specified in Tables I and II shall be adjusted each calendar year to reflect the 'GNP implicit price deflator' published by the Department of Commerce for the previous calendar year."

Pursuant § 375.307(e)(1) of the Commission's Regulations, the authority for the publication of such cost limits, as adjusted for inflation, is delegated to the Director of the Office of Pipeline and Producer Regulation. The cost limits for calendar years 1982 through 1990, as published in Table I of § 157.208(d) and Table II of § 157.215(a), are hereby issued.

List of Subjects in 18 CFR Part 157

Natural gas.

Kevin P. Madden,

Director, Office of Pipeline and Producer Regulation.

Accordingly, 18 CFR part 157 is amended as follows:

PART 157—[AMENDED]

1. The authority citation for part 157 continues to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717–717w (1982); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); E.O. 12009, 3 CFR 142 (1978); Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982), unless otherwise noted.

§ 157.208 [Amended]

2. Table I in § 157.208(d) is revised to read as follows:

TABLE I

Year	Limit	
	Auto. Proj. Cost Limit (Col. 1)	Prior Notice Proj. Cost Limit (Col. 2)
1982	$4,200,000	$12,000,000
1983	4,500,000	12,800,000
1984	4,700,000	13,300,000
1985	4,900,000	13,800,000
1986	5,100,000	14,300,000
1987	5,200,000	14,700,000
1988	5,400,000	15,100,000
1989	5,600,000	15,600,000
1990	5,800,000	16,000,000

§ 157.215 [Amended]

3. Table II in § 157.215(a) is revised to read as follows:

Table II

Year	Limit
1982	$2,700,000
1983	2,900,000
1984	3,000,000
1985	3,100,000
1986	3,200,000
1987	3,300,000

Table II—Continued

Year	Limit
1988	3,400,000
1989	3,500,000
1990	3,600,000

[FR Doc. 90–3308 Filed 2–12–90; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 12

[T.D. 90–13]

Addition of Australia, Colombia, Madagascar and the People's Republic of China to List of Countries Included as Parties to UNESCO Convention on Cultural Property

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This rule amends part 12 of the Customs Regulations, (19 CFR part 12), buy adding Australia, Colombia, Madagascar and the People's Republic of China to the list of countries identified as signatories to the UNESCO Convention on Cultural Property. As a party to the Convention, the United States actively participates in efforts to eliminate illicit traffic in cultural property, that is, items of importance for archaeology, prehistory, history, literature, art or science. Countries become eligible for inclusion in the list by ratifying, accepting, or acceding to the 1970 UNESCO Convention. Upon receipt of notification that a country has so ratified, accepted, or acceded to the Convention, Customs accords that country all rights and privileges under the Convention, and adds its name to the list of signatory countries in order to provide the public notification of this fact.

EFFECTIVE DATE: February 13, 1990.

FOR FURTHER INFORMATION CONTACT: Legal Aspects: Samuel Orandle, Commercial Rulings Division (202–566–5765); Operational Aspects: Pamela Wenner, Trade Operations (202–535–4931).

SUPPLEMENTARY INFORMATION:

Background

Beginning in the late 1960's, the U.S. began participating, with other nations, in negotiations sponsored by the United Nations Educational, Scientific and Cultural Organization (UNESCO), addressing the problem of illicit international trade in cultural property. Cultural property was defined as property which, on religious or secular grounds, is specifically designated by a country as being important in the archaeology, prehistory, history, literature, art, or science of that country.

These negotiations resulted in the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)). U.S. acceptance of the 1970 UNESCO Convention was codified into U.S. law as the "Convention on Cultural Property Implementation Act" (19 U.S.C. 2601–2613).

In order to effectively implement the provisions of this Act, the Customs Service amended part 12, title 19, Code of Federal Regulations, by adding a new center head, "Cultural Property", and §§ 12.102–12.104i. Section 12.104b listed the State Parties to the Convention, and indicated that it would be amended from time to time as additional States either became parties to the Convention or withdrew from it.

Additional State Parties

The Cultural Heritage Division of UNESCO in Paris has advised that several additional countries have become state parties to the 1970 UNESCO Convention on Cultural Property. Accordingly, we are amending the regulations to reflect these additional countries, and the date of entry into force for each of those State Parties.

