exportation of the vehicle from the United States, at no cost to the United States; or in default of abandonment or redelivery after proper notice by the Administrator to the principal, the principal shall pay to the Administrator the amount of this obligation;

Then this obligation shall be void; otherwise it shall remain in full force and effect.

Signed, sealed, and delivered in the presence of—

_____

Name Address

_____(SEAL)

(Principal)

_____

Name Address

_____

Name Address

_____(SEAL)

(Surety)

_____

Name Address

CERTIFICATE AS TO CORPORATE PRINCIPAL

I, _____ certify that I am the _____ of the corporation named as principal in the within bond; that _____, who signed the bond on behalf of the principal, was then _____ of said corporation; that I know his/her signature, and his/her signature thereto is genuine; and that said bond was duly signed, sealed, and attested for and in behalf of said corporation by authority of its governing body.

_____ [Corporate Seal]

To be used when a power of attorney has been filed with NHTSA. May be executed by secretary, assistant secretary, or other officer.

[FR Doc. 90-6927 Filed 3-23-90; 2:03 pm]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 91290-0052]

RIN 0648-AC70

Fee Schedule for Foreign Fishing

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

ACTION: Final rule.

SUMMARY: NOAA adopts the 1990 fee schedule for foreign vessels fishing in the Exclusive Economic Zone (EEZ). This schedule adopts fees for only the species currently available for foreign fishing. Fees for these species are identical to fees charged under schedules adopted in 1988 and 1989. Under these schedules, owners or operators of foreign vessels paid $354 per fishing permit application. The poundage fees in foreign directed fisheries were assessed at 44.4 percent of the exvessel value of the species taken. No surcharge was required for the Fishing Vessel and Gear Damage Compensation Fund. This action complies with section 204(b)(10) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1801 *et seq.*

EFFECTIVE DATE: January 1, 1990.

ADDRESSES: Copies of a regulatory impact review (RIR) related to the impact of fees set at the levels set by this schedule are available through the contact named below.

FOR FURTHER INFORMATION CONTACT: Alfred J. Bilik, 301-427-2337, or telex 467856 US COMM FISH CI.

SUPPLEMENTARY INFORMATION: NOAA implements the schedule of permit application and poundage fees for fishing by foreign vessels in the EEZ in 1990. The schedule is consistent with section 204(b)(10) of the Magnuson Fishery Conservation and Management Act (Magnuson Act). Section 204(b)(10) requires that the fees recover costs of carrying out the purposes of the Magnuson Act which are attributed to foreign fishing. This schedule targets fee collections of about $2.239 million in 1990. No additional amounts are to be collected under provisions of section 204(b)(10(C).

Background

On December 26, 1989, NOAA published a Notice of Proposed Rulemaking (NPR) for a 15-day public comment period at 54 FR 52971. The NPR maintained the fee schedule at the levels charged in 1988 and 1989. It also removed from the schedule species that are no longer available for allocation for directed foreign fishing. The only remaining fish available for directed foreign fisheries and specified in the total allowable level of foreign fishing (TALFF species) are Atlantic mackerel and species taken as bycatch in directed fisheries for mackerel and Bering Sea snails. The other species were deleted from the schedule to avoid an implication that NOAA had reviewed current exvessel values of those species.

No public comments were received on the schedule proposed for 1990 by NOAA. NOAA therefore adopts as final the schedule proposed at 54 FR 52971 on December 26, 1989.

Classification

NOAA prepared a regulatory impact review (RIR) for the 1988 fee schedule which discussed the economic consequences and impacts of that fee schedule and alternatives. Copies of that RIR are available from the above named contact. Based on that RIR, the Administrator, NOAA, determined that the 1988 fee schedule complied with the requirements of section 2 of E.O. 12291. Since the species fees proposed for 1989 were not changed, NOAA anticipated no new economic impacts. It reached similar conclusions for the 1990 schedule and also concluded that the 1990 schedule does not constitute a major rule.

The General Counsel of the Department of Commerce has certified that the proposed fee schedule will not have significant economic impact upon a substantial number of small domestic entities for purposes of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This certification was forwarded to the Chief Counsel for Advocacy of the Small Business Administration. Because the fee schedule will not have a significant economic impact upon a substantial number of small domestic entities, a regulatory flexibility analysis was not required, and has not been prepared.

