem, they did not entirely resolve the confusion. Moreover, subsequent changes in the (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/26/85	50 FR 11884
NPRM Comment Period End	05/28/85	
Final Action	03/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: organizational structure of NRC were not reflected in the guidance documents.

The current regulations also cause unnecessary delays in the dissemination of information to NRC staff. For example, any document submitted to an NRC Regional Office will not usually be disseminated to NRC Headquarters staff until two weeks later.

These problems can be resolved only by amending 10 CFR Part 50, since the current regulations are the source of the problems. The proposed rule is expected to reduce postage and copying costs for licensees and applicants subject to 10 CFR Part 50. An annual savings of $140,000 is estimated. In addition, the NRC is expected to realize a small savings in postage costs. Preparing and publishing this rule would cost NRC approximately 320 hours of staff time at $60 per hour for a total of $19,200.

Agency Contact: Steve Scott, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 492-8585

RIN: 3150-AB61

3845. CONSIDERATION OF EARTHQUAKES IN THE CONTEXT OF EMERGENCY PREPAREDNESS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would consider the need to take into account the complicating effects of earthquakes on emergency preparedness. Existing regulations require that nuclear power plants be designed to safely shut down for most earthquakes. The probability of earthquakes large enough to cause major onsite damage that would result in a significant radiological release from the plant is low; and for large earthquakes, offsite damage could make prior offsite emergency plans premised on normal conditions marginally useful.

One alternative to the proposed rule change would be to require that the emergency plans specifically address the impact of earthquakes. Another alternative would be to adjudicate the issue on a case by case basis.

The proposed amendment will not greatly affect the industry since licensees are required to have approve emergency response plans which are flexible enough to assure that appropriate protective measures can be taken to mitigate the consequences of a nuclear emergency. The public will not be affected as adequate emergency preparedness at nuclear reactors will be (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/21/84	49 FR 49640
NPRM Comment Period End	01/22/85	49 FR 49640
Final Action	03/31/86	

NRC

Final Rule Stage

Small Entity: No

Additional Information: ABSTRACT CONT: assured.

The staff anticipates that there will be no increase in cost to the NRC, State, and local governments and to licensees associated with the proposed rule change because it is interpretative in nature.

Agency Contact: Michael Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7615**

RIN: 3150-AB75

3846. + LIMITED SCOPE MODIFICATION TO GDC 4 REQUIREMENTS FOR PROTECTION AGAINST POSTULATED PIPE RUPTURES

Legal Authority: 42 USC 2201; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed rule would permit licensees and applicants to use newly developed analytical methods involving widely accepted advanced fracture mechanics theories for determining that certain pipe ruptures need not be treated in the design basis for dynamic effects. Implementing of the rule would facilitate the removal of unnecessary pipe whip restraints and jet shields from existing nuclear power plants and plants under construction as well as future plant designs. This would reduce inservice inspection cost and, in addition, would reduce inspector radiation exposure.

The need and urgency for addressing the issue stems from the widespread acceptance of the analysis results and the research findings pertaining to pipe rupture coupled with increasing confidence in its applicability.

Prior to the last few years, there was no sound technical basis for excluding certain pipe ruptures from the design basis. Now it is clear that it is possible to defend the exclusion of PWR primary loop double ended guillotine pipe ruptures, and that the scope may be extended to other piping. A benefit derived from the rule would be avoidance of extensive exemptions to General Design

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	50 FR 27006
NPRM Comment Period End	09/02/85	50 FR 27006
Final Action	03/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: which would be the only acceptable alternatives to the proposed rule. The rule only requires minimum addition and/or modification of the existing text of GDC 4. Two staff years will be needed to complete this rulemaking.

Agency Contact: John A. O'Brien, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7854**

RIN: 3150-AB76

3847. EXPLANATION TO TABLE S-3 URANIUM FUEL CYCLE ENVIRONMENTAL DATA

Legal Authority: 42 USC 2011; 42 USC 4321

CFR Citation: 10 CFR 51

Abstract: The proposed rule provides a narrative explanation of the numerical values established in Table S-3, "Table of Uranium Fuel Cycle Environmental Data," that appears in the Commission's environmental protection regulations. The proposed rule describes the basis for the values contained in Table S-3, the significance of the uranium fuel cycle data in the table, and the conditions governing the use of the table. The narrative explanation also addresses important fuel cycle impacts and the cumulative impacts of the nuclear fuel cycle for the whole nuclear power industry, so that it may be possible to consider these impacts generically rather than repeatedly in individual licensing proceedings, thus reducing litigation time and costs for both NRC and applicants.

The proposed rule was published for public review and comment (46 FR 15154, March 4, 1981), but the final rulemaking was deferred pending the outcome of a suit (Natural Resources Defense Council, et al. v NRC, NO. 74-1486) in the U.S. Court of Appeals. The U.S. Court of Appeals (D.C. Circuit) decision of April 27, 1982, invalidated the entire Table S-3 rule. The Supreme Court reversed this decision on June 6, 1983. (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/04/81	46 FR 15154
NPRM Comment Period End	05/04/81	46 FR 15154
Final Action	03/31/86	

Small Entity: No

Additional Information: ABSTRACT CONT:

The proposed rule to provide a narrative explanation for Table S-3 was revised to reflect new developments and the passage of time while the rulemaking was deferred. However, final action on the Table S-3 rule was held in abeyance until new values for radon-222 and technetium-99 can be added to the table and covered in the narrative explanation. On October 7, 1984, EPA promulgated new radon standards for inactive uranium mill sites and in October 1985 NRC published revised uranium milling regulations conforming to the new EPA standards. However, EPA received, in August 1985, a court order requiring them to establish radon standards for active uranium mills. Considering this further delay in making final estimates of total radon releases from uranium milling and the fact that there are no open licensing cases involving issues which would be covered by the narrative explanation of Table S-3 of the new values for radon-222 and technetium-99, the staff is preparing a Commission Paper recommending this rulemaking be withdrawn.

Agency Contact: Glenn A. Terry, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4283**

RIN: 3150-AA31

3848. + DISPOSAL OF HIGH LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES: PROCEDURAL AMENDMENTS

Legal Authority: 42 USC 2021a; 42 USC 2071; 42 USC 2111; 42 USC 2201; 42 USC 2201(o); 42 USC 2232; 42 USC 2273; 42 USC 4332; 42 USC 5842; 42 USC 5846; 42 USC 5851; 42 USC 10141

CFR Citation: 10 CFR 60

Abstract: The proposed rule would revise procedures regarding NRC reviews of license applications for

disposal of high-level radioactive wastes in geologic repositories. The procedures are being revised principally to conform to the provisions of the Nuclear Waste Policy Act of 1982. Specifically, the proposed rule would clarify that NRC begins its review in this licensing process after DOE provides NRC a site characterization plan and that usual rules of practice apply to licensing of these repositories. It would also provide that the NRC may publish a notice of receipt of a site characterization plan and a notice inviting comments on its analysis of a plan.

The proposed rule would also change some of the procedures for the participation of States and Indian tribes in the licensing process. Without the proposed rule, there would be major incongruities between the Nuclear Waste Policy Act and 10 CFR Part 60. Alternatives to the proposed rule would be changing the Nuclear Waste Policy Act or doing nothing and allowing incongruities to exist, with subsequent risk of litigation against NRC.(cont)

Timetable:

Action	Date	FR Cite
NPRM	01/17/85	49 FR 2579
NPRM Comment Period End	03/18/85	49 FR 2579
Final Action	03/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT:

State and Indian tribes will be affected in that procedures for their participation in the licensing process for geologic repositories will be changed. This should not result in any additional costs or expenditures of resources on the part of the public, NRC, or the nuclear waste management system. The public, and especially States and Indian tribes, will benefit from increased clarity in procedures for licensing.

Agency Contact: Clark Prichard, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 427-4586

RIN: 3150-AB47

3849. MATERIAL CONTROL AND ACCOUNTING REQUIREMENTS FOR LICENSEES POSSESSING FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 70

Abstract: The proposed rulemaking would replace existing material control and accounting (MC&A) requirements for fuel cycle facilities that are authorized to possess and use formula quantities of strategic special nuclear material (SSNM).

It would establish a performance oriented regulation that emphasizes timely detection of formula quantity SSNM losses and provides for more conclusive resolution of discrepancies than is currently achievable. Experience with existing regulations has demonstrated weaknesses in the area of alarm resolution principally because of a lack of timely detection of anomalies and poor loss localization capabilities. The rulemaking would alleviate these liabilities by requiring tests on a more timely basis on small plant subdivisions.

An alternative to the rule would be to implement the concepts through license amendments for the four involved licensees; however, such an action would be inconsistent with the Administrative Procedures Act and the direction provided in NRC's Policy and Program Guidance document. The protection of the public health and safety will be enhanced through earlier (cont)

Timetable:

Action	Date	FR Cite
ANPRM	11/18/81	46 FR 45144
ANPRM Comment Period End	02/09/82	46 FR 56625
NPRM	02/02/84	49 FR 4091
NPRM Comment Period End	09/05/84	49 FR 4091
Final Action	02/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: detection and more prompt resolution of anomalies potentially indicative of an SSNM loss.

In response to public comments, the staff has re-evaluated certain technical provisions of the proposed rule and concluded that some modifications were warranted. Concurrent with the rule modifications, the acceptance criteria and regulatory analysis are being revised. The cost to the NRC to complete this rulemaking is estimated to be four staff years which includes time for the review of the plans submitted in response to the rule.

Public Compliance Cost: Initial Cost: $2,300,000; Yearly Recurring Cost: -$800,000

Agency Contact: C. W. Emeigh, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 427-4769

RIN: 3150-AA50

3850. + MISCELLANEOUS AMENDMENTS CONCERNING PHYSICAL PROTECTION OF NUCLEAR POWER PLANTS (PART OF INSIDER RULE PACKAGE)

Legal Authority: 42 USC 2101; 42 USC 5841

CFR Citation: 10 CFR 73

Abstract: The proposed rule would require in Nuclear Power Plants (1) access control to vital areas,(2) the protection of certain physical security equipment, (3) revised requirements for key and lock controls, and (4) revised authority to suspend safeguards measures during emergencies. (Years of operating revealed a need for clarification and refinement.) The requirements will clarify policy in these areas and reduce unnecessary burden on the industry while maintaining plant protection. This rule is a revision of the proposed rule entitled, "Access Controls to Nuclear Power Plant Vital Areas." Initial development of a final rule produced significant changes, particularly in the criteria for personnel access controls to vital areas, resulting in the need to publish a revised rule. This proposed rule and the other components of the insider rule package were reviewed by the NRC Safety/Safeguards Review Committee which considered a number of alternative approaches to vital areas and provided recommendations that are reflected in the proposed rule.

Since requirements for protecting Nuclear Power Plant (cont)

NRC

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30726
NPRM Comment Period End	03/07/85	
Final Action	03/31/86	

Small Entity: No

Additional Information: ABSTRACT CONT: vital areas have been in effect for some time, and modifications to those requirements are needed, alternatives to this rulemaking such as revised guidance would be inappropriate in that they would carry the force of a regulation.

Implementation cost for these improvements is $10,200 per site; however, a net annual savings of $15,000 per site is anticipated in the cost of industry operations because of reduced key and local control requirements. The impact on NRC operations will occur in the area of licensing review of amended licensee security plans and Inspection and Enforcement staff support time. Initial cost to the NRC is estimated to be $175,700. There is no significant NRC operational costs resulting from this rule.

Agency Contact: Priscilla A. Dwyer, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 427-4773

RIN: 3150-AA36

3851. + MODIFICATION OF PROTECTION REQUIREMENTS FOR SPENT FUEL SHIPMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Abstract: A proposed rule has been issued to moderate the present interim requirements for the protection of shipments of irradiated reactor fuel cooled for 150 days or more. Recent research shows that the quantity of radioactive material that would be released as a result of successful sabotage is much smaller than was supposed at the time that the interim rule was issued. The alternatives considered during the development of the proposal were: (1) let the current interim requirements continue in force; (2) moderate the current requirements; and (3) eliminate all interim requirements. The alternative of moderating the requirements was selected. The moderated requirements would provide for (1) shipments to be accompanied by an unarmed escort, who may be driver or carrier employee and may have other duties, (2) on-board communications, and (3) immobilization capability for trucked shipments. Present interim requirements will continue to be effective for shipments of irradiated fuel cooled less than 150 days. The benefit of the proposed rule would be the elimination of unnecessarily strict requirements which presently apply to spent fuel shipments.(cont)

Timetable:

Action	Date	FR Cite
NPRM	06/08/84	49 FR 23867
NPRM Comment Period End	09/10/84	
Final Action	06/30/86	

Small Entity: No

Additional Information: ABSTRACT CONT:

The modified requirements will result in an estimated savings to licensees of about $20,000 to $30,000 annually, assuming the present rate of 135 shipments annually. Adoption of the proposed amendments would reduce NRC travel cost by about $8,000 annually. Public comments are being considered and a final rule is being drafted.

Agency Contact: Carl B. Sawyer, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 427-4186

RIN: 3150-AA96

3852. + SEARCHES OF INDIVIDUALS AT POWER REACTOR FACILITIES (PART OF INSIDER PACKAGE)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Abstract: The proposed rule would revise the search requirements for individuals entering the protected area of nuclear power plants. Under the proposed requirements, all persons would be subject to equipment searches for firearms, explosives and incendiary devices. Physical searches would be required only when search equipment is not working properly or when the licensee suspects that an individual is attempting to carry into the plant prohibited devices or material. Random searches were considered as an alternative, but were dismissed as being possibly disruptive. Since licensees already possess the necessary equipment, this rule will affect only licensee procedures at negligible additional cost.

Since requirements for searches have been in effect for some time, and modifications to those requirements are needed, alternatives to this rulemaking such as revised guidance would be inappropriate in that they would not carry the force of a regulation.

The most expensive items in the industry cost(cont)

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30726
NPRM Comment Period End	03/07/85	49 FR 30726
Final Action	03/31/86	

Small Entity: No

Additional Information: ABSTRACT CONT: have already been absorbed, equipment and search personnel; thus cost to the industry is minimal. This impact on NRC operations will occur in the area of licensing review of amended licensee security plans. Initial cost to the NRC is estimated to be $58,600. There are no significant NRC operational costs resulting from this rule.

Agency Contact: Priscilla A. Dwyer, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 427-4773

RIN: 3150-AB17

3853. + REPORTING REQUIREMENTS FOR SAFEGUARDS EVENTS

Legal Authority: 42 USC 2201; 42 USC 5842

CFR Citation: 10 CFR 70; 10 CFR 72; 10 CFR 73; 10 CFR 74

Abstract: The proposed rule would amend reporting requirements of section 73.71 for reports of unaccounted for shipments, suspected thefts, unlawful diversion, and other safeguards events. (Conforming amendments are included for 10 CFR Parts 70, 72, and 74). The staff has found the present requirements confusing to licensees and therefore,

difficult for licensees to properly implement. These difficulties have contributed to safeguards event reports that lack uniformity and contain insufficient data for analysis.

Safeguards event reporting requirements are necessary to permit timely response by the NRC to safeguards incidents and to identify possible generic deficiencies in safeguards systems. Until the requirements for reporting are clarified and simplified, the problems identified above will continue to exist. This is considered to be a matter of moderate urgency. An alternative to rulemaking is issuance of additional or revised guidance on the present requirement. However, such guidance would lack regulatory authority. Since the problems have arisen over the abstract nature of the present requirement, it appears the best solution is to correct the source of the problem by amending

Timetable:

Action	Date	FR Cite
NPRM	08/27/85*	50 FR 34708
NPRM Comment Period End	12/31/85	50 FR 48220
Final Action	07/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT:

The proposed amendments redefine, in clearer terms, the events to be reported and classify certain of these events into different reporting categories. The current 24 hour telephonic notification is deleted. All events would be either telephonically reported within one hour or logged in licensee records to be submitted to the NRC quarterly. Concurrent with the rule revision, a revised regulatory guide is being developed which provides a format for reporting to the NRC and gives examples of what types of events should be reported.