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this amendment merely implements a statutory requirement and involves a matter in which the majority of the public is not particularly interested, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary. Further, for the same reasons, good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553(c)(1).

The Regulatory Flexibility Act

This document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). That Act does not apply to any regulation such as this for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), or any other statute.

Executive Order 12291

This amendment does not meet the criteria for a major regulation as defined

in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Drafting Information

The principal author of this document was Peter T. Lynch, Regulations and Disclosure Law Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 12

Customs inspection and duties, Imports, Exports.

Accordingly, part 12 of the Customs Regulations (19 CFR part 12) is amended as follows:

PART 12—SPECIAL CLASSES OF MERCHANDISE

1. The authority citation for part 12 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States (HTSUS)), 1624.

* * * * *

§§ 12.104–12.104i also issued under 19 U.S.C 2612.

§ 12.104b [Amended]

2. Section 12.104b, Customs Regulations (19 CFR 12.104b), is amended by inserting, in appropriate alphabetical order, the following State Parties, and the date of entry into force for each State Party:

State party	Date of entry into force
Australia	Jan. 30, 1990.
Colombia	Aug. 25, 1988.
Madagascar	Sept. 21, 1989.
People's Republic of China	Feb. 28, 1990.

Carol B. Hallett,

Commissioner of Customs.

Approved: January 26, 1990.

Salvatore R. Martoche,

Assistant Secretary of the Treasury.

[FR Doc. 90-3351 Filed 2-12-90; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 658

[FHWA Docket No. 89-21]

RIN 2125-AC37

Truck Size and Weight; Dromedary Decks and Plates

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The FHWA is revising the dromedary box provisions of the final rule on truck size and weight adopted on June 5, 1984 [49 FR 23302]. That rule preempted inconsistent State laws and regulations to allow truck tractors equipped with dromedary boxes having the capacity to carry cargo that were in legal use on December 1, 1982, to continue to operate on the National Network throughout their useful lives. Proof of such legal operation on December 1, 1982 rests upon the operator of the equipment.

Disagreements have developed about the meaning of the term "dromedary box," and thus about the scope of the rule. FHWA is therefore adopting a clarifying amendment that changes the relevant language to "dromedary box, deck or plate."

EFFECTIVE DATE: March 15, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Max Pieper, Office of Motor Carrier Information Managment and Analysis, (202–366–4029) or Mr. Charles Medalen, Office of the Chief Counsel (202–366–1354), Federal Highway Administration, 400 Seventh Steet, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. 4:15 p.m., ET, Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: The Surface Transportation Assistance Act of 1982 (STAA), Pub. L. 97–424, 96 Stat. 2097, required the States to permit the operation of specified equipment on the National Network (NN). The purpose of the legislation was to increase motor carrier productivity, but its definition of a truck tractor as a "noncargo carrying power unit" inadvertently denied to operators of tractors already equipped with dromedary boxes the opportunity to use the larger semitrailers authorized by the statute. However, the STAA also authorized the Secretary of Transportation to establish rules to accommodate specialized equipment on the NN. The FHWA, therefore, concluded that it was consistent with the intent of Congress to allow truck tractors with dromedary boxes in lawful operation on December 1, 1982 (the cut-off date for other grandfather rights created by the STAA), to operate on the NN for the remainder of their useful lives. A final rule requiring the States to permit the operation of such vehicles was adopted on June 5, 1984 (49 FR 23302) and codified at 23 CFR 658.13(f).

Truck tractors equipped with functionally-similar, cargo-carrying dromedary decks or plates were not the subject of any of the comments to the docket for this rulemaking and were, therefore, not addressed in the June 5, 1984, final rule. We subsequently learned that a small group of carriers were using dromedary decks or plates to carry cargo, particularly crated household goods, before December 1, 1982. Some States refused to recognize decks or plates as genuine dromedaries since they were not "boxes." To address this inequity, the FHWA published a notice of proposed rulemaking (NPRM) on August 24, 1989 (54 FR 35199) which proposed to add dromedary decks and plates to the dromedary box provision.

FHWA received one hundred forty-one comments in response to the NPRM. The respondents fell into the following general categories: Individual drivers or owner-operators—134, State agencies—4, Trucking companies—1, Businesses—1, and Transportation consultants—1. One hundred five of the 134 comments received from individual drivers or owner-operators were virtually identical.

