

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

12. By amending § 201.44 by removing paragraph (c), redesignating paragraph (b) as paragraph (c), and adding a new paragraph (b) to read as follows:

§ 201.44 When an application may be filed.

(b) For purposes of this rule, final disposition means the date on which a decision or order disposing of the merits of the proceeding or any other complete resolution of the proceeding, such as a settlement or voluntary dismissal, becomes final and unappealable, both within the Commission and to the courts.

13. By revising § 201.54 to read as follows:

§ 201.54 Settlement.

The applicant and counsel for the Office or Division of the Commission may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding or after the underlying proceeding has been concluded, in accordance with the Commission's standard settlement procedure. See 17 CFR 201.8. If a prevailing party and counsel for the Office or Division of the Commission agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement. If a proposed settlement provides that each side shall bear its own expenses, and the settlement is accepted, no application may be filed.

14. By amending § 201.55 by revising paragraph (a) to read as follows:

§ 201.55 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or counsel for the Office or Division of the Commission, or on his or her own initiative, the administrative law judge may order further proceedings, such as an informal

conference, oral argument, additional written submissions or, as to issues other than substantial justification (such as the applicant's eligibility or substantiation of fees and expenses) an evidentiary hearing. The administrative law judge may order all proceedings that are otherwise available under Rule 8(d) of the Commission's Rules of Practice. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible. Whether or not the Commission's position was substantially justified shall be determined on the basis of the administrative record, as a whole, which is made in the adversary adjudication for which fees and other expenses are sought.

15. By revising § 201.59 to read as follows:

§ 201.59 Payment of award.

An applicant seeking payment of an award shall submit to the Comptroller of the Commission a copy of the Commission's final decision granting the award, accompanied by a sworn statement that the applicant will not seek review of the decision in the United States courts. The Commission will pay the amount awarded to the applicant as authorized by law, unless judicial review of the award has been sought by the applicant.

By the Commission.
Dated: December 12, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-29937 Filed 12-26-89; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject To Certification; Polysulfated Glycosaminoglycan

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Luitpold Pharmaceuticals, Inc. The NADA provides for the intramuscular use of polysulfated glycosaminoglycan in

horses for the treatment of noninfectious degenerative and/or traumatic joint dysfunction and associated lameness of the carpal joint.

EFFECTIVE DATE: December 27, 1989.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Center for Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Luitpold Pharmaceuticals, Inc., Animal Health Division, Shirley, NY 11967, has submitted NADA 140-901 for Adequan® i.m. (polysulfated glycosaminoglycan). The NADA provides for the intramuscular use of polysulfated glycosaminoglycan in horses for the treatment of noninfectious degenerative and/or traumatic joint dysfunction and associated lameness of carpal joint. The application is approved and the regulations are amended by revising 21 CFR 522.1850 to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. Section 522.1850 is revised to read as follows:

§ 522.1850 Polysulfated glycosaminoglycan.

(a) *Specifications.* Each 1-milliliter ampule of sterile aqueous solution contains 250 milligrams of polysulfated glycosaminoglycan; each 5-milliliter ampule or vial contains 500 milligrams.

(b) *Sponsor.* See No. 010797 in § 510.600(c) of this chapter.

(c) *Conditions of use—horses.* (1) *Indications for use.* Polysulfated glycosaminoglycan is for the treatment of noninfectious degenerative and/or traumatic joint dysfunction and associated lameness of the carpal joint in horses.

(2) *Amount (i) Intra-articular use:* 250 milligrams once a week for 5 weeks. The joint area must be shaved, cleaned, and sterilized as in a surgical procedure prior to injection. If the joint reacts with excessive inflammation, after intra-articular treatment, cease therapy.

(ii) *Intramuscular use:* 500 milligrams every 4 days for 28 days. Injection site must be thoroughly cleansed prior to injection.

(3) *Limitations.* Not for use in horses intended for food. Safe use in breeding animals has not been established. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: December 19, 1989.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 89-30015 Filed 12-26-89; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 55 and 178

(T.D. ATF-290)

Commerce in Explosives and Commerce in Firearms and Ammunition (89-200F)

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

ACTION: Final rule (Treasury decision).

SUMMARY: This final rule amends regulations in 27 CFR parts 55 and 178 to change the authority to issue Federal firearms and explosives licenses and permits from the regional director

(compliance) to the Chief, Firearms and Explosives Licensing Center to take advantage of a more efficient technology in processing firearms and explosives materials industry applications.