There is expected to be no cost impact to the public. Benefits to licensees will be clearer, simpler regulations, and a reduction in telephonic and written report making. While the proposed regulations will require more detailed, standardized written reports, the reduction in the number of telephone and written reports is expected to result in a net cost decrease to industry of $641.600 incurred on an annual basis.

Agency Contact: Priscilla A. Dwyer, Nuclear Regulatory Commission, Office of Nuclear Safety and Safeguards, Washington, DC 20555, **301 427-4773**

RIN: 3150-AB46

3854. + CRITERIA FOR AN EXTRAORDINARY NUCLEAR OCCURRENCE

Legal Authority: 42 USC 2201; 42 USC 2210; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 140

Abstract: The proposed rule would revise the criteria the Commission currently follows in determining an extraordinary nuclear occurrence (ENO), in order to overcome the problems that were encountered following the Three Mile Island (TMI) accident when the present criteria were applied. The proposed criteria would focus on items that can be readily counted or estimated within a relatively short time following an accident (i.e., substantial release of radioactive material or radiation offsite and substantial exposure levels). The revised criteria will provide for speedy satisfaction of legitimate claims in the event of an ENO. Because ENO criteria are administrative criteria for use by the Commission, they do not impose any requirement upon a licensee.

Timetable:

Action	Date	FR Cite
NPRM	04/09/85	50 FR 13978
NPRM Comment Period End	08/13/85	
Final Action	10/31/86	

Small Entity: No

Agency Contact: Harold Peterson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4353**

RIN: 3150-AB01

3855. ● EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

Legal Authority: 42 USC 2201; 42 USC 5841; 42 USC 2153

CFR Citation: 10 CFR 110

Abstract: The final rule would amend regulations pertaining to the export of nuclear material by requiring certain holders of export licenses to notify the Commission in writing at least 40 days prior to reexporting Canadian-origin nuclear material or equipment, expanding the general license for byproduct material to allow the export of Americium-241 contained in industrial process control equipment, and to update the list of countries in the provisions setting out restricted destinations. The final rule is necessary to implement portions of the United States/ Canada Agreement for Cooperation, to correct an oversight in the current regulations, and to continue the policy of facilitating nuclear cooperation with countries sharing the non-proliferation goals of the United States.

Timetable:

Action	Date	FR Cite
Final Action	03/00/86	

Small Entity: Not Applicable

Agency Contact: Elaine O. Hemby, Nuclear Regulatory Commission, Office of International Programs, Washington, DC 20555, **301 492-7630**

RIN: 3150-AC20

NUCLEAR REGULATORY COMMISSION (NRC) Completed Actions

3856. ● CHANGE IN REGION II TELEPHONE NUMBER

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20; 10 CFR 21; 10 CFR 73

Abstract: The final rule indicates a change in the commercial telephone number for NRC's Region II Office. The final rule is necessary to inform NRC licensees and the public of current NRC practice and procedures.

Timetable:

Action	Date	FR Cite
Final Action	11/25/85	50 FR 46630
Final Action Effective	11/25/85	50 FR 46630

Small Entity: Not Applicable

Agency Contact: John Philips, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 492-7086

RIN: 3150-AC13

3857. ● REGIONAL LICENSING PROGRAM; FORT ST. VRAIN NUCLEAR GENERATING STATION

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The final rule amends NRC's regulations concerning the domestic licensing of utilization facilities to provide information concerning the NRC's regional licensing program. This amendment states that authority and responsibility for implementing NRC's nuclear reactor licensing program for the Fort St. Vrain Nuclear Generation Station will be carried out by the Director of Nuclear Reactor Regulations and specifies where communications and applications relating to that facility should be sent. The amendment is necessary to inform the licensee and the public of current NRC practice and organization.

Timetable:

Action	Date	FR Cite
NPRM	01/15/85	
Final Action	10/09/85	50 FR 41128
Final Action Effective	11/04/85	50 FR 41128

Small Entity: No

Additional Information: ABSTRACT CONT:

Agency Contact: Hugh L. Thompson, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 492-9595

RIN: 3150-AC23

3858. ● STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

Legal Authority: 42 USC 2033; 42 USC 2201; 42 USC 2039; 42 USC 2241; 42 USC 5841; 42 USC 5843; 42 USC 5844; 42 USC 5845; 42 USC 5849

CFR Citation: 10 CFR 1

Abstract: The Nuclear Regulatory Commission is amending its regulations to grant additional rulemaking authority to its Executive Director for Operations (EDO). The amendment affects internal agency procedure and practice and will not impact NRC applicants, licensees, or the public. The EDO may now issue rules under 10 CFR Parts 0, 2, and 110 that do not raise significant questions of policy, i.e., rules that do not involve a major change in existing Commission policy, present a major new issue, are corrective in nature, or will not result in a major commitment of resources. The new authority will also extend to issuing proposed and final rules under 10 CFR Parts 7, 8, and 9, Subpart C, that are corrective or of a nonpolicy nature. Prior to this amendment, the EDO did not have authority to issue rules affecting 10 CFR Parts 0,2,7, 8, 9, Subpart C, or 110.

Timetable:

Action	Date	FR Cite
Final Action	10/18/85	50 FR 42145
Final Action Effective	10/18/85	50 FR 42145

Small Entity: No

Agency Contact: Trip Rothschild, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 202 634-1465

RIN: 3150-AC19

3859. HYBRID HEARING PROCEDURES FOR EXPANSIONS OF ONSITE SPENT FUEL STORAGE CAPACITY AT CIVILIAN NUCLEAR POWER REACTORS

Legal Authority: 42 USC 2201; 42 USC 2239

CFR Citation: 10 CFR 2; 10 CFR 72

Abstract: The final rule contains two options for implementing the hybrid hearing process in Section 134 of the Nuclear Waste Policy Act of 1982. That section sets forth a hybrid hearing process for certain contested proceedings on applications for a license or a license amendment to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor. Either version of the final rule would provide for an oral argument in the early stage of the hearing process and would designate only genuine and substantial issues for resolution in an adjudicatory hearing. Option 1 adds a new Subpart K to Part 2. Subpart K requires the use of hybrid procedures in all proceedings to which section 134 applies. It also changes the initial stages of the existing hearing process by allowing a person whose interest is affected to participate as a party and to obtain discovery without the need to plead contentions. Option 2 permits the use of hybrid procedures at the request of any party to the proceeding. It will be implemented by means of an alternative form of summary disposition under a new Sec. 2.749a.

Timetable:

Action	Date	FR Cite
NPRM	12/05/83	48 FR 54499
NPRM Comment Period End	02/20/84	49 FR 414
Final Action	10/15/85	50 FR 41662
Final Action Effective	11/14/85	

Small Entity: No

Agency Contact: Linda S. Gilbert, Nuclear Regulatory Commission, Office of Executive Legal Director, Washington, DC 20555, 301 492-7678

RIN: 3150-AB19

3860. PRODUCTION OR DISCLOSURE IN RESPONSE TO SUBPOENAS OR DEMANDS OF COURTS OR OTHER AUTHORITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 9

Abstract: The final rule adds Subpart D to 10 CFR Part 9 to prescribe procedures with respect to the production of documents or disclosure of information in response to subpoenas or demands of courts or other judicial or quasi-judicial authorities in state and Federal proceedings. The final rule clarifies the procedures to be followed by Commission employees in responding to demands for testimony, information, or documents and would ensure that the responsibility for determining the response to the demands is placed on the appropriate Commission official. The rule will allow the Office of General Counsel more control over Commission information and documents subpoenaed in litigation to which the NRC is not a party. There is no alternative to rulemaking for this issue. This rule will require those who seek to use current or former NRC

employees in their litigation to submit certain information to the NRC; however, the Commission has decided that this slight inconvenience is warranted in these circumstances.

Timetable:

Action	Date	FR Cite
NPRM	07/10/84	49 FR 28012
NPRM Comment Period End	08/09/84	49 FR 28012
Final Action	09/17/85	50 FR 37642
Final Action Effective	10/17/85	50 FR 37642

Small Entity: No

Agency Contact: Theresa W. Hajost, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 202 634-1493

RIN: 3150-AB63

3861. MINOR CLARIFYING AMENDMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 9

Abstract: The NRC is proposing to amend its regulations pertaining to the availability of records under the Freedom of Information Act to clarify and conform them to existing case law and to reflect long-standing agency practice. In addition, the NRC is proposing to amend its regulations to conform the reproduction costs for Privacy Act records to those currently charged at the NRC's Public Document Room and other NRC offices for publicly available documents.

Timetable:

Action	Date	FR Cite
NPRM	08/01/85	50 FR 31192
NPRM Comment Period End	09/02/85	50 FR 31192
Final Action	10/09/85	50 FR 41127
Final Action Effective	10/09/85	

Small Entity: No

Agency Contact: J.M. Felton, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 492-7211

RIN: 3150-AC06

3862. ● MISCELLANEOUS AMENDMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 9

Abstract: The final rule amends the NRC's regulations pertaining to public records to indicate that Executive Order 12356 governs classified documents and to remove references to a now defunct NRC Committee. The amendments are necessary to inform the public of these administrative changes to NRC regulations.

Timetable:

Action	Date	FR Cite
Final Action	12/10/85	50 FR 50283
Final Action Effective	12/10/85	50 FR 50283

Small Entity: No

Agency Contact: John Philips, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 492-7086

RIN: 3150-AC11

3863. + REVISED CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS OR CONTROL OVER SPECIAL NUCLEAR MATERIAL

Legal Authority: 42 USC 2201(i); 42 USC 5841

CFR Citation: 10 CFR 11

Abstract: The final rule amends the requirements for applications for initial access authorization and for their renewal by allowing utilization of information on file with the government on individuals who possess current active clearances based upon equivalent investigations. The final changes eliminate unnecessary duplication of administrative costs to licensees for individuals who possess comparable clearances and also eliminate certain NRC administrative costs. The objective of this rulemaking action is to provide an effective program for the Commission to grant special nuclear material access authorizations without imposing unnecessary administrative burdens on licensees. This can be achieved by effecting the foregoing changes to the existing rule, which will allow the Commission to grandfather certain cleared licensee employees into the program and to accept application forms and investigative data provided by other Federal agencies, thereby eliminating the $1580.00 investigation fee.

Timetable:

Action	Date	FR Cite
Final Action	09/27/85	50 FR 39076
Final Action Effective	10/28/85	50 FR 39076

Small Entity: No

Agency Contact: Russel R. Rentschler, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 427-4761

RIN: 3150-AB99

3864. + CONFORMING AMENDMENTS TO PRENOTIFICATION, QUALITY ASSURANCE, AND PACKAGE MONITORING REQUIREMENTS

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 20; 10 CFR 71

Abstract: The unpublished rule is being withdrawn because of a lack of resources to proceed with an administrative rulemaking that is not expected to result in any substantive increase in protection of the the public health and safety. The proposed amendments would have revised the requirement for advance notification of waste shipments to provide a more uniform level of hazard at which the report is required. The proposed level of hazard was expected to conform to the level at which the Department of Transportation imposes motor vehicle routing requirements. The proposed amendments would have also clarified which of the general licenses in 10 CFR Part 71 require quality assurance programs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Withdrawn	12/31/85	

Small Entity: No

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-7878

RIN: 3150-AB51

3865. RESIDUAL RADIOACTIVE CONTAMINATION LIMITS FOR DECOMMISSIONING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20

Abstract: This unpublished rule is being withdrawn pending initiation of a new proposed rulemaking to establish residual radioactive contamination limits for structures and lands. The proposed rule would have established residual radioactive contamination limits that must be met before buildings, structures, equipment, materials, and lands may be released for use on an unrestricted basis.

Timetable:

Action	Date	FR Cite
Withdrawn	12/00/85	

Small Entity: No

Agency Contact: Don F. Harmon, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 427-4566

RIN: 3150-AB52

3866. ● GENERAL STATEMENT OF POLICY AND PROCEDURE FOR ENFORCEMENT ACTIONS

Legal Authority: 42 USC 2014; 42 USC 2111; 42 USC 2114; 42 USC 2167; 42 USC 2273; 42 USC 2282; 42 USC 2901

CFR Citation: 10 CFR 2

Abstract: The NRC is publishing minor revisions to its enforcement policy to describe how its enforcement policy applies to vendors of products or services that are supplied to the nuclear industry for ultimate use in facilities or activities that are licensed by the NRC. The policy statement is intended to inform licensees, vendors and the public of the bases for taking various enforcement actions. The policy is codified as Appendix C to Part 2 of Title 10 of the Code of Federal Regulations.

Timetable:

Action	Date	FR Cite
Final Action	11/20/85	50 FR 47716
Final Action Effective	02/18/86	

Small Entity: No

Agency Contact: Jane A. Axelrad, Nuclear Regulatory Commission, Office of Inspection and Enforcement, Washington, DC 20555, 301 492-4909

RIN: 3150-AC09

3867. CERTIFICATION OF INDUSTRIAL RADIOGRAPHERS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 34

Abstract: The advance notice of proposed rulemaking would have required all individuals who use byproduct material in the conduct of industrial radiography to be certified by a third party. Radiography licensees account for over 60 percent of the reported overexposures greater than five rems to the whole body. NRC regulations permit industrial radiographers to perform radiography independently. The NRC grants radiography licensees the authority to train and designate individuals competent to act as radiographers. The advance notice of proposed rulemaking sought comment on a proposal that would enable NRC to verify the effectiveness of this training, thereby assuring that all radiographers possess adequate training and experience to operate radiographic equipment safely.

Following a series of public meetings, many comments were received. The thrust of the comments was that current training programs and examination procedures administered by licensees were adequate for determining the competence of individuals to be industrial radiographers. An ad hoc Radiography Steering Committee formed to improve radiation safety in the (cont)

Timetable:

Action	Date	FR Cite
ANPRM	05/04/82	47 FR 19152
ANPRM Comment Period End	09/03/82	47 FR 19152
Withdrawn	09/19/85	50 FR 38011

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: performance of industrial radiography agreed that the costs associated with a third party certification program would not result in significant benefits through a reduction of accidents that would not result in overexposures to individuals. Therefore, the staff is recommending that the Commission terminate this rulemaking action.

Agency Contact: Nathan Bassin, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 427-9027

RIN: 3150-AA43

3868. PATIENT DOSAGE MEASUREMENT

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Abstract: Each specific NRC medical licensee is currently required by license condition to measure radiopharmaceutical dosage before it is administered to a patient. This proposed rule is intended to ensure the consistent application of the requirement and to simplify licensing by replacing the individual license conditions with a single regulatory requirement that would apply to all current and future medical licensees. The proposed rule will require licensees to measure each dosage and make a record of each measurement. Because the requirement is currently imposed by license condition, there will not be cost savings or additional burden; however, the industry and NRC will benefit by having a clear, concise requirement in the regulation.

The proposed rule is being incorporated into a proposed revision of 10 CFR Part 35 (See RIN-3150-AA-73 Medical Use of Byproduct Material).