Comments Submitted

The NPRM solicited comments on two questions. (1) Should dromedary decks and plates (some equipped with plywood ends and tops and side curtains) be subject to the same regulations as dromedary boxes in 23 CFR 658.13(f)? (2) Are there other types of dromedary equipment that should be considered in this proceeding?

In response to the first question, all 134 individual commenters, the trucking company, and the business favored the proposed amendment. However, all 105 of the drivers and owner-operators who submitted form letters, as well as 27 of the remaining 29 commenters in this group, advocated eliminating the grandfather provision in order to allow dromedary boxes, decks, or plates to be added to truck tractors put into use after 1982. They noted that this step would increase productivity and give dromedary users the same privileges as automobile transporters, who can carry cargo on the truck tractor. The transportation consultant requested an extension of the comment period to prepare an argument for eliminating the grandfather data from the regulation. The 105 commenters who submitted form letters favored a rule that would impose no overall length limit on dromedary combinations while allowing them to operate with 3-foot cargo overhangs in front and 4-foot overhangs in the rear.

The California Highway Patrol (CHP) and the Iowa Department of Transportation (IDOT) stated that they did not object to adding dromedary decks and plates to the dromedary box provision. However, the CHP felt that a definition of "dromedary" should be

added to part 658 to aid in uniform application of the provision, and IDOT was concerned that, in the absense of a definition, truck-trailer combinations might attempt to qualify under the rule. IDOT also expressed opposition to elimination of the grandfather provision. The CHP also said that dromedary boxes should be sufficiently sturdy to contain the contents and that dromedary decks and plates should have adequate tiedowns.

The Kansas Department of Transportation (KDOT) opposed the use of dromedaries because, in its view, they make truck tractor-semitrailer combinations dangerously long. KDOT also noted that the extra capacity might lead to violations of gross weight or axle weight limitations.

The California Department of Transportation (Caltrans) argued that "there is no basis for this proposed rulemaking." It criticized the statement in the preamble to the NPRM that the STAA "inadvertently denied to operators of tractors already equipped with dromedary boxes the opportunity to use the larger semitrailers authorized by the statute" [54 FR 35199]. Caltrans argued that because the STAA defines a tractor as a "noncargo carrying power unit," dromedary tractors are subject to State regulation. It charged that FHWA was inconsistent in treating auto transporters as specialized equipment, while dealing with dromedaries as vehicles which were " 'inadvertently' overlooked in the June 5, 1984 Federal Register." Caltrans asserted that "[i]f FHWA * * * requires allowance of a 48-foot trailer on droms, this sets a new base vehicle for definition of the National Network. Under those circumstances Caltrans must consider the drom as the new 'design vehicle' with more severe operating requirements than the current STAA semi."

There were no comments on the second question.

Discussion of Comments

On September 14, 1983, FHWA issued a proposed rule to implement the STAA (48 FR 41276). In discussing dromedaries, we said the following: "Pursuant to the provisions of Section 411(d) of the STAA [which authorize the Secretary of Transportation to establish rules to accommodate specialized equipment], FHWA intends to grandfather for their useful life [dromedary] units which were in actual and lawful operation" on a certain date (48 FR at 41279). We proposed to codify the dromedary box provision in the specialized equipment section [49 CFR 658.13(D)(2), 48 FR at 41285). Although ultimately codified elsewhere [Section 658.13(d)(2), 48 FR at 41285). Although ultimately codified elsewhere (Section 658.13(f), 49 FR 23302, 23317, June 5, 1984), the dromedary rule, like the auto transporter rule, rests upon FHWA's authority to designate specialized equipment and preempts conflicting State laws. Therefore, operators of truck tractors that were equipped, and lawfully operating, with dromedary boxes on December 1, 1982, are authorized to pull a 48-foot, or grandfathered length, semitrailer on the National Network (NN). This is not "a new base vehicle for definition of the National Network," as Caltrans asserted. Such vehicles have been legal everywhere on the NN since 1984, provided they satisfy the grandfather requirement. In fact, regular tractors as long as dromedary tractors may also be operating on the NN, since Section 411(b) of the STAA forbids a State to establish a length limit on a truck tractor (49 U.S.C. App. 2311(b)).