NOAA Directive 02-10 published at 45 FR 49312 (July 24, 1980) adopts internal procedures to implement the National Environmental Policy Act (NEPA), as amended (43 U.S.C. 4321 *et seq.*). Under those procedures, programmatic functions with no potential for significant environmental impacts are generally excluded from NEPA requirements. The fee schedule has a significant environmental impact on the fishery resources in the EEZ. At most, the fee schedule might affect the harvesting strategy of foreign fishing vessels and result in a different species mix being removed from the environment; however, the schedule meets the criterion that fees should minimize disruption of traditional fishing patterns on target species. The environmental impact of harvesting a very small total allowable level of foreign fishing catch is described in the fishery management plan for Squid, Butterfish, and Mackerel. Consequently, no further environmental assessment is necessary.

The Assistant Administrator for Fisheries finds for good cause, namely to implement the fee schedule as close to the beginning of the fishing season as possible and prior to the preparation of billings for the first quarter's catches, that it is impractical and contrary to the public interest to delay for 30 days the effective date of these regulations, under the provisions of section 553(d) of the Administrative Procedure Act. This action does not require changes in plans or strategies by foreign fishing companies since it makes no changes

from the fees which applied in 1988 and in 1989.

This rule has no information collection provisions covered by the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*).

This rule does not directly affect the coastal zone of any state with an approved Coastal Zone Management program. Neither does the rule contain policies with federalism implications sufficient to warrant a federalism assessment under Executive Order 12612.

List of Subjects in 50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting and recordkeeping requirements.

Dated: March 22, 1990.

William W. Fox, Jr.,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

PART 611—[AMENDED]

For the reasons above, 50 CFR part 611 is amended as follows:

1. The authority citation for part 611 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 971 *et seq.*, 22 U.S.C. 197 *et seq.*, and 16 U.S.C. 1361 *et seq.*

§ 611.22 [Amended]

2. Paragraphs § 611.22 (b)(1), (c), and (d) are revised as follows:

* * * * *

(b) *Poundage fees.*

(1) *Rates.* If a nation chooses to accept an allocation, poundage fees must be paid at the rate specified in Table 1, plus the surcharge required by paragraph (d) of this section.

TABLE 1—SPECIES AND POUNDAGE FEES

[Dollars per metric ton, unless otherwise noted]

Species	Poundage fees
Northwest Atlantic Ocean fisheries:	
1. Butterfish	274.61
2. Hake, red	183.97
3. Hake, silver	174.63
4. Herring, river	61.76
5. Mackerel, Atlantic	68.43
6. Other groundfish	119.09
7. Squid, Illex	103.98
8. Squid, Loligo	245.73
Alaska fisheries:	
21. Snails	128.42

* * * * *

(c) *Incremental amount.* An additional incremental amount will be added to the poundage fee Bill for Collection for fish harvested by a nation during the first quarter of the next fiscal year following notification under paragraph (10)(C) of section 204(b) of the Magnuson Act [16 U.S.C. 1824(b)(10)(C)]. This incremental amount will be added to all subsequent quarterly bills until the quarter specified when the Assistant Administrator notifies that nation that it has taken appropriate corrective action. The incremental amount in 1990 will be 78.0 percent of the total poundage fee in each quarter during which this provision applies.

(d) *Surcharges.* The owner or operator of each foreign vessel who accepts and pays permit application or poundage fees under paragraph (a) or (b) of this section must also pay a surcharge. The Assistant Administrator may reduce or waive the surcharge if it is determined that the Fishing Vessel and Gear Damage Compensation Fund is capitalized sufficiently. The Assistant Administrator also may increase the surcharge during the year to a maximum level of 20 percent, if needed, to maintain capitalization of the fund. The Assistant Administrator has effectively waived the surcharge on 1990 fees.

* * * * *

[FR Doc. 90-7018 Filed 3-27-90; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 55, No. 60
Wednesday, March 28, 1990

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

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 701

Conservation and Environmental Programs

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise 7 CFR part 701 by: (1) Revising 7 CFR 701.51 to clarify the calculation of the maximum cost-share percentages for the Emergency Conservation Program (ECP); and (2) revise § 701.70 to provide, uniformly for the Agricultural Conservation Program (ACP), the ECP, and the Forestry Incentives Program (FIP), that, for program purposes, an applicant will not be considered to have incurred costs which can be reimbursed under the program to the extent that the applicant has, or will, be compensated for such costs by third persons who are not themselves approved for program assistance for the project. The proposed rule would allow an exception to the third-party to the extent that the local State Agricultural Stabilization and Conservation Committee (ASC Committee), acting in accordance with instructions issued by the Deputy Administrator for State and County Operations (DASCO) of the Department's Agricultural Stabilization and Conservation Service (ASCS), determines that an exception is needed to accomplish program goals.