Timetable:

Action	Date	FR Cite
NPRM	09/01/81	46 FR 43840
NPRM Comment Period End	11/30/81	46 FR 43840
Withdrawn	12/00/85	

Small Entity: No

Public Compliance Cost: Initial Cost: $690,000; Yearly Recurring Cost: $690,000; Base Year for Dollar Estimates: 1981

Analysis: Regulatory Impact Analysis

Agency Contact: Norman L. McElroy, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 427-4108

RIN: 3150-AA12

3869. + URANIUM MILL TAILINGS REGULATIONS: CONFORMING NRC REQUIREMENTS TO EPA STANDARDS

Legal Authority: 42 USC 2014; 42 USC 2092; 42 USC 2093; 42 USC 2094; 42 USC 2095; 42 USC 2111; 42 USC 2113; 42 USC 2114; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2282; 42 USC 2021; 42 USC 5841

CFR Citation: 10 CFR 40

Abstract: The final rule revises the Nuclear Regulatory Commission's regulations governing the disposal of uranium mill tailings to conform them to regulations recently published by the Environmental Protection Agency that set standards for protecting the environment from these wastes. The final rule would remove inconsistencies between NRC and EPA requirements and incorporate in NRC regulations the stability, radon release, and other provisions of the EPA standard not related to groundwater. This action is necessary to comply with provisions of the Uranium Mill Tailings Radiation Control Act and the NRC Authorization Act for FY 1983; therefore no alternatives to this action need to be considered. EPA has estimated that compliance with their recently published regulations would cost the uranium milling industry from about $310 million to $540 million to dispose of all existing tailings and tailings to be generated by the year 2000. This includes the costs of the groundwater protection provisions which are to be addressed in future NRC rule changes. The EPA regulations are binding on NRC licensees in the interim.

Timetable:

Action	Date	FR Cite
NPRM	11/26/84	49 FR 46418
NPRM Comment Period End	02/10/85	50 FR 2293
Final Action	10/16/85	50 FR 41852
Final Action Effective	11/15/85	50 FR 41852

Small Entity: No

Agency Contact: Kitty S. Dragonette, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4300**

RIN: 3150-AB50

3870. TECHNICAL SPECIFICATIONS FOR NUCLEAR POWER REACTORS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The Executive Director for Operation approved the termination of this rule on March 5, 1986. The proposed rule would have amended current regulations pertaining to technical specifications for nuclear power reactors. Specifically, the proposed rule would (1) establish a standard for deciding which items derived from the safety analysis report must be incorporated into technical specifications, (2) modify the definitions of categories of technical specifications to focus more directly on reactor operations, (3) define a new category of requirements that would be of lesser immediate significance to safety than technical specifications, and (4) establish appropriate conditions that must be met by licensees to make changes to the requirements in the new category without prior NRC approval.

Timetable:

Action	Date	FR Cite
ANPRM	07/08/80	45 FR 45916
ANPRM Comment Period End	09/08/80	45 FR 45916
NPRM	03/30/82	47 FR 13369
NPRM Comment Period End	06/01/82	47 FR 13369
Withdrawn	03/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT:

Agency Contact: Edward Butcher, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-8807**

RIN: 3150-AA22

3871. DESIGN AND OTHER CHANGES IN NUCLEAR POWER PLANT FACILITIES AFTER ISSUANCE OF CONSTRUCTION PERMIT

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The Executive Director for Operations has decided to discontinue activity on this rulemaking and thus recommends that it be withdrawn. The basis for this recommendation is two-fold. First, the notice of withdrawal would inform the public that comments on the advance notice of proposed rulemaking have been considered in the NRC's decision not to proceed with this rulemaking. Second, it is the NRC's judgement that completed and proposed rulemakings since 1979, e.g., 10 CFR 50.34 (f) (CP/ML Rule), 10 CFR 50-34 (g) (Conformance with SRP), and 10 CFR 50.55 (f) (QA Commitments), plus cancellations and indefinite postponements of nuclear power plants (all construction permit holders are now operating license applicants), have rendered moot the need for further staff response to the Commission's request for identifying design and other changes that a construction permit holder may make after the NRC issues a construction permit.

The proposed rule would have prescribed improved approaches for reducing and better controlling the level of change in reactor design and construction.

Timetable:

Action	Date	FR Cite
ANPRM	12/11/80	45 FR 81602
ANPRM Comment Period End	02/09/81	45 FR 81602
Withdrawn	12/31/85	

Small Entity: No

Agency Contact: Wayne Scott, Nuclear Regulatory Commission, Office of Inspection and Enforcement, Washington, DC 20555, **301 492-4220**

RIN: 3150-AA46

3872. REVISION OF BACKFITTING PROCESS FOR POWER REACTORS

Legal Authority: 42 USC 2021; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2239; 42 USC 4332; 42 USC 4364; 42 USC 4335; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The final rule establishes requirements for long-term management of the Commission's review process for the imposition of new regulatory requirements on power reactors. More specifically, the objective of the rulemaking is to address "backfitting", a process which can include both plant specific changes and generic changes as applied to one or more classes of power reactors. This rulemaking would revise 10 CFR 50.54, 50.109, 2.204, and add a conforming amendment to Appendix O. The rule is intended to reduce costs of "backfitting" for licensees through better management of this review process.

Timetable:

Action	Date	FR Cite
ANPRM	09/28/83	48 FR 44217
ANPRM Comment Period End	10/28/83	
NPRM	11/30/84	49 FR 47034
NPRM Comment Period End	01/29/85	49 FR 47034
Final Action	09/20/85	50 FR 38097
Final Action Effective	10/21/85	50 FR 38097

Small Entity: No

Agency Contact: James Tourtellotte, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, **202 634-1461**

RIN: 3150-AA59

3873. EXTENSION OF CRIMINAL PENALTIES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The proposed rule, in accordance with the provisions of the NRC Authorization Act for Fiscal Year 1980, would extend the application of the criminal penalties provision of the Atomic Energy Act (AEA) of 1954, as amended, to any individual director, officer, or employee of a firm constructing or supplying the components of a nuclear power plant who knowingly and willfully violates any NRC regulation, order, or license condition during construction of a nuclear power plant. Section 223(b) of the AEA essentially directs the Commission to establish a limit for potential unplanned off-site releases of radioactive material which would trigger consideration of possible criminal penalties. As directed in Section 223(b)(3), the proposed rule establishes in its definition of a "basic component," the limits for potential unplanned releases of radioactive material that could trigger application of criminal penalties.

This unpublished rule is being withdrawn because it has been incorporated into a new proposed rule on posting requirements for the protection of contractor employees and extension of criminal penalties.

Timetable:

Action	Date	FR Cite
Withdrawn	12/31/85	

Small Entity: No

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7878**

RIN: 3150-AA80

3874. CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (1983 EDITION, WINTER 1982 THROUGH SUMMER 1984 ADDENDA)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The final rule incorporates by reference the Winter 1982 Addenda, Summer 1983 Addenda, Winter 1983 Addenda, Summer 1984 Addenda, and the 1983 Edition of Section III, Division I, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), and the Winter 1982 Addenda, Summer 1983 Addenda, and the 1983 Edition of Section XI, Division I, of the ASME Code. The ASME Code sets standards for the construction of light-water-reactor nuclear power plant components in Section III, Division 1, and specifies requirements for the inservice inspection of those components in Section XI, Division I. The proposed rule would update the existing reference to the ASME Code and would thereby permit the use of improved methods for the construction and inservice inspection of nuclear power plant components.

Incorporating by reference the latest edition and addenda of the ASME Code will save applicants/licensees and the NRC staff both time and effort by providing uniform detailed criteria against which the staff can review any single submission. Revisions to the ASME code are achieved through the (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/17/85	50 FR 20574
NPRM Comment Period End	07/16/85	50 FR 20574
Final Action	09/26/85	50 FR 38970
Final Action Effective	10/28/85	50 FR 38970

Small Entity: No

Additional Information: ABSTRACT CONT: process to which the NRC contributes. This consensus process ensures a proper balance between utility, regulatory, and other interests concerned with the code and ensures that the value of any revisions to the code is consistent with its impact.

Agency Contact: Gilbert C. Millman, Nuclear Regulatory Commission, Office Of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7862**

RIN: 3150-AA83

3875. GENERAL DESIGN CRITERION ON HUMAN FACTORS

Legal Authority: 42 USC 2201; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The Executive Director for Operation approved the termination of this rule on March 5, 1986. The proposed rule would have established a new general design criterion on human factors considerations. The specific factors to be addressed would have included operability, surveillance, maintainability, and human engineering criteria.

Timetable:

Action	Date	FR Cite
Withdrawn	03/05/86	

Small Entity: Not Applicable

Agency Contact: Ann Ramey-Smith, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-4522**

RIN: 3150-AB13

3876. REFINEMENT OF EMERGENCY PLANNING REGULATIONS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would have amended the Commissions's emergency planning regulations to reflect experience gained since 1980 and reorganize the emergency planning requirements for clarity. Research studies on reactor risk and practical emergency planning experience have led to a refined portrayal of reactor risks and consequences. The proposed rule would have required a graduated emergency response capability to reflect a more realistic program for dealing with radiological emergencies at nuclear power plants.

The unpublished rule is being withdrawn pending reevaluation of source term and risk information

(NUREG-1150) scheduled to be completed in June 1986. At that time, the staff will undertake a review of the impact of the risk information on regulations governing the licensing of nuclear power plants including emergency planning requirements.

Timetable:

Action	Date	FR Cite
Withdrawn	12/31/85	

Small Entity: Undetermined

Agency Contact: Michael Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7615**

RIN: 3150-AB48

3877. LIMITING THE USE OF HIGHLY ENRICHED URANIUM IN DOMESTIC RESEARCH AND TEST REACTORS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The final rule requires that non-power reactors use only low-enriched uranium fuel (LEU), with certain exceptions. The final rule reduces the high-enriched uranium fuel (HEU) in the United States and thereby reduces the potential for theft or diversion. The majority of licensees affected by the final rule are universities operating research and training reactors. To date, four of the 25 affected universities have made the decision to curtail the operation of their research/training reactors.

Timetable:

Action	Date	FR Cite
NPRM	07/06/84	49 FR 27769
NPRM Comment Period End	11/02/84	
Final Action	02/25/86	51 FR 6515
Final Action Effective	03/27/86	51 FR 6515

Small Entity: Not Applicable

Agency Contact: M. L. Ernst, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7936**

RIN: 3150-AB60

3878. SPECIFIC EXEMPTIONS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The Nuclear Regulatory Commission is amending its regulations to clarify standards that will be applied when it considers whether to grant exemptions from the regulatory requirements codified in 10 CFR Part 50. Staff experience and several recent adjudicatory proceedings have shown that clarifying these standards would improve understanding of situations warranting an exemption for the applicants, licensees, public, and the staff.

Timetable:

Action	Date	FR Cite
NPRM	04/26/85	50 FR 16506
NPRM Comment Period End	05/28/85	50 FR 16506
Final Action	12/12/85	50 FR 50764
Final Action Effective	01/13/86	

Small Entity: No

Agency Contact: F.X. Cameron, Nuclear Regulatory Commission, Office of the Executive Legal Director, Washington, DC 20555, **301 492-8689**

RIN: 3150-AB93

3879. PHYSICAL PROTECTION REQUIREMENTS FOR INDEPENDENT SPENT FUEL STORAGE INSTALLATIONS (ISFSI'S)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Abstract: The Executive Director for Operations approved termination of this rule on February 20, 1985. The proposed rule would have provided safeguards requirements in place that would have been commensurate with the risk of storing spent nuclear fuel in dry casks at reactor sites.

Timetable:

Action	Date	FR Cite
Withdrawn	02/20/86	

Small Entity: No

Agency Contact: Russel R. Rentschler, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 **427-4761**

RIN: 3150-AB27

[FR Doc. 86-6642 Filed 04-18-86; 8:45 am]

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Federal Register

Monday
April 21, 1986

Part LVIII

Securities and Exchange Commission

Semiannual Regulatory Agenda

SEC

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release No. 33-6632, 34-23016, 35-24049, 39-1088, IC-14990, and IA-1016; File No. S7-9-86]

Regulatory Flexibility Agenda and Rules Scheduled for Review

AGENCY: Securities and Exchange Commission.

ACTION: Publication of regulatory flexibility agenda and rules scheduled for review.

SUMMARY: The Securities and Exchange Commission is today publishing an agenda of its open and anticipated rulemaking actions, pursuant to Chapter Six of the Administrative Procedure Act and Office of Management and Budget Bulletin 86-4. The agenda is a general announcement to the public intended to provide advance notice of rulemaking actions which may have a significant economic impact on a substantial number of small entities. The Commission is also publishing a list of rule reviews anticipated to be completed during the next twelve months. The Commission invites questions and public comment on individual agenda entries.

DATE: Public Comments are due by June 30, 1986.

ADDRESSES: Persons wishing to submit written views should file three copies with John Wheeler, Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Room 6184, Stop 6-9, Washington, D.C. 20549. All submissions should refer to File No. S7-9-86, and will be available for public inspection at the Commission's Public Reference Room, Room 1024, at the same address.

FOR FURTHER INFORMATION CONTACT: Joseph A. Meiburger, Jr., Directorate of Economic and Policy Analysis, Securities and Exchange Commission, 450 5th Street, N.W., Room 7169, Stop 7-6, Washington, D.C. 20549 (202-272-7110). Additional names of persons to contact are identified with each entry.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act ("RFA") (Pub. L. No. 96-354, 94 Stat. 1164 [September 19, 1980]) requires each federal agency during April and October of each year to publish in the **Federal Register** a regulatory flexibility agenda identifying rules which the agency expects to propose, adopt or review which are likely to have a significant economic impact on a substantial number of small entities (the "significant impact criterion").[1]

The RFA also requires the review of existing rules.[2] The Commission published in June 1981 a plan for the periodic review of all rules issued by the agency which may meet the significant impact criterion.[3] The plan provides for the review of all such rules in effect on January 1, 1981 within ten years of that date and for the review of such rules adopted thereafter within ten years of their adoption as final rules. The RFA further requires publication each year of a list of those rules which are to be reviewed during the succeeding twelve months.[4] Part II of the agenda contains four of these entries.

The Commission's continuing review of its rules, begun before the effective date of the statute (January 1, 1981), extends beyond the requirements of the RFA. Consequently, some rules listed in this part of the agenda may not be required to be reviewed. The Commission is identifying them here in order to inform the public of its intention to review them. Part III of the agenda identifies the 8 rulemaking actions and 6 rule reviews which have been completed since the last RFA release was approved by the Commission on August 28, 1985.[5] The agenda relies on the definitions of the term "small entity" for purposes of the RFA which were adopted by the Commission for the various categories of regulated entities.[6]

The statute specifically provides that the agenda does not preclude the Commission from considering or acting on any matter not included, nor is the Commission required to consider or act on any matter which is included.[7] Furthermore, the inclusion of a rule in the Commission's agenda reflects only the staff's preliminary judgment that the rule, if adopted or as it exists, may have a significant economic impact on a substantial number of small entities. This preliminary judgment may be changed upon further analysis.

With this issue, the Regulatory Information Service Center is making changes to the format of the Unified Agenda. The entries will now be categorized as "Prerule" on the basis of the characteristics of the next action. The "Prerule" category will now include rule reviews and rulemaking actions where the next action is identified as an Advance Notice of Proposed Rulemaking (or a concept release rather than a rule proposal). The "Proposed" category will contain entries where the next action is expected to be a rule proposal or amendments to an existing rule. The "Final" category will now include both open actions already proposed but not yet adopted as well as completed actions.

Below is an index of the Commission's entries to this April 1986 "Unified Agenda of Federal Regulations." The agenda contains new entries as well as items carried over from the October 1985 publication. New entries are marked with an asterisk. Copies of this preamble and a list of the entries (including next action dates and identifying a staff contact) are available from the Commission's Office of Public Affairs (Room 1015). The entries themselves are also available for inspection and copying in the Public Reference Room (Room 1024) (File S-7-9-86), as noted above.

The Commission invites public comment on the individual entries in its agenda of rulemaking actions and rules scheduled for review in 1986.

By the Commission.

March 14, 1986.

Shirley E. Hollis,

Assistant Secretary.

[1] 5 U.S.C. 602(a).
[2] 5 U.S.C. 610(a).
[3] Securities Act Release No. 6362 (June 24, 1981) [46 FR 33287].
[4] 5 U.S.C. 610(c).
[5] Securities Act Release No. 6601 (August 28, 1985) [50 FR 45034].
[6] Securities Act Release No. 6380 (January 28, 1982) [47 FR 5215].
[7] 5 U.S.C. 602(d).