As for the suggestions of the CHP and IDOT that the term "dromedary" be defined, we believe the amendment adopted in this rulemaking adequately addresses any confusion that may have existed. State officials should have no difficulty distinguishing between straight trucks and genuine dromedaries. The CHP also commented on cargo tiedowns and the structural strength of dromedaries. The Federal Motor Carrier Safety Regulations (FMCSRs) include rules for securing cargo (49 CFR Part 390, Subpart I (1988)) which apply to truck tractors as well as trailers. A dromedary that has been damaged or shows signs of structural failure may be a danger to the motoring public. State officials should handle that problem as they would a damaged or disabled trailer or semitrailer. We do not believe additional regulation is needed.

KDOT argued that the dromedary rule promotes excessively long and heavy vehicles. These vehicles have been operating under the current regulation since 1984, and we are not aware of any safety problems attributable to the dromedary configuration. As for weight violations, there is no evidence that the incentive to overload is greater for dromedary operators than for other motor carriers.

Individual drivers and owner-operators were nearly unanimous in requesting elimination of the grandfather date. Such an amendment is well beyond the scope of this rulemaking and would in any case fundamentally change the purpose of the dromedary rule. The rule FHWA adopted in 1984 was a transitional measure to give operators of dromedary tractors time to depreciate equipment in use in 1982 while adjusting to the new operational environment created by the STAA. Dropping the grandfather date would make dromedaries universally available, a result never intended by FHWA. The transportation consultant's request for an extension of the comment period was denied since further discussion of the grandfather date is irrelevant to this proceeding.

The form letters submitted to the docket included a proposed regulation that would impose no overall length limit on dromedary combinations while allowing them to operate with 3-foot cargo overhangs to the front and 4-foot overhangs to the rear. As explained above, the dromedary rule serves a limited purpose. FHWA does not intend to expand the rule in any fundamental way or to make it analogous to the auto and boat transporter regulations. However, no amendment is needed to enable dromedary tractors to pull 48-foot, or grandfathered length, semitrailers without an overall length limit. States may not impose an overall length limit on tractor semitrailer combinations on the NN, whether the tractor is equipped with a dromedary or not.

Discussion of Rule

Nearly all of the comments to the docket favored adoption of the proposed rule, or at least did not object to it, although many commenters also requested additional benefits for operators of dromedaries. While we are not acting upon comments beyond the scope of this rulemaking, we have decided to adopt the amendment as proposed. The inclusion of the phrase "deck, or plate" merely clarifies the scope of the 1984 rule. There is no functional difference between dromedary boxes and dromedary decks or plates. We do not believe operators of tractors equipped with decks or plates should be treated differently from those using boxes. However, all dromedary equipment will remain subject to the December 1, 1982, grandfather date. In addition to adding "deck, or plate" to the rule, minor grammatical corrections, not intended to change the meaning, were also made.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. As discussed above, the

rule merely clarifies the current regulation on dromedary boxes. A small number of vehicles, whose productivity will be increased, will be affected by this rule.

Regulatory Impact

The FHWA has considered the impact of this rule and has determined that it is not a major rulemaking action within the meaning of E.O. 12291 and not a significant rulemaking under the regulatory policies and procedures of the DOT. These determinations by the agency are based on the nature of the rulemaking. The FHWA has determined that this rulemaking technically amends the June 5, 1984, final rule [49 FR 23302], clarifying and further defining certain issues contained therein. The impacts of the provisions addressed in this rulemaking do not differ in substance from those fully considered in the original impact statement accompanying the June 5 final rule. The Regulatory Impact Analysis prepared for that rule is available for inspection in the Headquarters Office of FHWA, Public Docket Room 4232, 400 Seventh Street, SW., Washington, DC 20590.

Under the criteria of the Regulatory Flexibility Act, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program).

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 658

Grants program—transportation, Highways and roads, Motor carrier size and weight.

Issued on February 5, 1990.

T. D. Larson,

Administrator.

In consideration of the foregoing, the FHWA hereby amends chapter 1 of title 23, Code of Federal Regulations, part 658, as set forth below.