Authority to deny and revoke such licenses and permits will remain with the regional director (compliance).

EFFECTIVE DATE: December 27, 1989.

FOR FURTHER INFORMATION CONTACT:

J. Barry Fields, ATF Specialist, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC 20226; (202) 789-3026.

SUPPLEMENTARY INFORMATION: Since passage of the Gun Control Act of 1968 and the Organized Crime Control Act of 1970, licenses and permits have been issued from Bureau of Alcohol, Tobacco and Firearms (ATF) regional offices. ATF now believes it will be more efficient and less costly to issue licenses and permits from one location. The changes made by this Treasury decision will administratively consolidate this function into one office, the Chief, Firearms and Explosives Licensing Center, thereby allowing ATF to take advantage of technology. The regional offices will continue to provide assistance to the affected public in all matters. The change being made does not affect the authority of the regional director (compliance) to deny or revoke licenses or permits.

Executive Order 12291

It has been determined that this document is not a major regulation as defined in E.O. 12291 and a regulatory impact analysis is not required because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign based enterprises in domestic or foreign markets.

Administrative Procedures Act

Because this Treasury decision relates to agency management, is procedural in nature and, among other minor changes, merely transfers the authority to issue firearms and explosives licenses and permits from regional directors (compliance) to the Chief, Firearms and Explosives Licensing Center, notice and public procedure are inapplicable pursuant to (a)(2), (6)(A) and (6)(B), 5

U.S.C. and a delayed effective date is not required pursuant to 5 U.S.C. 553 (a)(2) and (d)(3).

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this final rule, the provisions of the Regulatory Flexibility Act do not apply.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Public Law 96-511, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply because no additional requirement to collect information is proposed. There is no collection of information burden hours associated with this final rule.

Drafting Information

The principal author of this Treasury decision is J. Barry Fields, ATF Specialist, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects

27 CFR Part 55

Administrative practice and procedure, Authority delegation, Customs duties and inspection, Explosives, hazardous materials, Imports, Penalties, Reporting and recordkeeping requirements, Safety, Security measures, Seizures and forfeitures, Transportation, and Warehouses.

27 CFR Part 178

Administrative practice and procedure, Arms and munitions, Authority delegations, Customs duties and inspection, Exports, Imports, Military personnel, Penalties, Reporting requirements, Research, Seizures and forfeitures, and Transportation.

Authority and Issuance

27 CFR part 55—Commerce in Explosives and 27 CFR part 178—Commerce in Firearms and Ammunition, are amended as follows:

PART 55—[AMENDED]

Par. 1. The authority citation for part 55 continues to read as follows:

Authority: 18 U.S.C. 847.

§ 55.11 [Amended]

Par. 2. Section 55.11 is amended by adding the following definition:

* * * * *
Business premises. * * *
Chief, Firearms and Explosives Licensing Center. The ATF official

responsible for the issuance and renewal of licenses and permits under this part.

Crime punishable by imprisonment for a term . . .

Par. 3. Section 55.23 is revised to read as follows:

§ 55.23 List of explosive materials.

The Director shall compile a list of explosive materials, which shall be published and revised at least annually in the Federal Register. The "List of Explosive Materials" (AFT Publication 5400.8) is available at no cost upon request from the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153.

Par. 4. Section 55.54 is amended by revising paragraphs (a) and (b) to read as follows:

§ 55.54 Change of address.

(a) Give notification of the new location of the business or operations to the Chief, Firearms and Explosives Licensing Center at least 10 days before the move; and

(b) Submit the license or permit to the Chief, Firearms and Explosives Licensing Center. The Chief, Firearms and Explosives Licensing Center will issue an amended license or permit, which will contain the new address (and new license or permit number, if any).

§§ 55.46, 55.49, 55.50, 55.55, 55.57, 55.60 [Amended]

Par. 5. The following sections are amended by removing the words "regional director (compliance)" and by replacing them with the words "Chief, Firearms and Explosives Licensing Center": 55.46(a); 55.49(a); 55.49(b); 55.50(a); 55.50(b); 55.55; 55.57; and, 55.60.

Par. 6. Section 55.49(c) is amended by revising the first sentence to read as follows:

§ 55.49 Issuance of license or permit.

(c) The Chief, Firearms and Explosives Licensing Center shall approve or the regional director (compliance) shall deny any application for a license or permit within the 45-day period beginning on the date a properly executed application was received. . . .