SEC

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3880	17 CFR 240.14d-1 to 240.14d-101 Proposed Tender Offer Rule Amendments	3235-AA50
3881	17 CFR 240.10a-1 Short Sales	3235-AC18
3882	17 CFR 240.10a-2 Requirements for Covering Purchases	3235-AC19
3883	17 CFR 240.15c2-5 Rule 15c2-5: Disclosure and Other Requirements When Extending Credit in Certain Transactions	3235-AC20

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3884	17 CFR 210 Request for Comments on "Opinion Shopping"	3235-AC02
3885	17 CFR Not yet determined Allocation of Expenses and Related Disclosure in Financial Statements of Subsidiaries, Divisions or Lesser Business Components of Another Entity	3235-AB17
3886	17 CFR 210.9 Specific Disclosure Requirements for Savings and Loan Holding Companies	3235-AB65
3887	17 CFR 210.9-03(7)(e) Financial Statement Disclosure by Bank Holding Companies About Loans to Related Parties	3235-AB45
3888	17 CFR 231 Standards for Disclosure Regarding Foreign Public Sector Debt	3235-AB69
3889	17 CFR Not yet determined Registration of Partnership Interests	3235-AB47
3890	17 CFR 230.100 to 230.180 General Rules under the Securities Act of 1933--The "100 Series"-- Rules 100 through 180 (excluding Rules 137, 138 and 139)	3235-AA52
3891	17 CFR 230.134 Rule 134 under the Securities Act of 1933	3235-AB80
3892	17 CFR 230.501 Form D of Regulation D	3235-AB77
3893	17 CFR 239.16b Form S-8 Registration Statement under the Securities Act of 1933	3235-AB79
3894	17 CFR 240. (not available presently) "Chinese Wall" Exemption under the Securities Exchange Act of 1934, as amended by the Insider Trading Sanctions Act of 1984	3235-AC14
3895	17 CFR 240.14a-1 to 240.14a-12 Regulation 14A -- Rules Relating to Proxy Contests	3235-AA03
3896	17 CFR 240.14a-13 Regulation 14A: Solicitation of Proxies Rule 14a-13 obligation of registrants. Rule 14b-2 obligation of banks, association and other fiduciary entities	3235-AC35
3897	17 CFR 240.3a12-10 Exemption of Sales of Certain Interests and Participations Issued in Connection with H.R. 10 Plans from Section 15(a)	3235-AC16
3898	17 CFR 240.11Ab2-1 Rule 11Ab2-1 of the Securities Exchange Act of 1934	3235-AC31
3899	17 CFR 240.15b1-2 Rule 15b1-2 of the Securities Exchange Act of 1934	3235-AC33
3900	17 CFR 240.15c2-4 Rule 15c2-4 -- Transmission or Maintenance of Payments Received in Connection with Underwritings	3235-AB57
3901	17 CFR 240.17Ad-1 Rule 17AD-1 of the Securities Exchange Act of 1934	3235-AC30
3902	17 CFR 240.17ad.8 Rule 17ad-8 of the Securities Exchange Act	3235-AC29
3903	17 CFR 249.1001 Form SIP	3235-AC32
3904	17 CFR 230.174 Rule 174 Amendment - Prospectus Delivery During Quite Period	3235-AC34
3905	17 CFR 239.14 Prospectus Simplification Amendments to Form N-2	3235-AB40
3906	17 CFR 240.14a-1 to 240.14a-102 Revision of Investment Company Proxy Rules	3235-AA69
3907	00 CFR Not yet determined Mutual Fund Governance	3235-AA44
3908	17 CFR 270.3a-4 Proposed Rule 3a-4 -- Individualized Investment Management Services	3235-AA12
3909	17 CFR 270.3a-5 Exemption for Foreign Banks	3235-AC37
3910	17 CFR 270.3c-5 Proposed Rule 3c-5 under the Investment Company Act	3235-AC03
3911	17 CFR 270.10f-3 Exemption of Acquisition of Securities During the Existence of Underwriting Syndicate	3235-AC28
3912	17 CFR 270.11a-3 Proposed Rules 11a-3 and 11a-4 Under the Investment Company Act	3235-AA14
3913	17 CFR 12b-1 Proposed amendments to Rule 12b-1 proposed Rules 2a32-1 and 2a35-1	3235-AC11
3914	17 CFR 270.12d3-2 Proposed Rule 12d3-2	3235-AC36
3915	17 CFR 270.17j-1 Rule 17j-1 under the Investment Company Act of 1940	3235-AA68
3916	17 CFR 270.24f-2 Registration Under The Securities Act of 1933 of an Indefinite Number of Certain Investment Company Securities	3235-AC10
3917	17 CFR 274.11A NIA Housekeeping Amendments	3235-AC25
3918	17 CFR 275.206(3)-3 Method for Compliance with Section 206(3) of the Investment Advisers Act of 1940 with respect to Certain Transactions	3235-AB74
3919	17 CFR 275.206(4)-1 Advertising by Investment Advisers	3235-AC09
3920	17 CFR 275.206(4)-4 Disclosure of Legal and Disciplinary Proceedings	3235-AC06

SEC

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3921	17 CFR 210 Off-Balance Sheet Financing Arrangements	3235-AB68
3922	17 CFR 210.3A-02 (Revision) Proposal Regarding Revision of Rule 3A-02 of Regulation S-X Concerning Consolidated Statement of the Registrant and its Subsidiaries	3235-AC04
3923	17 CFR 210.5-02 Proposals Regarding Industry Segment and Other Interim Financial Reporting Matters, Management's Discussion and Analysis, and Off Balance Sheet Financing Disclosures	3235-AB15
3924	17 CFR 229.304 Disagreements With Accountants on Accounting and Financial Disclosure	3235-AB63
3925	00 CFR Not yet determined Small Issuer Periodic Reports	3235-AA91
3926	17 CFR 240.14d-10 Proposed Tender Offer Rule Amendments	3235-AC15
3927	17 CFR 240.16a-1 to 240.16a-11 Reports of Directors, Officers and Principal Stockholders	3235-AB14
3928	17 CFR 260 Trust Indenture Act Rules	3235-AB43
3929	17 CFR 240.3a12-9 Exemption of Certain Direct Participation Program Interests from Sections 7(c) and 11(d)(1)	3235-AB51
3930	17 CFR 240.9b-1 Rule 9b-1 of the Securities Exchange Act of 1934	3235-AC12
3931	17 CFR 240.11A-1 Proposed Rule 11A-1-- Customer Order Exposure	3235-AA39
3932	17 CFR 240.17Ad-5 Rule 17Ad-5 -- Response to Inquiries	3235-AB12
3933	17 CFR 240.3b-3 Definition of "Short Sale"	3235-AC17
3934	17 CFR 210.6-07 Accounting for Distribution Expenses	3235-AC07
3935	17 CFR 230.134 Disclosure of Security Ratings in Registration Statements of Money Market Funds	3235-AC24
3936	17 CFR 230.180 Amendment to Rule 180 – Exemption from Registration of Certain Interests and Participations in Certain H.R. 10 Plans	3235-AA08
3937	17 CFR 239.15A Revisions to Expense-Related Disclosure Requirements of Form N-1A	3235-AB73
3938	17 CFR 239.16 Simplification of Registration Statements Filed by Unit Investment Trusts	3235-AA47
3939	17 CFR 270.17g-1 Proposed Amendment to Rule 17g-1 Under the Investment Company Act	3235-AA16

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3940	17 CFR 210 Advance Notice of Possible Rulemaking Regarding Financial Assets and Transactions	3235-AC21
3941	17 CFR 210.4-08 Proposed Disclosure Regarding Repurchase and Reverse Repurchase Transactions and Advance Notice of possible Rulemaking Regarding Financial Assets and Transactions	3235-AC05
3942	17 CFR 210 Rescission of Obsolete Rules and Technical Revisions and Corrections	3235-AA74
3943	17 CFR 230.100 Rule 150, Definition of "Commission or other Remuneration" in Section 3(a)(9), for Certain Transactions	3235-AC38
3944	17 CFR 239.25, (New) Proposed Form S-4 and Other Rules	3235-AA01
3945	17 CFR 240.14a-1 to 240.14a-12 Regulation 14A -- Solicitation of Proxies	3235-AA23
3946	17 CFR 240.14a-13 Regulation 14a: Solicitation of Proxies - Rule 14a-13 obligation of registrants. Rule 14b-2 obligation of banks, association and other fiduciary entities	3235-AB78
3947	17 CFR 240.14c-1 to 240.14c-7 Regulation 14C -- Distribution of Information Pursuant to Section 14(c)	3235-AA24
3948	17 CFR 230.143 Rule 143, Definition of "Has Purchased," Sells For," Participation," and Participation," as Used in Section 2(11)	3235-AC39
3949	17 CFR 230.145 Rule 148, Persons Not Deemed to be Underwriters of Securities Issued or Sold in Connection with Bankruptcy Proceedings	3235-AC40
3950	17 CFR 230.148 Rule 149, Definition of "Exchanged" is Section 3(a)(9), for Certain Transaction	3235-AC23
3951	17 CFR 230.149 Rule 100, Definition of Terms Used in the Rules and Regulations	3235-AC41
3952	17 CFR 230.150 Rule 145 -- Reclassifications of Securities, Mergers, Consolidations and Acquisitions of Assets	3235-AC42
3953	17 CFR 240.10b-10 Rule 10b-10 -- Confirmation Disclosure for Reported Securities	3235-AB81
3954	17 CFR 240.17Ac 2-1(a) SEC Supplement to Form TA-1	3235-AC13
3955	17 CFR 210.3-05 Registration of Investment Company Securities Issued in Business Combination Transactions	3235-AB42
3956	17 CFR 250.45 (b)(6), (New) Loans, Extensions of Credit, Donations and Capital Contributions to Associate Companies	3235-AB98
3957	17 CFR 250.70 Exemptions from Section 17(c) of the Act	3235-AB99
3958	17 CFR 270 Standardized Formula for Calculating Investment Company Performance Data in Advertisements	3235-AC08
3959	17 CFR 270.2a-7 Proposed amendments to Rules 2a-7 and 12d3-1 and proposed Rule 2a41-1 under the Investment Company Act	3235-AB38
3960	17 CFR 275.205-3 Proposed Rule 205-3 Under the Investment Advisers Act of 1940	3235-AB70
3961	17 CFR 279.1 Amendments to Form ADV	3235-AB71

SECURITIES AND EXCHANGE COMMISSION (SEC)

Prerule Stage

Disclosure Rules

3880. PROPOSED TENDER OFFER RULE AMENDMENTS

Legal Authority: 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78c(b); 15 USC 78n(d); 15 USC 78n(e); 15 USC 78w(a)

CFR Citation: 17 CFR 240.14d-1 to 240.14d-101; 17 CFR 240.14e-1 to 240.14e-3

Abstract: On January 9, 1986, the Commission authorized the staff to draft a release seeking public comment on three concepts relating to the regulatory corporate takeovers: (1) whether substantial acquisitions of securities effects during the pendency of, or subsequent to the termination of, a tender offer for such securities present issues with respect to takeover practice and, if so, whether a regulatory response such as one described herein is appropriate; second, on the need to establish a shareholder approval requirement for the adoption of "poison pill" security plans; (3) whether to establish provisions in the proposed all holders rule or other tender offer rules by which issuers may "opt-out" of the requirements of such rules through the adoption of charter amendments by shareholders. The Commission will review comments made in response to this release with a view towards determining whether future rulemaking or legislative proposals are necessary and appropriate.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/84	49 FR 26751
ANPRM Comment Period End	09/26/84	49 FR 26751

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Gregory E. Struxness, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-3097

RIN: 3235-AA50

Securities Markets and Securities Industry Rules

3881. SHORT SALES

Legal Authority: 15 USC 78a; 15 USC 78b; 15 USC 78c; 15 USC 78i(a)(6); 15 USC 78j(a); 15 USC 78j(b); 15 USC 78o(c); 15 USC 78w(a)

CFR Citation: 17 CFR 240.10a-1

Abstract: Rule 10a-1 regulates short sales of certain securities. The rule provides generally that short sales of exchange-listed reported securities (i.e., securities as to which last sale information is reported in the consolidated system) may be effected only at a price above the price at which the immediately preceding sale was effected ("plus tick"), or at a price equal to the last sale price if the last preceding transaction at a different price was at a lower price ("zero-plus tick"), established by reference to the last sale price reported from any market in the consolidation system. The general purpose of Rule 10a-1 is to prevent manipulative sales of a security for the purpose of accelerating a decline in the price of such security.

Timetable:

Action	Date	FR Cite
End Review	09/30/86	

Small Entity: Undetermined

Agency Contact: Nancy J. Burke, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2848

RIN: 3235-AC18

3882. REQUIREMENTS FOR COVERING PURCHASES

Legal Authority: 15 USC 78c(b); 15 USC 78j(a); 15 USC 78w(a)

CFR Citation: 17 CFR 240.10a-2

Abstract: Rule 10a-2 regulates covering transactions for short sales. If on the due date of delivery of a security sold pursuant to an order marked "long" the broker or dealer has not received the security from the customer, he must cover the open position unless he knows or has been informed by the seller either (1) that the security sold has been forwarded to the account for which the sale was effected; or (2) that the seller owns the security sold, that it is then impracticable to deliver to such account the security owned and that he will deliver such security to such account as soon as is possible without undue inconvenience or expense.

Timetable:

Action	Date	FR Cite
End Review	09/30/86	

Small Entity: Undetermined

Agency Contact: Nancy J. Burke, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2848

RIN: 3235-AC19

3883. RULE 15C2-5: DISCLOSURE AND OTHER REQUIREMENTS WHEN EXTENDING CREDIT IN CERTAIN TRANSACTIONS

Legal Authority: 15 USC 78o(c)(2); 15 USC 78k(d)(1); 15 USC 78q(c); 15 USC 78w(a)

CFR Citation: 17 CFR 240.15c2-5

Abstract: Rule 15c2-5 under the Securities Exchange Act of 1934 would make it a fraudulent, deceptive or manipulative act or practice as used in Section 15(c)(2) of the Act for any broker-dealer to offer, sell or attempt to induce the purchase of any security by any person if the broker-dealer arranges a loan for such person unless, before the transaction is entered into, the broker-dealer (1) delivers to such person a written statement setting forth the exact nature and extent of his obligations, the risks involved, and the commissions and other remuneration to be received by the broker-dealer and by other persons in a control relationship to broker-dealer, and (2) obtains from such person information concerning his financial situations and needs, reasonably determines that the entire transaction including the loan arrangement is suitable for such person, and retains in his files a written statement setting forth the basis upon which the broker-dealer made the determination.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Michael A. Macchiaroli, Assistant Director, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2904

RIN: 3235-AC20

SECURITIES AND EXCHANGE COMMISSION (SEC)

Proposed Rule Stage

Accounting Rules

3884. REQUEST FOR COMMENTS ON "OPINION SHOPPING"

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o; 15 USC 78w; 15 USC 79e; 15 USC 79n; 15 USC 79t; 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210

Abstract: The Commission requested comments on the practice of registrants who seek an auditor who is willing to support a proposed accounting treatment which is intended to accomplish the registrant's reporting objectives, but which is not necessarily in accordance with generally accepted accounting principles.