PART 658—TRUCK SIZE AND WEIGHT, ROUTE DESIGNATIONS—LENGTH, WIDTH AND WEIGHT LIMITATIONS

1. The authority citation for 23 CFR part 658 continues to read as follows:

Authority: Secs. 133, 411, 412, 413, and 416 of Pub. L. 97-424, 96 Stat 2097 (23 U.S.C. 127; 49 U.S.C. App. 2311, 2312, 2313, and 2316), as amended by Pub. L. 98-17, 97 Stat. 59, and Pub. L. 98-554, 98 Stat. 2829; 23 U.S.C. 315; and 49 CFR 1.48

2. Section 658.13 is amended by revising paragraph (f) to read as follows:

§ 658.13 Length.

* * * * *

(f) A truck tractor containing a dromedary box, deck, or plate in legal operation on December 1, 1982, shall be permitted to continue to operate, notwithstanding its cargo carrying capacity, throughout its useful life. Proof of such legal operation on December 1, 1982, shall rest upon the operator of the equipment.

[FR Doc. 90-3299 Filed 2-12-90; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8284]

RIN 1545-AJ42

Arbitrage Restrictions on Qualified Student Loan Bonds

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to final regulations relating to arbitrage restrictions on qualified student loan bonds (T.D. 8284) which was published in the Federal Register on Thursday, January 25, 1990 (55 FR 2511).

FOR FURTHER INFORMATION CONTACT: George F. Delduke, 202-566-4545 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On January 25, 1990, Treasury decision (8284) relating to arbitrage restrictions on qualified student loan bonds was published in the Federal Register (55 FR 2511). The amendments provided rules under section 148 of the Internal Revenue Code changed by the Tax Reform Act of 1984 and the Tax Reform Act of 1986.

Need for Correction

As published, the Treasury decision contains errors which may prove to be misleading and are in need of correction.

Correction of Publication

Paragraph 1. On page 2512, in the preamble, under the caption "Public Comments", in column 1, lines 12 through 15, the language "include (as under § 1.103-13(c)(5)(iv)) the underwriter's spread and the cost of purchasing, carrying, and selling or redeeming student loans." is removed and the language "include (as under § 1.103-13(c)(5)(iv) (A) and (B)) the underwriter's spread," is added in its place.

Par. 2. On page 2512, column 2, line 5 of § 1.148(b)(ii), the language "meaning of § 1.103-13(c)(5)(iv)) that are" is removed and the language "meaning of § 1.103-13(c)(5)(iv) (A) and (B)) that are" is added in its place.

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 90-3281 Filed 2-12-90; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-004G]

Occupational Exposure to Lead

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: This notice amends appendix B of OSHA's lead standard, 29 CFR 1910.1025, by removing a sentence that is no longer applicable.

DATES: This amendment is effective February 13, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Occupational Safety and Health Administration, Office of Information and Consumer Affairs, Room N-3637, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, Telephone (202) 523-8148.

SUPPLEMENTARY INFORMATION: When OSHA issued its standard for occupational exposure to lead, 29 CFR 1910.1025, a requirement in the medical surveillance provisions for "multiple physician review" was temporarily delayed by the Court of Appeals. A notification of the delay of the multiple physician review mechanism was included in appendix B to the standard.

This notice removes the sentence in appendix B, that refers to the temporary delay of the multiple physician review provision of the lead standard. This sentence is no longer applicable because of a decision by the U.S. Court of Appeals for the District of Columbia Circuit on August 15, 1980 (*United Steelworkers of America* v. *Marshall*, 647 F.2d 1189 (D.C. Cir. 1980), cert. denied, 453 U.S. 913 (1981), which upheld the validity of OSHA's lead standard, including multiple physician review. Accordingly, the sentence about temporary delay is being deleted from appendix B. For a more complete discussion of the lead standard and litigation history see 54 FR 29142 (July 11, 1989).

Under 5 U.S.C. 553, OSHA finds that there is good cause for making this amendment effective upon publication in the **Federal Register**. The amendment is minor and reflects the status of the lead standard since the above-mentioned *United Steelworkers* decision.

Authority

This document was prepared under the direction of Gerard F. Scannell, Assistant Secretary of Labor for the Occupational Safety and Health Administration, 200 Constitution Avenue NW., Washington, DC 20210. It is issued pursuant to sections 6(b), 8(c), and 8(g) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 9–83 (48 FR 35736), 29 CFR part 1911, and 33 U.S.C. 941.