§ 55.56 [Amended]

Par. 7. Section 55.56 is amended by removing the words "regional director (compliance)" for the region in which the licensee or permittee conducts his business or operations, and by replacing them with "Chief, Firearms and Explosives Licensing Center."

§ 55.59 [Amended]

Par. 8. Section 55.59(b) is amended by removing the words "regional director (compliance)" for the region in which the business or operations are conducted, and by replacing them with "Chief, Firearms and Explosives Licensing Center."

§ 55.61 [Amended]

Par. 9. Section 55.61 is amended by removing the words "regional director (compliance)" for the region in which his business or operation was located and by replacing them with "Chief, Firearms and Explosives Licensing Center."

§ 55.76 [Amended]

Par. 10. Section 55.76(b) is amended as follows:

(1) The first sentence is amended by removing the words "he shall approve the application," and by replacing them with "the regional director (compliance) shall cause the application to be approved,"; and (2) by removing the words "he shall issue the license or permit" in the third and last sentences and by replacing them with "the regional director (compliance) shall cause the license or permit to be issued."

55.76 [Amended]

Par. 11. Section 55.76(b) is amended by removing the word "issue" in paragraphs (b)(1) and (b)(2) and by replacing it with the words "cause to be issued."

§ 55.104 [Amended]

Par. 12. Section 55.104(c) is amended as follows: (1) The phrase in the first sentence which reads "regional director (compliance)" for the region in which the license or permit was issued" is replaced with "Chief, Firearms and Explosives Licensing Center"; and (2) "regional director (compliance)" in the third sentence is replaced with "Chief, Firearms and Explosives Licensing Center."

Par. 13. Section 55.128 is revised to read as follows:

§ 55.128 Discontinuance of business.

Where an explosive materials business or operations is discontinued and succeeded by a new licensee, the records prescribed by this subpart shall appropriately reflect such facts and shall be delivered to the successor. Where discontinuance of the business or operations is absolute, the records required by this subpart shall be delivered within 30 days following the business or operations discontinuance to any ATF office located in the region in which the business was located, or to the ATF Firearms Out-of-Business

Records Center, 3361F 75th Avenue, Landover, Maryland 20785. Where State law or local ordinance requires the delivery of records to other responsible authority, the Chief, Firearms and Explosives Licensing Center may arrange for the delivery of the records required by this subpart to such authority. (See also, § 55.61.)

PART 178—[AMENDED]

Par. 14. The authority citation for part 178 continues to read as follows:

Authority: 18 U.S.C. 926.

§ 178.11 [Amended]

Par. 15. Section 178.11 is amended by adding the following definition:

* * * * *

Business premises. . . .

Chief, Firearms and Explosives Licensing Center. The ATF official responsible for the issuance and renewal of licenses under this part.

Collector. . . .

§§ 178.41, 178.45, 178.47, 178.48, 178.54, 178.60 [Amended]

Par. 16. The following sections are amended by replacing "regional director (compliance)" with "Chief, Firearms and Explosives Licensing Center": 178.41(b); 178.41(c); 178.45; 178.47(a); 178.47(b); 178.48(a); 178.48(b); 178.54; and 178.60.

§ 178.47 [Amended]

Par. 17. Section 178.47(c) is amended by removing the following language: "The regional director (compliance) shall approve or deny an application for license within the 45-day period beginning on the date the properly executed application was received" and by replacing it with "The Chief, Firearms and Explosives Licensing Center shall approve or the regional director (compliance) shall deny an application for a license within the 45-day period beginning on the date the properly executed application was received".

Par. 18. Section 178.47(d) is revised to read as follows:

§ 178.47 Issuance of license.

* * * * *

(d) When the regional director (compliance) or the Chief, Firearms and Explosives Licensing Center fails to act on an application for a license within the 45-day period prescribed by paragraph (c) of this section, the applicant may file an action under section 1361 of title 28, United States Code, to compel ATF to act upon the application.

Par. 19. Section 178.52 is revised to read as follows:

§ 178.52 Change of address.

Licensees may during the term of their current license remove their business or activity to a new location at which they intend regularly to carry on such business or activity, without procuring a new license. However, in every case, notification of the new location of the business or activity must be given not less than 10 days prior to such removal to the Chief, Firearms and Explosives Licensing Center. In each instance, the license must be submitted for endorsement to the Chief, Firearms and Explosives Licensing Center. After endorsement of the license to show the new address and the new license number, if any, the license will be returned to the licensee.

§ 178.53 [Amended]

Par. 20. Section 178.53 is amended by removing the words "Regional director (compliance) for the region in which the licensee conducts his business" and by replacing them with "Chief, Firearms and Explosives Licensing Center."