Timetable:

Action	Date	FR Cite
ANPRM	07/01/85	50 FR 28219
ANPRM Comment Period End	10/09/85	50 FR 28219

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: **Robert E. Burns**, Chief Counsel, Office of Chief Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW, Washington, D.C. 20549, **202 272-2130**

RIN: 3235-AC02

3885. ALLOCATION OF EXPENSES AND RELATED DISCLOSURE IN FINANCIAL STATEMENTS OF SUBSIDIARIES, DIVISIONS OR LESSER BUSINESS COMPONENTS OF ANOTHER ENTITY

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77a(25); 15 USC 77a(26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a)

CFR Citation: 17 CFR Not yet determined

Abstract: The staff is considering whether to recommend that the Commission propose rules regarding the allocation of expenses and related disclosure in financial statements of subsidiaries, divisions or lesser business components of another entity.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: **Robert Lavery**, Staff Accountant, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, **202 272-2130**

RIN: 3235-AB17

3886. SPECIFIC DISCLOSURE REQUIREMENTS FOR SAVINGS AND LOAN HOLDING COMPANIES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25); 15 USC 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a); 15 USC 79e; 15 USC 79n; 15 USC 79t; 15 USC 80a-29

CFR Citation: 17 CFR 210.9; 17 CFR 231; 17 CFR 241

Abstract: The staff is considering whether to propose amendments to Industry Guide 3, statistical disclosure by bank holding companies and Article 9 of Regulation S-X. The formation of savings and loans holding companies has increased during the past several years to the point where approximately 60 savings and loan holding companies file with the Commission. In addition, a number of other registrants own savings institutions. The Commission's regulations do not specifically address the filing requirements for savings and loans, which have certain practices peculiar to the industry. The amendments, if proposed, would focus on disclosure requirements to enhance the comparability among registrants.

Timetable:

Action	Date	FR Cite
NPRM	06/30/86	
Final Action	12/31/86	

Small Entity: Undetermined

Agency Contact: **Laurel R. Bond**, Staff Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2130**

RIN: 3235-AB65

3887. FINANCIAL STATEMENT DISCLOSURE BY BANK HOLDING COMPANIES ABOUT LOANS TO RELATED PARTIES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77a(25); 15 USC 77a(26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a)

CFR Citation: 17 CFR 210.9-03(7)(e)

Abstract: The staff is considering whether to recommend that the Commission propose amendments to its rules in Article 9 of Regulations S-X requiring disclosure by bank holding companies about loans to related parties. Assertions have been made that accumulation of the required information may be unreasonably costly.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: **Wayne Pentrack**, Professional Accounting Fellow, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, **202 272-2130**

RIN: 3235-AB45

3888. STANDARDS FOR DISCLOSURE REGARDING FOREIGN PUBLIC SECTOR DEBT

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25); 15 USC 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a)

CFR Citation: 17 CFR 231; 17 CFR 241

Abstract: The staff is considering whether to propose an amendment to Industry Guide 3, statistical disclosure by bank holding companies. Since 1982, a number of foreign countries have restructured significant portions of their debt owed to multinational consortiums of financial institutions. These restructurings can impact individual bank holding companies differently because of the relative exposures to these foreign countries. The amendment, if proposed, would focus on uniform disclosures of the terms of the restructurings and the impact to the bank holding company. This disclosure

would enhance the comparability between registrants.

Timetable:

Action	Date	FR Cite
NPRM	06/30/86	
Final Action	12/31/86	

Small Entity: Undetermined

Agency Contact: Wayne Pentrack, Professional Accounting Fellow, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235-AB69

Disclosure Rules

3889. REGISTRATION OF PARTNERSHIP INTERESTS

Legal Authority: 15 USC 77g; 15 USC 77j; 15 USC 77s(a)

CFR Citation: 17 CFR Not yet determined

Abstract: Currently, there are no disclosure requirements specially tailored for issuers of partnership interests. Thus, they currently must refer to requirements which have been designed for use by corporations. Special disclosure requirements have developed as a matter of administrative practice. These requirements differ depending upon the type of partnership interest involved. This project will involve development of uniform disclosure requirements for all varieties of partnership offerings, with a focus on those characteristics common to all or most limited partnerships, such as tax implications. It also will involve codification of informal practices and streamlining of registration to the extent appropriate. These efforts are expected to facilitate the preparation of registration statements concerning such interests and to improve the disclosure provided to investors.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: Leslie Murphy, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-2589

RIN: 3235-AB47

3890. GENERAL RULES UNDER THE SECURITIES ACT OF 1933--THE "100 SERIES"-- RULES 100 THROUGH 180 (EXCLUDING RULES 137, 138 AND 139)

Legal Authority: 15 USC 77s Securities Act

CFR Citation: 17 CFR 230.100 to 230.180

Abstract: The Commission is conducting a "sunset" review of the thirty-nine rules contained in the "100 series" of general rules under the Securities Act. Generally, these rules define key terms used in the Securities Act. The object of this review is to eliminate any inconsistencies, to delete unnecessary, outmoded or duplicative rules and to update and revise the remaining provisions. This project is in addition to the separate project to review Rules 137, 138 and 139.

Timetable:

Action	Date	FR Cite
NPRM	05/31/86	

Small Entity: Undetermined

Additional Information: CFR cite excludes 17 CFR 230.137, .138 and .139.

Agency Contact: Thomas E. Sweeney, Jr., Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-2589

RIN: 3235-AA52

3891. RULE 134 UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 77b(10); 15 USC 77s(a)

CFR Citation: 17 CFR 230.134

Abstract: The rule is being examined in response to informal requests from the public that its scope be broadened. The Commission is considering changes which would permit the inclusion in communications under the rule of information that is relevant in informing investors of the existence of certain types of securities, while ensuring that any efforts to sell such securities are conducted by means of a prospectus meeting the requirements of Section 10 of the Securities Act of 1933. In the context of this rule-making action, Rule 134 is being fully reviewed.

Timetable:

Action	Date	FR Cite
NPRM	03/31/86	

Small Entity: Undetermined

Agency Contact: Ann M. Glickman, Special Counsel, Securities and Exchange Commission, Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2573

RIN: 3235-AB80

3892. FORM D OF REGULATION D

Legal Authority: 15 USC 77c(b); 15 USC 77d(2); 15 USC 77s(a); 15 USC 77c(3)

CFR Citation: 17 CFR 230.501; 17 CFR 230.502; 17 CFR 230.503; 17 CFR 230.504; 17 CFR 230.505; 17 CFR 230.506; 17 CFR 239.500

Abstract: The Securities Act of 1933 ("Securities Act") requires securities to be registered with the Securities and Exchange Commission ("SEC") prior to an offer or sale unless an appropriate exemption from registration exists. Section 3(b) and 4(2) of the Securities Act provide for exemption from registration and Regulation D was promulgated thereunder. Regulation D requires the filing of a Form D 15 days after the first sale pursuant to the Regulation D exemption. The Commission plans to revise Form D to eliminate certain information currently required by the Form and to clarify other questions therein in order to minimize the filing burdens on issuers using the Regulation. In the context of this rulemaking, Form D will be fully reviewed for purposes of the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Mary M. Jackley, Special Counsel, Securities and Exchange Commission, Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2644

RIN: 3235-AB77

3893. FORM S-8 REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a)

CFR Citation: 17 CFR 239.16b

Abstract: The Commission intends to revise the disclosure requirements under the federal securities laws relating to registration under the Securities Act of 1933 of securities to be offered to employees of an issuer pursuant to certain plans. Such registration currently is made on Form S-8 (17 CFR 239.16b). The Commission is developing proposals in this area and considering alternative approaches to the problem of reducing burdens while ensuring the availability of sufficient information to employees, particularly where they already have access to much of the required information under ERISA. In the context of this rulemaking, Form S-8 will be fully reviewed for purposes of the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
NPRM	03/31/86	

Small Entity: Undetermined

Agency Contact: John C. Brousseau, Staff Attorney, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AB79

3894. "CHINESE WALL" EXEMPTION UNDER THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED BY THE INSIDER TRADING SANCTIONS ACT OF 1984

Legal Authority: 15 USC 78(u); 15 USC 78(w)

CFR Citation: 17 CFR 240. (not available presently)

Abstract: The Commission intends to propose a rule under section 21(d)(2)(A)of the Securities Exchange Act of 1934 to exempt from liability for purposes of that section trading by multiservice firms under certain circumstances. The rule proposal will be similar in intent and design to Rule 14e-3(b) which establishes an exception from liability under Rule 14e-3(a) of the Exchange Act where an institution or other non-natural person has implemented reasonable procedures to ensure that individuals within the institution who make investment decisions on behalf of such person would not know or would not use material, non-public information within the possession of such person and that such individuals did not in fact know the information.

Timetable:

Action	Date	FR Cite
NPRM	05/31/86	

Small Entity: Undetermined

Agency Contact: Larisa Dobriansky, Attorney Adviser, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AC14

3895. REGULATION 14A -- RULES RELATING TO PROXY CONTESTS

Legal Authority: 15 USC 78n(a) Exchange Act

CFR Citation: 17 CFR 240.14a-1 to 240.14a-12; 17 CFR 240.14a-101; 17 CFR 240.14a-102

Abstract: As part of its proxy review program, the Commission intends to review the rules governing proxy contests, which are contained in Regulation 14A, promulgated under Section 14(a) of the Exchange Act. Regulation 14A regulates the solicitation of proxies in regard to securities registered under Section 12 of the Exchange Act. In general, Regulation 14A specifies the information required to be disclosed to security holders to enable them to make informed decisions concerning authorization of proxies. This review focuses only on regulations concerning proxy contests. Rules 14a-3 through 14a-10 prescribe certain filing, dissemination and disclosure requirements with respect to all proxy solicitations, including proxy contests. Rule 14a-11 prescribes special requirements relating only to contested elections of directors. The number of proxy contests has risen in recent years and the rules relating to them have not been reexamined in some time. The Commission's goal in this review is to make sure that the rules pertaining to proxy contests still operate effectively in addressing this dynamic area, thus benefiting shareholders and issuers.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-2589

RIN: 3235-AA03

3896. ● REGULATION 14A: SOLICITATION OF PROXIES RULE 14A-13 OBLIGATION OF REGISTRANTS. RULE 14B-2 OBLIGATION OF BANKS, ASSOCIATION AND OTHER FIDUCIARY ENTITIES

Legal Authority: 15 USC 781; 15 USC 78n; 15 USC 78g; 15 USC 78w

CFR Citation: 17 CFR 240.14a-13; 17 CFR 240.14b-2; 17 CFR 240.14c-7

Abstract: Proposed Rule 14b-2 and proposed amendments in Rules l4a-13 and 14c-7 are designed to improve the progress by which registrants communicate with the beneficial owners of securities registered in the name of a bank, association or other fiduciary entity.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Sarah A. Miller, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 Fifth Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AC35

Securities Markets and Securities Industry Rules

3897. EXEMPTION OF SALES OF CERTAIN INTERESTS AND PARTICIPATIONS ISSUED IN CONNECTION WITH H.R. 10 PLANS FROM SECTION 15(A)

Legal Authority: 15 USC 78c(a)(12); 15 USC 78o; 15 USC 78w; 15 USC 77c(a)(12); 15 USC 77s(a)

CFR Citation: 17 CFR 240.3a12-10; 17 CFR 230.180

Abstract: The proposed rule would specify certain conditions under which persons engaged in the sale of interests and participation issued in connection with certain tax-qualified retirement plans ("H.R.10" or "Keogh" plans) would not be required to register as broker-dealers under Section 15(a) of the Securities Exchange Act of 1934. In 1981, the Commission adopted Rule 180 under the Securities Act of 1933 exempting from the registration requirements of that Act interests and participations issued in connection with H.R. 10 plans. The proposed rule provides a parallel exemption from broker-dealer registration for sales of such interests and participations in H.R. 10 plans. As an alternative the staff could consider granting no-action or exemptive requests on a case-by-case basis. However, such procedure would be inefficient and needlessly expensive for both the public and the Commission staff. In addition, the Commission is proposing to amend Rule 180 to clarify that, under paragraph (a)(3)(ii) of that Rule, the employer only needs to obtain investment advice prior to the investment of plan assets. This proposal codifies a previous staff position.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: staff position.

Agency Contact: Susan J. Walters, Branch Chief, Legal Interpretations, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2417

RIN: 3235-AC16

3898. ● RULE 11AB2-1 OF THE SECURITIES EXCHANGE ACT OF 1934

Legal Authority: 15 USC 78(b); 15 USC 78(c); 15 USC 78(s); 15 USC 78(w)

CFR Citation: 17 CFR 240.11Ab2-1

Legal Deadline: None

Abstract: Rule 11Ab2-1 implement mandatory registration of securities information processors required by Section 11A(b)(1) of the Act. The Rule requires an application for registration as a securities information processor to be filed on Form SIP. The Rule related Form SIP establish the procedure by which securities information processors may apply to the Commission for registration.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Lee Goss, Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 Fifth Street, N. W., Washington, DC 20549, 202 272-2827

RIN: 3235-AC31

3899. ● RULE 15B1-2 OF THE SECURITIES EXCHANGE ACT OF 1934

Legal Authority: 15 USC 780; 15 USC 78(w)

CFR Citation: 17 CFR 240.15b1-2

Legal Deadline: None

Abstract: Rule 15b1-2 requires every broker or dealer who file an application to register on Form BD to include a financial statement disclosing the amount and nature of assets and liabilities and the net worth of the broker-dealer, as well as a computation of aggregate indebtedness and net capital, which generally must comply with Rule 15c3-1. In addition, the Rule states that a schedule of securities which must be furnished with the statement of financial condition will generally be kept confidential if bound separately. The Rule also requires that an applicant for registration provide representations that capital contributed to the broker-dealer will continue to be devoted to that business and that arrangements have been made to establish and maintain adequate facilities for business, including a discussion of personnel, physical facilities, maintenance and preservation of books and records, procedures to be utilized in supervising associated persons, and a statement describing the source of funds for the operation of the business during its first year.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Edward L. Pittman, Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 Fifth Street, N. W., Washington, DC 20549, 202 272-2848

RIN: 3235-AC33

3900. RULE 15C2-4 -- TRANSMISSION OR MAINTENANCE OF PAYMENTS RECEIVED IN CONNECTION WITH UNDERWRITINGS

Legal Authority: 15 USC 78o; 15 USC 78w

CFR Citation: 17 CFR 240.15c2-4

Abstract: Rule 15c2-4 applies to best-efforts distributions of securities that are conducted on any basis where payment will not be made to the issuer until some further event or contingency occurs. It requires a broker-dealer participant either to promptly deposit investor's funds into a separate bank account, or to promptly transmit such funds to a bank escrow agent, until the contingency occurs. The purpose of the rule is to insulate offering proceeds from unlawful activities by, or the financial reverses of, the broker-dealer, pending the occurrence of the contingency. Amendments to the rule are being considered that would resolve ambiguities and would codify interpretive positions taken by the staff since the rule's adoption in 1962. An interpretive release is being considered as an alternative. Neither action would increase the costs of complying with the rule since either action would simply clarify, not change, the application of the rule. The benefits of either action would be eliminating confusion and ambiguity, more clearly defining a broker-dealer's

SEC

Proposed Rule Stage

responsibilities under the rule, and providing greater uniformity in industry practice.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Nancy J. Burke, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2848

RIN: 3235-AB57

3901. ● RULE 17AD-1 OF THE SECURITIES EXCHANGE ACT OF 1934

Legal Authority: 15 USC 78b; 15 USC 78q; 15 USC 78q-1; 15 USC 78w

CFR Citation: 17 CFR 240.17Ad-1

Legal Deadline: None

Abstract: Currently, Rule 17Ad-1 provides definitions for terms that apply to Rules 17Ad-2 through 17Ad-7, which, among other things, establish minimum performance standards, recordkeeping and record retention requirements for registered transfer agents. The proposed amendments would modify the definition of "item" as that term relates to depository shipment control lists. Under the proposed definition, each line of a depository shipment control list would be considered a separate item. The modification is being considered to increase the weight accorded depository transfer requests by transfer agents in meeting the requirements in Rule 17Ad-2 to turnaround ninety percent of all routine items within specified time frames.