List of Subjects in 29 CFR Part 1910

Lead, Occupational safety and health.

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

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

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

Section 1910.1000 Tables Z–1, Z–2, Z–3 also issued under 5 U.S.C. 553.

Section 1910.1000 not issued under 29 CFR Part 1911, except for "Arsenic" and "Cotton Dust" listings in Table Z–1.

Section 1910.1001 also issued under Sec. 107 of Contract Work Hours and Safety Standards Act, 40 U.S.C. 333.

Section 1910.1002 not issued under 29 U.S.C. 655 or 29 CFR Part 1911; also issued under 5 U.S.C. 553.

Sections 1910.1003 through 1910.1018 also issued under 29 U.S.C. 653.

Section 1910.1025 also issued under 29 U.S.C. 653 and 5 U.S.C. 553.

Section 1910.1028 also issued under 29 U.S.C. 653.

Section 1910.1043 also issued under 5 U.S.C. 551 et seq.

Sections 1910.1045 and 1910.1047 also issued under 29 U.S.C. 653.

Section 1910.1048 also issued under 29 U.S.C. 653.

Sections 1910.1200, 1910.1499 and 1910.1500 also issued under 5 U.S.C. 553.

§ 1910.1025 [Amended]

2. In § 1910.1025, in appendix B, in "VIII. Medical Surveillance—Paragraph (J)," in the eighth paragraph, the seventh sentence, which reads "This multiple physician review mechanism, however, has been temporarily delayed by the Court of Appeals.", is deleted.

Signed at Washington, DC, this 6th day of February 1990.

Gerard F. Scannell,

Assistant Secretary of Labor.

[FR Doc. 90–3400 Filed 2–12–90; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 98a

[DoD Directive 7050.6]

RIN 0790–AB31

Military Whistleblower Protection

AGENCY: Inspector General, DoD.

ACTION: Final rule.

SUMMARY: This part provides policy and implements the military whistleblower protection provisions contained in Pub. L. 100–456. It applies to all DoD Components and personnel and establishes responsibilities, authorities, and operating procedures to ensure that military members of the Armed Forces are protected from reprisal for making lawful communication with a member of Congress or an Inspector General in which the member makes a complaint or discloses information that the member reasonably believes evidence a violation of law or regulation; mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public safety. This part specifically provides for the reporting and investigating of reprisal allegations. It also provides for remedies when reprisal is found including disciplinary action against persons taking reprisal, and the correction of military records when appropriate.

EFFECTIVE DATE: November 20, 1989.

ADDRESSES: Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–2884.

FOR FURTHER INFORMATION CONTACT: Ms. M. Campbell, telephone (202) 697–6645.

SUPPLEMENTARY INFORMATION: On May 1, 1989, Office of the Inspector General, Department of Defense published a proposed rule in the **Federal Register** (54 FR 18547) with a comment period ending May 31, 1989.

List of Subjects in 32 CFR Part 98a

Armed forces, Fraud, Investigations.

Accordingly, title 32 of the Code of Federal Regulations, is amended to add part 98a as follows:

PART 98a—MILITARY WHISTLEBLOWER

Sec.

98a.1 Purpose.
98a.2 Applicability.
98a.3 Definitions.
98a.4 Policy.
98a.5 Responsibilities.
98a.6 Authority.
Appendix-Operating Procedures

Authority: 10 U.S.C. 1034, Pub. L. 100–456.

§ 98a.1 Purpose.

This part:

(a) Establishes policy and implements Public Law 100–456 to provide protection against reprisal for military members of the Armed Forces for making a lawful communication to a Member of Congress or an Inspector General (IG) in which the military member makes a complaint or discloses information that he or she reasonably believes evidences a violation of law or regulation, mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public safety.

(b) Assigns responsibilities and delegates authorities for such protection and prescribes operating procedures (Appendix).

§ 98a.2 Applicability.

This part applies to all DoD personnel and to the Office of the Secretary of Defense (OSD), the Military Departments (including their National Guard and Reserve components), the Joint Staff, the Unified and Specified Commands, the Inspector General of the Department of Defense (IG, DoD), and the Defense Agencies, including nonappropriated fund activities (hereafter referred to collectively as "DoD Components").

§ 98a.3 Definitions.

Board for the Correction of Military Records (BCMR). Any board