§ 178.56 [Amended]

Par. 21. Section 178.56(b) is amended by removing the words "Regional director (compliance) for the region in which the business is conducted" and by replacing them with "Chief, Firearms and Explosives Licensing Center."

§ 178.57 [Amended]

Par. 22. Section 178.57 is amended by removing the words "Regional director (compliance) for the region in which his business was located" and by replacing them with "Chief, Firearms and Explosives Licensing Center."

§ 178.95 [Amended]

Par. 23. Section 178.95 is amended by removing the words "regional director (compliance) for the region in which the premises is located" and by replacing them with "Chief, Firearms and Explosives Licensing Center."

Par. 24. Section 178.127 is revised to read as follows:

§ 178.127 Discontinuance of Business.

Where a licensed business is discontinued and succeeded by a new licensee, the records prescribed by this subpart shall appropriately reflect such facts and shall be delivered to the successor. Where discontinuance of the business is absolute, the records shall be delivered within 30 days following the business discontinuance to the ATF Out-of-Business Records Center, 3361F 75th Avenue, Landover, Maryland 20785, or any ATF office in the region in which the business was located; *Provided, however*, Where State law or local ordinance requires the delivery of

records to other responsible authority, the Chief, Firearms and Explosives Licensing Center may arrange for the delivery of the records required by this subpart to such authority.

Signed: November 17, 1989.

Stephen E. Higgins,
Director.

Approved: December 7, 1989.

John P. Simpson,
Acting Assistant Secretary (Enforcement).
[FR Doc. 89-29819 Filed 12-26-89; 8:45 am]
BILLING CODE 4810-31-M

DEPARTMENT OF LABOR**Occupational Safety and Health Administration****29 CFR Part 1926**

[Docket No. S-204]

RIN 1218-AA36

Occupational Safety and Health Standards—Excavations

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

ACTION: Final rule; delay of effective date.

SUMMARY: OSHA's final rule for Excavations, which was published in the Federal Register (54 FR 45894) on October 31, 1989, was originally scheduled to become effective on January 2, 1990, 60 days after publication. For reasons set forth below, OSHA is hereby further delaying the effective date of that final rule to provide additional time for employers to come into compliance with the final rule.

DATES: The final rule will become effective on March 5, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, Occupational Safety and Health Administration, room N3649, U.S. Department of Labor, Frances Perkins Building, Washington, DC 20210, (202) 523-8148).

SUPPLEMENTARY INFORMATION: On October 31, 1989, OSHA published in the Federal Register (54 FR 45894) its final rule for Excavations, 29 CFR part 1926, subpart P. The final rule was scheduled to become effective on January 2, 1990, 60 days after publication. Since the final rule was published, OSHA received a request from Mr. Jay Matricciani, President of the National Utility Contractors Association, for a delay of the effective date of the standard in order to allow time for the development and delivery of training seminars and publications intended to assist employers in complying with the new

standard and to assure that competent persons are properly trained. The request was presented at the December 13, 1989, meeting of the Advisory Committee on Construction Safety and Health (ACCSH) and that Committee unanimously recommended that the delay be granted.

After careful consideration of the request and the reasons therefor, OSHA has determined that there is good cause to delay the effective date beyond the original date of January 2, 1990. Accordingly, the requirements of the revised excavation standard, 29 CFR part 1926, subpart P, will become effective March 5, 1990. The existing standard will continue in effect during the delayed implementation period for the revised standard.

This document was prepared under the direction of Gerard F. Scannell, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. It is issued under the authority of sections 4, 6(b), and 8(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), Secretary of Labor's Order No. 9-83 (48 FR 35736), and 29 CFR part 1911.

Signed at Washington, DC this 21st day of December 1989.

G.F. Scannell,

Assistant Secretary of Labor.

[FR Doc. 89-29974 Filed 12-26-89; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117**

[CGD8-89-12]

Drawbridge Operation Regulations; Teche Bayou, LA

AGENCY: U.S. Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of St. Mary Parish and the Louisiana Department of Transportation and Development (LDOTD), the Coast Guard is changing the regulations governing the operations of two parish owned and two state owned drawbridges over Teche Bayou, Louisiana. The bridges with new regulations are:

(1) The swing span bridge, mile 27.0, at Baldwin, St. Mary Parish, Louisiana (St. Mary Parish owned).

(2) The swing span bridge, mile 32.5, on LA 324, at Charenton, St. Mary Parish, Louisiana.