Timetable:

Action	Date	FR Cite
NPRM	01/28/86	
NPRM Comment Period End	03/01/86	

Small Entity: Undetermined

Agency Contact: Joseph M. Furey, Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 Fifth Street, N.W., Washington, DC 20549, 202 272-2426

RIN: 3235-AC30

3902. ● RULE 17AD-8 OF THE SECURITIES EXCHANGE ACT

Legal Authority: 15 USC 17b; 15 USC 78g-1; 15 USC 78w(a)

CFR Citation: 17 CFR 240.17ad.8

Legal Deadline: None

Abstract: Rule 17Ad-8 requires a registered clearing agency, at the request of an issuer, to provide the issuer with a "securities position listing." A securities position listing is a list of the clearing agency's participants on whose behalf the clearing agency holds the issuer's securities as well as participants' position as of a specified date. The Rule further provides that the clearing agency may charge a reasonable fee for providing the list.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Christine Sakach, Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 Fifth Street, N.W., Washington, DC 20549, 202 272-7393

RIN: 3235-AC29

3903. ● FORM SIP

Legal Authority: 15 USC 78(b); 15 USC 78(c); 15 USC 78(s); 15 USC 78(w)

CFR Citation: 17 CFR 249.1001

Legal Deadline: None

Abstract: Pursuant to Rule 11Ab2-1, a securities information processor which is required to be registered with the Commission in accordance with Section 11A(b)(l) is required to apply for registration on Form SIP.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Lee Goss, Attorney, Securities and Exchange Commission, Division of Market Commission, 450 Fifth Street, N. W., Washington, DC 20549, 202 272-2827

RIN: 3235-AC32

Investment Management Rules

3904. ● RULE 174 AMENDMENT - PROSPECTUS DELIVERY DURING QUITE PERIOD

Legal Authority: 15 USC 77s; 15 USC 77d

CFR Citation: 17 CFR 230.174

Legal Deadline: None

Abstract: The proposed amendment to Rule 174 would reduce the prospectus delivery period for dealers in connection with transactions in certain securities that are registered for initial public offerings.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Larisa Dobriansky, Attorney Adviser, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N.W., Washington, D.C. 20549, 202 272-2107

RIN: 3235-AC34

3905. PROSPECTUS SIMPLIFICATION AMENDMENTS TO FORM N-2

Legal Authority: 15 USC 80a-8 Investment Company; 15 USC 77g Securities Act; 15 USC 77j Securities Act

CFR Citation: 17 CFR 239.14; 17 CFR 274.11a-1

Abstract: Form N-2 is the registration statement form under the Investment Company Act of 1940 and the Securities Act of 1933 for closed-end management investment companies other than small business investment companies and companies which issue periodic payment plan certificates or which are sponsors or depositors of companies issuing such certificates. Included within the registration statement are the companies' prospectuses used in offering their securities to the public. The Commission believes a simplified prospectus is necessary because current prospectuses have become too cumbersome for the average investor to understand and because current requirements result in the disclosure of

much information that is not necessarily material to an investment decision. Simplification will, therefore, make disclosure easier for investors to understand and reduce the costs and burdens of of preparing and distributing prospectuses. Accordingly, the Commission is proposing a new form N-2A that most likely would be structured as a three-part form, one part of which would be a new simplified prospectus. There does not currently exist (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: a basis upon which to quantify the reduced costs and burdens of such action on those registrants affected. The contemplated amendments are still in the developmental stage and have not yet been formally proposed by the Commission. Thus, the extent of the simplification of investment companies' prospectuses actually proposed and the attendant reductions in costs and burdens are as yet largely unknown, but are expected to reduce the cost of registration for both the industry and government.

Agency Contact: Stephen C. Beach, Attorney, Securities and Exchange Commission, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3040

RIN: 3235-AB40

3906. REVISION OF INVESTMENT COMPANY PROXY RULES

Legal Authority: 15 USC 78n; 15 USC 78w; 15 USC 80a-20; 15 USC 80a-37

CFR Citation: 17 CFR 240.14a-1 to 240.14a-102; 17 CFR 240.14b-1; 17 CFR 240.14c-1 to 240.14c-101; 17 CFR 270.20a-1; 17 CFR 270.20a-2; 17 CFR 270.20a-3

Abstract: Absent an exception, every solicitation of a proxy, authorization or consent in respect of any security with respect to which a registered investment company is the issuer, is subject to rules adopted pursuant to the Securities Exchange Act of 1934 and the Investment Company Act of 1940 concerning solicitations of proxies. Solicitations to which the rules apply may not commence unless each person solicited is furnished or has previously been furnished with a proxy statement containing specified information prepared in accordance with certain rules and the material has been filed with the Commission. The existing proxy rules were adopted in piecemeal fashion and have been the subject of frequent changes. This has led to certain duplicative and, in certain cases, complex requirements. To the extent that a proxy statement contains repetitive material or is overly complicated and difficult to read, it may not effectively perform its intended function of communicating meaningful information to security holders in order that they may make informed voting decisions. In order to update the proxy regulations and, in doing so, improve the (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: readability of proxy statements and eliminate unnecessary disclosure costs, the Commission has commenced a comprehensive review of the proxy regulations as they relate to investment companies. There does not currently exist a basis upon which to quantify the reduced costs and burdens of such action on those registrants affected. Since the action will apply to all registered investment companies soliciting proxies, unless the solicitation is excepted, the Action is expected to have a significant impact on a substantial number of small entities. However, the contemplated revisions are still in the developmental stage and have not yet been formally proposed by the Commission. Thus, the extent of the revision actually proposed and the attendant reductions in costs and burdens are as yet largely unknown, but are anticipated to be significant.

Agency Contact: Stephen C. Beach, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3040

RIN: 3235-AA69

3907. MUTUAL FUND GOVERNANCE

Legal Authority: 15 USC 80a-16(c); 15 USC 80a-35; 15 USC 80a-6(c)

CFR Citation: Not yet determined

Abstract: On December 10, 1982, the Commission issued an advance concept release (Investment Company Act Release No. 12888, (47 FR 56509)) soliciting public comment on whether the Commission should propose rules or recommend legislation which would provide for an alternative form of mutual fund governance. Specifically, this release requests comment on whether mutual funds should be exempted from shareholder voting and/or director requirements under the Investment Company Act of 1940 (the "Act") and, if so, whether conditions could be fashioned which would adequately insure against loss of investor protection. Although such changes might be effected through rulemaking, the Commission has indicated that, in its preliminary judgment, changes of this magnitude should be effected through legislative rather than administrative action. Since the costs and benefits of providing for an alternative scheme of mutual fund governance cannot be estimated at the present time, the release solicits specific comment on the costs and benefits which would result from such changes. Extension of comment period until April 18, 1983 was announced in Investment Company Act Release No. 13012 (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/10/82	47 FR 56509
Ext'n of Comment Period to 4/18/83	02/07/83	48 FR 6354
ANPRM Comment Period End	04/18/83	48 FR 6354

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: (February 7, 1983) 48 FR 6354.

Agency Contact: Elizabeth M. Knoblock, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3036

RIN: 3235-AA44

3908. PROPOSED RULE 3A-4 -- INDIVIDUALIZED INVESTMENT MANAGEMENT SERVICES

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a); Investment Company Act, Sec 6(c); Investment Company Act, Sec 38(a)

CFR Citation: 17 CFR 270.3a-4

Abstract: In Investment Company Act Release No. 11391 (October 10, 1980) (45 FR 69479) the Commission proposed for public comment Rule 3a-4, which would deem investment management services providing their clients with individualized treatment not to be investment companies for purposes of the Act. The rule provides a "safe harbor" for any investment manager providing its clients with treatment based on the needs and goals of each client. Under such circumstances, regulation of investment management services under the Act appears unnecessary. The proposed rule was intended to clarify the Commission's position on the question of "mini-accounts" by providing a safe harbor for certain investment management services and thereby provide some certainty to the public. The Commission does not expect any final action taken on the proposal to significantly affect the cost of providing investment management services. The public comment letters on the proposal have been reviewed and alternatives for final action are being formulated.

Timetable:

Action	Date	FR Cite
NPRM	10/10/80	45 FR 69479
NPRM Comment Period End	01/31/81	45 FR 69479

Next Action Undetermined

Small Entity: Undetermined

Additional Information: NPRM is Release No. IC-11391 (10/10/80)

Agency Contact: Elizabeth Knoblock, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235-AA12

3909. ● EXEMPTION FOR FOREIGN BANKS

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.3a-5; 17 CFR 270.3a.6

Abstract: Foreign banks and their finance subsidiaries are considered investment companies under the Investment Company Act of 1940. The regulation will provide an exemption from the Act for foreign banks and their finance subsidiaries that issue securities in the United States under certain conditions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Philip J. Niehoff, Attorney Advisor, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N.W. (Stop 5-2), Washington, DC 20549, 202 272-7321

RIN: 3235-AC37

3910. PROPOSED RULE 3C-5 UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-6c; 15 USC 80a-37

CFR Citation: 17 CFR 270.3c-5

Abstract: The Commission is considering whether to propose a rule that would provide exemptive relief from all provisions of the ICA to limited purpose finance subsidiaries that own or hold mortgage-related securities. This would obviate the necessity of these subsidiaries filing applications for exemptive relief.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Elizabeth M. Knoblock, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2048

RIN: 3235-AC03

3911. ● EXEMPTION OF ACQUISITION OF SECURITIES DURING THE EXISTENCE OF UNDERWRITING SYNDICATE

Legal Authority: 15 USC 80a-10(f); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.10f-3

Abstract: The conditions in existing Rule 10f-3, which allow purchases from affiliated underwriters during the existence of an underwriting syndicate, may no longer be appropriate in today's financial markets. The Commission is investigating possible alternative provisions and soliciting comment on these alternatives.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Philip J. Niehoff, Attorney/Advisor, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235-AC28

3912. PROPOSED RULES 11A-3 AND 11A-4 UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-11(a); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.11a-3; 17 CFR 270.11a-4

Abstract: The Commission is considering whether to propose a Rule 11a-3 and a Rule 11a-4 which would exempt certain persons from the requirements of Section 11(a) of the Investment Company Act. That section generally prohibits any registered open-end investment company and the principal underwriter of its shares from making an offer to a shareholder to exchange his security for another security on any basis other than the net asset values of the securities to be exchanged without approval of the Commission. Section 11(c) extends the prohibitions of Section 11(a) to offers of the securities of unit investment trusts. The Commission has issued numerous orders permitting open-end management companies and the principal underwriter(s) of their shares to make exchange offers on the basis of the relative net asset value of the securities being exchanged plus a sales load equal to the difference between

the sales load which would otherwise be charged on the securities to be acquired and on the securities to be exchanged. The Commission has also issued orders permitting unit investment trusts and their sponsors to make offers of exchange based on the relative net asset (cont)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: value of the respective securities plus a fixed fee to cover expenses. The proposed rules would codify such orders (Rule 11a-3 for management companies; Rule 11a-4 for unit investment trusts) thereby eliminating the cost for small companies of preparing applications seeking the orders. Thus, the proposed rules would have a beneficial economic impact on such companies. The proposed rules would contain several conditions to assure the protection of investors. Any such conditions would be included in the rule in order to adequately protect investors against the abuses addressed by Section 11.

Agency Contact: Elizabeth M. Knoblock, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3036

RIN: 3235-AA14

3913. PROPOSED AMENDMENTS TO RULE 12B-1 PROPOSED RULES 2A32-1 AND 2A35-1

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37; 15 USC 80a-12(b)

CFR Citation: 17 CFR 12b-1; 17 CFR 2a35-1

Abstract: The Commission is considering whether to propose amendments to Rule 12b-1 under the Investment Company Act to redefine the circumstances under which investment companies may pay for distribution expenses out of investment company assets. The Commission is also considering whether to propose Rule 2a35-1 under the Investment Company Act to allow investment companies to charge contingent deferred sales loads and to include such contingent deferred sales loads within the definition of a sales load under the Act. These actions would abrogate the need for investment companies to file applications for exemptive relief.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Jack Murphy, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2048

RIN: 3235-AC11

3914. ● PROPOSED RULE 12D3-2

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37

CFR Citation: 17 CFR 270.12d3-2

Abstract: The Commission is considering whether to propose a rule that would set forth the conditions under which registered investment companies may engage in repurchase agreement transactions with persons engaged in securities related businesses.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Jack W. Murphy, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N.W. (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235-AC36

3915. RULE 17J-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-17(j); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17j-1

Abstract: Rule 17j-1 requires every access person of a registered investment company, or of an investment adviser of or principal underwriter for the investment company to report to the investment company certain of his securities transactions. The Commission is considering whether to propose an amendment to this rule which would reduce the reporting requirement for investment company directors who are interested persons with respect to the investment company by reason of their affiliation with a registered broker-dealer. Members of the industry have characterized these reporting requirements as unnecessarily burdensome in some instances. Any such rule amendment would have the effect of lessening the reporting requirements currently imposed by the rule. As a result, the staff believes that the costs, which should be insignificant, of complying with any amendment would be significantly less than the benefits it would provide. The staff is concurrently reviewing similar reporting requirements for investment advisers under Rule 204-2(a)(12) and (13) under the Investment Advisers Act, in order to (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: harmonize the provisions of Rule 17j-1 and Rule 204-2 to the extent possible.

Agency Contact: Elizabeth M. Knoblock, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2048

RIN: 3235-AA68

3916. REGISTRATION UNDER THE SECURITIES ACT OF 1933 OF AN INDEFINITE NUMBER OF CERTAIN INVESTMENT COMPANY SECURITIES

Legal Authority: 15 USC 80a-37; 15 USC 80a-24

CFR Citation: 17 CFR 270.24f-2

Abstract: Rule 24f-2 allows certain investment companies to register an indefinite number of their securities under the Securities Act of 1933. The rule was adopted by the Commission in 1977 in order to address the problem of oversales by investment companies. Although the rule is relied on by unit investment trusts, provisions of the rule regarding the payment of fees and the filing of notices may be unnecessarily burdensome for unit trusts under certain circumstances. The Commission is considering a rule which would

streamline the procedures to be followed by unit investment trusts relying on the indefinite registration provisions of rule 24f-2. Because the proposed rule is in the developmental stages, its potential costs and benefits as a whole and the potential effect on small entities are uncertain at this time.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Jay B. Gould, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2810

RIN: 3235-AC10

3917. ● NIA HOUSEKEEPING AMENDMENTS

Legal Authority: 15 USC 580a-8(b)

CFR Citation: 17 CFR 274.11A

Legal Deadline: None

Abstract: The Commission is considering several modifications to Form N1A which would reduce the number of copies that must be filed with the Commission, clarify the operation of item 15(c) of the Statement of Additional information with respect to senes companies, and confirm the procedures for requesting the statement of additional information to those contained in Forms N-3 and N-4.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Debra Kertzman, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 Fifth street, N. W., Washington, DC 20549, 202 272-2107

RIN: 3235-AC25

3918. METHOD FOR COMPLIANCE WITH SECTION 206(3) OF THE INVESTMENT ADVISERS ACT OF 1940 WITH RESPECT TO CERTAIN TRANSACTIONS

Legal Authority: 15 USC 80b-11(a)

CFR Citation: 17 CFR 275.206(3)-3

Abstract: Section 206(3) of the Investment Advisers Act of 1940 makes it unlawful for any investment adviser, by use of the mail or any means or instrumentality of interstate commerce, directly or indirectly, knowingly to effect a securities transaction (a) with a client while acting as principal or (b) for a client while acting as broker for a person other than such client, without disclosing in writing to such client before the completion of the transaction the capacity on which he is acting and obtaining the consent of the client to the transaction. The Commission is considering whether to propose a rule that would provide a nonexclusive method for compliance with the provisions of Section 206(3) of the Investment Advisers Act of 1940 in connection with purchases of securities from an underwriting syndicate for an advisory client under specified conditions. Because the proposed rule is still in the developmental stages, its potential effect on small entities and its potential costs and benefits as a whole are unknown at this time.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Stephen C. Beach, Attorney, Securities and Exchange Commission, Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-3040

RIN: 3235-AB74

3919. ADVERTISING BY INVESTMENT ADVISERS

Legal Authority: 15 USC 80b-11(a)

CFR Citation: 17 CFR 275.206(4)-1

Abstract: Rule 206(4)-1 contains a wide range of restrictions on advertising by investment advisers including prohibitions on the use of testimonials. The rule was adopted in 1962 and has not been revised since. The Commission is considering whether to amend the rule in a manner which would permit greater flexibility to investment advisers in their advertising and protect the investing public from potential abuse. Because the proposed amendments to the rule are still in the developmental stages, the potential effect on small entities and its potential costs and benefits as a whole are uncertain at this time.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Robert E. Plaze, Attorney Advisor, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2098

RIN: 3235-AC09

3920. DISCLOSURE OF LEGAL AND DISCIPLINARY PROCEEDINGS

Legal Authority: 15 USC 80b-11a

CFR Citation: 17 CFR 275.206(4)-4

Abstract: Section 206 of the Investment Advisers Act of 1940 prohibits a wide range of fraudulent activity by investment advisers. The Commission has interpreted this section to require that advisers disclose disciplinary and legal proceedings in which they have been involved which are material to an evaluation of the adviser's integrity and ability. The Commission is considering proposing a rule under Section 206(4) of the Advisers Act, which would clarify the disclosure requirements of advisers who have been involved in disciplinary and legal proceedings. The Commission also is considering codifying in the rule its interpretation of the adviser's fiduciary duty under Section 206 to disclose serious financial conditions which might impair the ability of the adviser to meet its contractual commitments. Because the rule is in its developmental stages, the potential impact on small entities and its potential costs and benefits as a whole are unknown at this time.

SEC

Proposed Rule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Debra J. Kertzman, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W.(Stop 5-2), Washington, D.C. 20549, **202 272-2107**

RIN: 3235-AC06

SECURITIES AND EXCHANGE COMMISSION (SEC)

Final Rule Stage

Accounting Rules

3921. OFF-BALANCE SHEET FINANCING ARRANGEMENTS

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a); 15 USC 79e; 15 USC 79n; 15 USC 79t; 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210

Abstract: The staff is considering whether to recommend that the Commission propose rules calling for increased disclosure of off-balance sheet financing arrangements. During recent years off-balance sheet financing arrangements have increased in number and complexity, and disclosure of such arrangements may currently appear in various places throughout the financial statement footnotes. The identification and analysis of the aggregate impact of the various types of arrangements may therefore be difficult. The staff is considering various alternatives - including possible centralized footnote disclosure - to provide for improved disclosure of the effects of off-balance sheet financing arrangements. The concept for such improved disclosure was announced in Securities Act Release No. 6514 (49 FR 6737; February 23, 1984).

Timetable:

Action	Date	FR Cite
ANPRM	02/15/84	49 FR 7637
ANPRM Comment Period End	05/15/84	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: John W. Albert, Assistant Chief Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2130**

RIN: 3235-AB68

3922. PROPOSAL REGARDING REVISION OF RULE 3A-02 OF REGULATION S-X CONCERNING CONSOLIDATED STATEMENT OF THE REGISTRANT AND ITS SUBSIDIARIES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o; 15 USC 78w; 15 USC 79e; 15 USC 79n; 15 USC 79t; 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210.3A-02 (Revision)

Abstract: The Commission proposed amendments to Rule 3A-02 of Regulation S-X to clarify when a registrant should file with the Commission the consolidated financial statements of the registrant and its subsidiaries.

Timetable:

Action	Date	FR Cite
NPRM	04/23/85	50 FR 19035
NPRM Comment Period End	06/29/85	50 FR 19035
Final Action	03/31/86	

Small Entity: Undetermined

Agency Contact: Robert Lavery, Staff Accountant, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2130**

RIN: 3235-AC04

3923. PROPOSALS REGARDING INDUSTRY SEGMENT AND OTHER INTERIM FINANCIAL REPORTING MATTERS, MANAGEMENT'S DISCUSSION AND ANALYSIS, AND OFF BALANCE SHEET FINANCING DISCLOSURES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25) and (26); 15 USC 78l; 15 USC 78m; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79t(a); 15 USC 80a-8; 15 USC 80-29

CFR Citation: 17 CFR 210.5-02; 17 CFR 210.10-01; 17 CFR 210.11-02; 17 CFR 229.303

Abstract: The Commission proposed amendments to require (1) presentation of certain industry segment information for interim periods; (2) a discussion of reportable segments in management's discussion and analysis; and (3) modifications of other miscellaneous interim reporting requirements. The release also provides advance notice of possible future rulemaking regarding (1) additional segment reporting disclosures and (2) uniform disclosure of off balance sheet financing arrangements. The proposals are designed to enhance analysis of financial information. They may entail some new recordkeeping but any such costs have not been determined. The Commission's interim reporting rules will be reviewed as a part of this action.

Timetable:

Action	Date	FR Cite
NPRM	02/15/84	49 FR 6737
NPRM Comment Period End	05/15/84	
Final Action	00/00/00	

SEC

Final Rule Stage

Small Entity: Undetermined

Additional Information: This entry replaces the following three entries from the October 1983 agenda. RIN 3235-AA53 -- Off Balance Sheet Obligations. RIN 3235-AA54 -- Segment Information. RIN 3235-AA55 -- Quarterly Financial Reporting.

Agency Contact: John W. Albert, Assistant Chief Accountant, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, 202 272-2130

RIN: 3235-AB15

3924. DISAGREEMENTS WITH ACCOUNTANTS ON ACCOUNTING AND FINANCIAL DISCLOSURE

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25); 15 USC 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a); 15 USC 79t(a); 15 USC 80a-38; 15 USC 80b-11

CFR Citation: 17 CFR 229.304; 17 CFR 239.28; 17 CFR 240.14a-101; 17 CFR 240.14c-101; 17 CFR 240.308; 17 CFR 249.308a

Abstract: The Staff is considering whether to recommend that the Commission propose amendments to Item 304 of Regulation S-K and related forms and schedules to remove the dependence of that item on the prior filing of a Form 8-K. Presently, certain registrants who had no Form 8-K filing requirement at the time a change in accountants occurred are not specifically required to provide Item 304 disclosure regarding disagreements with their former accountants. The amendments, if proposed, would provide for such disclosure in initial public offerings among other filings.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	09/17/85	50 FR 29409

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Robert Burns, Chief Counsel, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235-AB63

Disclosure Rules

3925. SMALL ISSUER PERIODIC REPORTS

Legal Authority: 15 USC 77s(a)

CFR Citation: Not yet determined; 17 CFR 230; 17 CFR 240; 17 CFR 244; 17 CFR 260

Abstract: The Securities Exchange Act of 1934 (the "Exchange Act") imposes periodic reporting requirements on companies subject to Sections 13(a) and 15(d) of the Exchange Act. Because these reporting requirements may not be entirely appropriate for companies of all sizes, the Commission has reviewed the Exchange Act reporting system as it pertains to small businesses and has proposed that the total asset reporting threshold be raised from $3 million to $5 million, thereby relieving certain small issuers of the burden of complying with such registration and reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	50 FR 41162
NPRM Comment Period End	12/06/85	
Final Action	06/30/86	

Small Entity: Undetermined

Agency Contact: Mary M. Jackley, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-2644

RIN: 3235-AA91

3926. PROPOSED TENDER OFFER RULE AMENDMENTS

Legal Authority: 15 USC 78(a) et seq

CFR Citation: 17 CFR 240.14d-10; 17 CFR 240.14e-1; 17 CFR 240.14d-7

Abstract: Proposed Rule 14d-10 under the Securities and Exchange Act of 1934 would make explicit that a bidder's tender offer must be open to all holders of the class of securities subject to the tender offer, and that all security holders must be paid the highest consideration paid to any other security holders. The Commission also proposed to amend Rule 14e-1 under the Act to provide that a tender offer must remain open for ten business days upon the announcement of increase or decrease in the percentage of securities being sought or consideration offered by the offeror. The Commission proposed to amend Rule 14d-7 under the Act in one of two ways. The first approach provides that,upon announcement of a decrease in the percentage being sought or consideration offered additional withdrawal rights attach for ten business days. The second approach provides that withdrawal rights extend throughout the offer and the extensions of withdrawal rights upon the commencement of a competing bid is eliminated.

Timetable:

Action	Date	FR Cite
NPRM	01/24/86	51 FR 3186
NPRM Comment Period End	02/24/86	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Sarah A. Miller, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AC15

3927. REPORTS OF DIRECTORS, OFFICERS AND PRINCIPAL STOCKHOLDERS

Legal Authority: 15 USC 78m(d); 15 USC 78p(a); 15 USC 78p(b); 15 USC 78p(c); 15 USC 78p(e); 15 USC 78w(a)

CFR Citation: 17 CFR 240.16a-1 to 240.16a-11; 17 CFR 240.16b-1 to 240.16b-11; 17 CFR 240.16c-1 to 240.16c-3; 17 CFR 240.16e-1; 17 CFR 240.13d-3; 17 CFR 240.14d-1; 17 CFR 229.403; 17 CFR 249.103; 17 CFR 249.104

Abstract: The Commission will review the existing rules and reporting forms intended to implement the provisions of Section 16 of the Securities Exchange Act. Section 16 seeks to deter misuse of inside information by imposing certain periodic and transactional reporting requirements on the officers, directors and principal beneficial shareholders of companies registered under that Act as well as certain limitations on equity transactions by those persons. Over the years the Commission has adopted a number of rules to clarify the applicability of Section 16's requirements to particular circumstances. The Commission will examine their current suitability in light of the purposes of the statute.

SEC

Final Rule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: The Commission believes that these actions will result in savings to persons subject to these provisions with no reduction in investor protection. This initiative is a consolidation of five projects that were previously listed separately in the October 1983 agenda.

Agency Contact: Patricia Magee Daly, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW (Stop 2-10), Washington, DC 20549, 202 272-2589

RIN: 3235-AB14

3928. TRUST INDENTURE ACT RULES

Legal Authority: 15 USC 77s

CFR Citation: 17 CFR 260

Abstract: The Trust Indenture Act and the rules promulgated thereunder are being examined comprehensively in order to update their requirements in light of current commercial and business practices. The Commission is considering both rule changes and proposed amendments to the Act itself. The primary areas of the Commission's focus are the qualifications for eligibility of, the duties imposed on and the procedures for qualification of indenture trustees.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: William Morley, Chief Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-2573

RIN: 3235-AB43

Securities Markets and Securities Industry Rules

3929. EXEMPTION OF CERTAIN DIRECT PARTICIPATION PROGRAM INTERESTS FROM SECTIONS 7(C) AND 11(D)(1)

Legal Authority: 15 USC 78c(a)(12); 15 USC 78g; 15 USC 78k; 15 USC 78w

CFR Citation: 17 CFR 240.3a12-9

Abstract: Proposed Rule 3a12-9 would provide an exemption from Sections 7(c) and 11(d)(1) of the Exchange Act for public offerings of direct participation interests with installment payment features. This rule is being proposed, in part, as a response to a proposal made by the National Association of Securities Dealers and has the concurrence of the staff of the Federal Reserve Board. If adopted, the rule would enhance investor protection by encouraging registration of interests in direct participation programs that are sold on an installment basis and by requiring that these programs become subject to and remain in compliance with the reporting requirements of Section 12(g) of the Exchange Act until the total purchase price of the program security is discharged.

Timetable:

Action	Date	FR Cite
NPRM	11/27/84	49 FR 46556

Next Action Undetermined

Small Entity: No

Agency Contact: Edward L. Pittman, Attorney-Adviser, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW, Washington, DC 20549, 202 272-2848

RIN: 3235-AB51

3930. RULE 9B-1 OF THE SECURITIES EXCHANGE ACT OF 1934

Legal Authority: 15 USC 77b; 15 USC 78w(a); 15 USC 77g; 15 USC 78i; 15 USC 77j; 15 USC 78o; 15 USC 77s(a)

CFR Citation: 17 CFR 240.9b-1

Abstract: Currently, Rule 9b-1 provides that an options disclosure document containing information specified in paragraph (c) of the Rule must be filed with the Commission by an options market at least 60 days prior to the date definitive copies are furnished to customers. Paragraph (c) of the Rule specifies that the document must contain, among other things, a discussion of the mechanics of buying, writing and exercising the options; the risks of trading, and the uses of, the options; the market for the options; and the tax consequences of options trading. Proposed modifications to the Rule would eliminate the requirement that the document contain a discussion of the uses of options. This modification is being considered because a discussion of uses is no longer believed to be necessary for the protection of investors, and the projected cost savings by eliminating this discussion from the document is significant. The modification may benefit investors by making the document less lengthy and complex, and thereby focusing attention on the risk disclosure aspects of the document.

Timetable:

Action	Date	FR Cite
NPRM	10/15/85	
NPRM Comment Period End	11/15/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Holly H. Smith, Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2415

RIN: 3235-AC12

3931. PROPOSED RULE 11A-1--CUSTOMER ORDER EXPOSURE

Legal Authority: 15 USC 78b Exchange Act; 15 USC 78c Exchange Act; 15 USC 78f Exchange Act; 15 USC 78i Exchange Act; 15 USC 78j Exchange Act; 15 USC 78k Exchange Act; 15 USC 78k-1 Exchange Act; 15 USC 78o Exchange Act; 15 USC 78o-3 Exchange Act; 15 USC 78q Exchange Act; 15 USC 78w Exchange Act

CFR Citation: 17 CFR 240.11A-1

Abstract: In connection with the partial removal of exchange off-board trading restrictions through Rule 19c-3, the Commission has proposed a revised rule, Rule 11A-1, to address order exposure concerns. Proposed Rule 11A-1 would require exchange and over-the-counter market makers in Rule 19c-3 securities, prior to executing an order as principal, to hold the order out for 30 seconds, thereby allowing other market makers to compete for that order. Alternatively, the proposed rule would permit the market maker to compete for orders by maintaining competitive quotations in the National Association of Securities Dealers' Computer Assisted Execution System or the Cincinnati Stock Exchange's National Securities Trading System, and routing orders to those systems. The proposed rule also contains a number of specific exceptions to order exposure requirements. The Commission will

consider public comment on the impact of the proposed rule on small broker-dealers in connection with its final rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	12/30/82	47 FR 58287
NPRM Comment Period End	03/01/83	

Next Action Undetermined

Small Entity: Undetermined

Additional Information: The Commission deferred adopting the Rule on an indefinite basis on July 28, 1983.

Agency Contact: Andrew E. Feldman, Staff Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW, Washington, DC 20549, 202 272-2388

RIN: 3235-AA39

3932. RULE 17AD-5 -- RESPONSE TO INQUIRIES

Legal Authority: 15 USC 78q-1(d) Exchange Act

CFR Citation: 17 CFR 240.17Ad-5

Abstract: The proposed amendment to Rule 17Ad-5 would require registered transfer agents to respond to securityholder inquiries respecting dividend and interest claims within ten business days of receipt of current claims and within twenty business days of receipt of aged claims. This amendment is designed to accelerate the time frame within which dividend claims are researched and settled. the proposed amendment will be evaluated in light of the relative costs and benefits to the public and the transfer agent industry.

Timetable:

Action	Date	FR Cite
NPRM	06/10/83	48 FR 28109
NPRM Comment Period End	09/01/83	48 FR 28109
Reproposed Amendments	09/30/84	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Sandra Sciole, Branch Chief, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549, 202 272-2775

RIN: 3235-AB12

3933. DEFINITION OF "SHORT SALE"

Legal Authority: 15 USC 78c(b); 15 USC 78j(a); 15 USC 78w(a)

CFR Citation: 17 CFR 240.3b-3

Abstract: Rule 3b-3 defines the term "short sale" as any sale of a security which the seller does not own or any sale which is consummated by the delivery of a security borrowed by, or for the account of, the seller. The rule also indicates several circumstances when a person is deemed to own a security. See also 17 CFR 240.10a-1, 17 CFR 240.10a-2, and 17 CFR 240.10b-4.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Nancy J. Burke, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 Fifth Street, N.W., Washington, D.C. 20549, 202 272-2848

RIN: 3235-AC17

Investment Management Rules

3934. ACCOUNTING FOR DISTRIBUTION EXPENSES

Legal Authority: 15 USC 77f; 15 USC 80a-37

CFR Citation: 17 CFR 210.6-07

Abstract: On July 10, 1985, the Commission proposed for public comment an amendment to Regulation S-X to require that registered investment companies account for net costs incurred as a result of 12b-1 plan as expenses. The amendment would achieve consistent accounting for 12b-1 expenditures thereby ensuring greater uniformity in the accounting practices of investment companies and allowing investors to more accurately compare investment results among investment companies. See Investment Company Act Release No. IC-14623, 50 FR 28953, July 17, 1985.

Timetable:

Action	Date	FR Cite
NPRM	07/17/85	50 FR 28953
NPRM Comment Period End	09/30/85	
Final Action	06/01/86	

Small Entity: No

Agency Contact: Forrest R. Foss, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-7318

RIN: 3235-AC07

3935. ● DISCLOSURE OF SECURITY RATINGS IN REGISTRATION STATEMENTS OF MONEY MARKET FUNDS

Legal Authority: 15 USC 77(g); 15 USC 77(i); 15 USC 77(s)(a)

CFR Citation: 17 CFR 230.134; 17 CFR 230.436; 17 CFR 230.482

Legal Deadline: None

Abstract: The Commission is considering publishing for public comment amendments to Rule l34, 436, and 482 under the Securities Act of 1933. The amendments would, if adopted, permit certain investment companies to use in their statutory and omitting prospectuses security ratings assigned by a nationally recognized statistical rating organization (NRSRO) without first obtaining the NRSRO'S consent to being named as an expert pursuant to Section 7 of the Securities Act. Without these amendments, eligible investment companies would need to continue to obtain the consent of the NRSRO. NRSRO's have refused to give this consent thereby making the use of ratings prohibitively expensive.

Timetable:

Action	Date	FR Cite
Final Action	03/12/86	

Small Entity: Undetermined

Agency Contact: Jay Gould, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2107

RIN: 3235-AC24

3936. AMENDMENT TO RULE 180 -- EXEMPTION FROM REGISTRATION OF CERTAIN INTERESTS AND PARTICIPATIONS IN CERTAIN H.R. 10 PLANS

Legal Authority: 15 USC 77c(a)(2); 15 USC 77s(a)

CFR Citation: 17 CFR 230.180

Abstract: Rule 180 provides an exemption from the registration requirements of the Securities Act for

interests and participations issued in connection with certain qualified H.R. 10 plans. In order for interests in funding media issued to plans established by financially inexperienced employers to qualify for the rule's exemption, the rule, as adopted, requires those employers to obtain financial advice from an independent expert prior to adopting the H.R. 10 plan. Among other things, the Commission is considering proposing an amendment to Rule 180 that would codify a present "no-action" position regarding the situation where a financially unsophisticated employer has already established a plan for its employees without obtaining advice from an independent expert, and intends either to change the funding medium or add another funding medium to the choices already available to employees. The issuer of the funding medium in such a case would be in compliance with the rule if the issuer has reasonable grounds to believe and, after having made reasonable inquiry, does believe, that an independent financial expert reviewed the funding medium prior to the investment of the (cont)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: plan's assets in that funding medium. The type of amendment being considered would impose no additional compliance cost, and would increase the flexibility of existing plans and the number of investment choices available to participating employees.

Agency Contact: Elizabeth M. Knoblock, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N. W. (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235-AA08

3937. REVISIONS TO EXPENSE-RELATED DISCLOSURE REQUIREMENTS OF FORM N-1A

Legal Authority: 15 USC 77g; 15 USC 77j; 15 USC 77s

CFR Citation: 17 CFR 239.15A; 17 CFR 274.11A

Abstract: On November 9, 1984, the Commission issued a release (Investment Company Act Release No. 14230; 49 FR 45172) soliciting public comment on proposed revisions to Item 5, Management of the Fund, of Form N-1A, the registration form under the Securities Act of 1933 and the Investment Company Act of 1940 used by open-end, management investment companies other than registered separate accounts of insurance companies. The revised Item 5 would require a consolidation of all narrative information in the prospectus concerning significant expenses of the registrant and would add a tabular presentation setting forth the major types of expenses, the names of the payees, and the amount of the expense, expressed as a percentage of average net assets.

Timetable:

Action	Date	FR Cite
NPRM	11/09/84	49 FR 45172
NPRM Comment Period End	01/14/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Stephen C. Beach, Attorney, Securities and Exchange Commission, Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-3040

RIN: 3235-AB73

3938. SIMPLIFICATION OF REGISTRATION STATEMENTS FILED BY UNIT INVESTMENT TRUSTS

Legal Authority: 15 USC 80a-8; 15 USC 77g; 15 USC 77j

CFR Citation: 17 CFR 239.16; 17 CFR 274.12

Abstract: On May 14, 1985, the Commission issued a release (Investment Company Act Release NO.14513 (50 FR 21282) soliciting public comment on proposed Form N-7, a form for registration of unit Investment Trusts and their securities under the Investment Act of 1940 and the Securities Act of 1933, and certain related rules and rule amendments. The Commission also published staff guidelines for the preparation of Form N-7. The proposed form would establish a two-part format for disclosure to prospective investors consisting of a simplified prospectus that can be use to satisfy the prospectus delivery requirements of the Securities Act of 1933 and a statement of additional information that would be available to prospective investors upon request and without charge. The Commission is proposing Form N-7 in order to (I) integrate the reporting and disclosure requirements of the Securities Act of 1933 and the investment trusts in one document; (II) codify in the form and guidelines the disclosure standards that have been developed for unit investment trusts; and (III) shorten and simplify the prospectus while making available on request more extensive information not of routine(cont)

Timetable:

Action	Date	FR Cite
NPRM	05/23/85	50 FR 21282
Final Action Effective	05/31/86	

Small Entity: Yes

Additional Information: ABSTRACT CONT: interest to most investor.

Agency Contact: Stephen C. Beach, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3040

RIN: 3235-AA47

3939. PROPOSED AMENDMENT TO RULE 17G-1 UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-17(g); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17g-1

Abstract: The Commission is considering whether to adopt an amendment to Rule 17g-1 under the Investment Company Act. The amendment was proposed for public comment in Investment Company Act Release No. 11193 (June 2, 1980) (45 FR 38407). Rule 17g-1 requires every registered investment company to provide and maintain a bond against larceny and embezzlement covering officers and employees of the company. In some circumstances, the officers and employees of a company's depositor, trustee, investment adviser or other manager and various affiliates of such persons, because they have access to the company's assets, function as officers and employees of the investment company. The proposed amendment to the rule would clarify the scope of the rule by explicitly

requiring the bonding of such persons. The principal cost associated with this rule would be the cost of a bond. That cost would vary according to the persons required to be bonded by the rule. In this regard, before adopting any amendment to the rule, the Commission will carefully consider what persons should be bonded to protect investors adequately, weighing the benefits of the protection against the cost of a bond.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Elizabeth Knoblock, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3042

RIN: 3235-AA16

SECURITIES AND EXCHANGE COMMISSION (SEC) — Completed Actions

3940. ●ADVANCE NOTICE OF POSSIBLE RULEMAKING REGARDING FINANCIAL ASSETS AND TRANSACTIONS

CFR Citation: 17 CFR 210

Completed:

Reason	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Laurel R. Bond 202 272-2130

RIN: 3235-AC21

3941. PROPOSED DISCLOSURE REGARDING REPURCHASE AND REVERSE REPURCHASE TRANSACTIONS AND ADVANCE NOTICE OF POSSIBLE RULEMAKING REGARDING FINANCIAL ASSETS AND TRANSACTIONS

CFR Citation: 17 CFR 210.4-08

Completed:

Reason	Date	FR Cite
Final Action	01/21/86	
Final Action Effective	02/28/86	

Small Entity: Undetermined

Agency Contact: Laurel R. Bond 202 272-2130

RIN: 3235-AC05

3942. RESCISSION OF OBSOLETE RULES AND TECHNICAL REVISIONS AND CORRECTIONS

CFR Citation: 17 CFR 210

Completed:

Reason	Date	FR Cite
Final Action	11/21/85	50 FR 49529
Final Action Effective	12/03/85	50 FR 49529

Small Entity: Undetermined

Agency Contact: John W. Albert 202 272-2130

RIN: 3235-AA74

3943. ●RULE 150, DEFINITION OF "COMMISSION OR OTHER REMUNERATION" IN SECTION 3(A)(9), FOR CERTAIN TRANSACTIONS

CFR Citation: 17 CFR 230.100

Completed:

Reason	Date	FR Cite
End Review	02/13/86	

Small Entity: Undetermined

Agency Contact: 202 272-2589

RIN: 3235-AC38

3944. PROPOSED FORM S-4 AND OTHER RULES

CFR Citation: 17 CFR 239.25, (New)

Completed:

Reason	Date	FR Cite
Final Action On May 3, 1985, new Form S-4 was adopted by the Commission	05/03/85	49 FR 20833
Final Action Effective	07/01/85	

Small Entity: Yes

Agency Contact: Patricia B. Magee 202 272-2589

RIN: 3235-AA01

3945. REGULATION 14A -- SOLICITATION OF PROXIES

CFR Citation: 17 CFR 240.14a-1 to 240.14a-12; 17 CFR 240.14a-101; 17 CFR 240.14a-102

Completed:

Reason	Date	FR Cite
Final Action This entry has been combined with 02/05/86 with RIN 3235-aa-24.	00/00/00	

Small Entity: Undetermined

Agency Contact: Sarah A. Miller 202 272-2589

RIN: 3235-AA23

3946. REGULATION 14A: SOLICITATION OF PROXIES - RULE 14A-13 OBLIGATION OF REGISTRANTS. RULE 14B-2 OBLIGATION OF BANKS, ASSOCIATION AND OTHER FIDUCIARY ENTITIES

CFR Citation: 17 CFR 240.14a-13; 17 CFR 240.14b-2; 17 CFR 240.14c-7

Completed:

Reason	Date	FR Cite
Final Action	10/15/85	50 FR 42672

Small Entity: Undetermined

Agency Contact: Sarah A. Miller 202 272-2589

RIN: 3235-AB78

3947. REGULATION 14C -- DISTRIBUTION OF INFORMATION PURSUANT TO SECTION 14(C)

CFR Citation: 17 CFR 240.14c-1 to 240.14c-7; 17 CFR 240.14c-101

Completed:

Reason	Date	FR Cite
This entry has been combined with RIN 3235-AA24	02/05/86	

Small Entity: Undetermined

Agency Contact: Sarah A. Miller 202 272-2589

RIN: 3235-AA24

3948. ●RULE 143, DEFINITION OF "HAS PURCHASED," SELLS FOR," PARTICIPATION," AND PARTICIPATION," AS USED IN SECTION 2(11)

CFR Citation: 17 CFR 230.143

Completed:

Reason	Date	FR Cite
End Review	02/13/86	

Small Entity: No

Agency Contact: 202 272-2589

RIN: 3235-AC39

3949. ●RULE 148, PERSONS NOT DEEMED TO BE UNDERWRITERS OF SECURITIES ISSUED OR SOLD IN CONNECTION WITH BANKRUPTCY PROCEEDINGS

CFR Citation: 17 CFR 230.145

Completed:

Reason	Date	FR Cite
End Review	02/13/86	

Small Entity: Undetermined

Agency Contact: 202 272-2589

RIN: 3235-AC40

3950. ●RULE 149, DEFINITION OF "EXCHANGED" IS SECTION 3(A)(9), FOR CERTAIN TRANSACTION

CFR Citation: 17 CFR 230.148

Completed:

Reason	Date	FR Cite
End Review	02/13/86	

Small Entity: Undetermined

Agency Contact: 202 272-2589

RIN: 3235-AC23

3951. ●RULE 100, DEFINITION OF TERMS USED IN THE RULES AND REGULATIONS

CFR Citation: 17 CFR 230.149

Completed:

Reason	Date	FR Cite
End Review	02/13/86	

Small Entity: Undetermined

Agency Contact: 202 272-2589

RIN: 3235-AC41

3952. ●RULE 145 -- RECLASSIFICATIONS OF SECURITIES, MERGERS, CONSOLIDATIONS AND ACQUISITIONS OF ASSETS

CFR Citation: 17 CFR 230.150

Completed:

Reason	Date	FR Cite
End Review	02/13/86	

Small Entity: Undetermined

Agency Contact: 202 272-2589

RIN: 3235-AC42

3953. RULE 10B-10 -- CONFIRMATION DISCLOSURE FOR REPORTED SECURITIES

CFR Citation: 17 CFR 240.10b-10

Completed:

Reason	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Leland Goss 202 272-2827

RIN: 3235-AB81

3954. SEC SUPPLEMENT TO FORM TA-1

CFR Citation: 17 CFR 240.17Ac 2-1(a); 17 CFR 249b.100

Completed:

Reason	Date	FR Cite
Final Action	10/01/85	
Final Action Effective	03/01/86	

Small Entity: Undetermined

Agency Contact: Randy G. Goldberg 202 272-2365

RIN: 3235-AC13

3955. REGISTRATION OF INVESTMENT COMPANY SECURITIES ISSUED IN BUSINESS COMBINATION TRANSACTIONS

CFR Citation: 17 CFR 210.3-05; 17 CFR 230; 17 CFR 240.14a-3; 17 CFR 240.14a-6; 17 CFR 239; 17 CFR 274

Completed:

Reason	Date	FR Cite
Final Action	11/25/85	50 FR 48379
Final Action Effective	02/01/86	50 FR 48379

Small Entity: Undetermined

Agency Contact: Mary Podesta 202 272-2107

RIN: 3235-AB42

3956. LOANS, EXTENSIONS OF CREDIT, DONATIONS AND CAPITAL CONTRIBUTIONS TO ASSOCIATE COMPANIES

CFR Citation: 17 CFR 250.45 (b)(6), (New)

Completed:

Reason	Date	FR Cite
Withdrawn no present plans	01/24/86	

Small Entity: No

Agency Contact: Lewis B. Reich 202 272-7699

RIN: 3235-AB98

3957. EXEMPTIONS FROM SECTION 17(C) OF THE ACT

CFR Citation: 17 CFR 250.70

Completed:

Reason	Date	FR Cite
Final Action	02/28/86	

Small Entity: No

Agency Contact: Denis R. Mollerr 202 272-2073

RIN: 3235-AB99

3958. STANDARDIZED FORMULA FOR CALCULATING INVESTMENT COMPANY PERFORMANCE DATA IN ADVERTISEMENTS

CFR Citation: 17 CFR 270

Completed:

Reason	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Robert E. Plaze 202 272-2098

RIN: 3235-AC08

3959. PROPOSED AMENDMENTS TO RULES 2A-7 AND 12D3-1 AND PROPOSED RULE 2A41-1 UNDER THE INVESTMENT COMPANY ACT

CFR Citation: 17 CFR 270.2a-7; 17 CFR 270.12d3-1; 17 CFR 270.2a41-1

Completed:

Reason	Date	FR Cite
Final Action consideration by Commission of final rule and rule amendments	03/01/86	

Small Entity: No

Agency Contact: Jack W. Murphy 202 272-2048

RIN: 3235-AB38

3960. PROPOSED RULE 205-3 UNDER THE INVESTMENT ADVISERS ACT OF 1940

CFR Citation: 17 CFR 275.205-3

Completed:

Reason	Date	FR Cite
Final Action adoption of rule	11/26/85	50 FR 48556
Final Action Effective	11/26/85	50 FR 48556

Small Entity: Yes

Agency Contact: Forrest R. Foss 202 272-7318

RIN: 3235-AB70

3961. AMENDMENTS TO FORM ADV

CFR Citation: 17 CFR 279.1

Completed:

Reason	Date	FR Cite
Final Action adoption	10/15/85	50 FR 42903
Final Action Effective	01/01/86	

Small Entity: Undetermined

Agency Contact: Mary Podesta 202 272-2107

RIN: 3235-AB71

[FR Doc. 86-6294 Filed 04-18-86; 8:45 am]

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