DATES: Comments must be received on or before April 27, 1990, in order to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments to: James R. McMullen, Director, Conservation and Environmental Protection Division, ASCS, USDA, P.O. Box 2415, Washington, DC 20013, telephone 202–447–6221.

FOR FURTHER INFORMATION CONTACT: James R. McMullen, Director, Conservation and Environmental Protection Division, ASCS, USDA, P.O. Box 2415, Washington, DC 20013, telephone 202–447–6221.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed for compliance with Executive Order 12291 and Departmental Regulation No. 1521–1 and has been classified as "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this rule applies are: Title—Agricultural Conservation Program (ACP), Number—10.063; Title—Emergency Conservation Program (ECP), Number—10.054; Title—Forestry Incentives Program (FIP), Number 10.064; as found in the Catalog of Federal Domestic Assistance.

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

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

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

Authority for the ACP, ECP, and FIP is found in the Soil Conservation and Domestic Allotment Act of 1936, the Agricultural Credit Act of 1978, and the Cooperative Forest Assistance Act of 1978.

The statutory provisions authorizing the ACP provides in 16 USC 590h that the amount of cost-share assistance made available for approved projects shall be that amount which the Secretary of Agriculture determines necessary, taking into account: (1) The amount of expected conservation or environmental benefit accruing to the public; (2) the total cost of carrying out needed measures; (3) the degree to which appropriate conservation or pollution abatement practices will be applied in the absence of financial assistance; and (4) in order to avoid duplication of assistance, the degree to which the agricultural producer benefits from other public programs for conservation and environmental enhancement.

The ECP statute also does not set specific cost-share rates. Rather, it provides generally in 16 U.S.C. 2201 that the Secretary is authorized to make payment to approved agricultural producers who carry out emergency measures to control wind erosion on farmland or to rehabilitate farmland damaged by wind erosion, floods, hurricanes, or other natural disasters when, as a result of these conditions, new conservation problems have been created that: (1) If not treated, will impair or endanger the land; (2) materially affect the productive capacity of the land; (3) represent damage that is unusual in character and, except for wind erosion, is not the type that would recur frequently in the same area; and (4) will be so costly to rehabilitate that Federal assistance is or will be required to return the land to productive agricultural use.

FIP is authorized by the Cooperative Forest Assistance Act of 1978. The provisions set forth at 16 U.S.C. 2103 authorize the Secretary to develop a forestry incentives program to encourage the development, management and protection of nonindustrial private forest lands. The Secretary is permitted to make cost-shares available to approved landowners in the amount determined by the Secretary to be necessary, but not to exceed 75 percent of the actual costs incurred by the landowner.

First, because there has been some confusion about the ECP assistance calculation, this rule proposes clarifying

the provisions of § 701.51 regarding the maximum ECP cost-share allowance.

Second, funds for the ACP, the ECP, and the FIP are limited. This rule would also revise the regulations to provide uniformly for all three programs that a program applicant will not be considered to have incurred reimbursable costs, for program purposes, to the extent that the applicant has, or will, receive a contribution from third-parties who are not themselves eligible and approved for program assistance for the project. Local State ASC committee would be permitted to grant an exception to this "third-party" rule where the committee determines, acting in accordance with instructions from DASCO, that an exception is necessary to accomplish program goals. In no case, however, could the assistance received by the applicant exceed the net contribution that the applicant has otherwise made to the project (that is, the contribution made by the applicant independent of the actual or pending contribution of third-parties). This limitation is in addition to other limitations on payments that apply under part 701.

List of Subjects in 7 CFR Part 701

Disaster assistance, Forests and forest products, Grant programs, Natural resources, Rural areas, Soil conservation, Water resources, Wildlife.

Proposed Rule

Accordingly, it is proposed that the regulations at 7 CFR part 701 be revised as follows:

PART 701—CONSERVATION AND ENVIRONMENTAL PROGRAMS

1. The authority citation for part 701 shall be revised to read as follows:

Authority: 16 U.S.C. 590d, 590g–590o, 590p(a), 590q, 1501–1510, 1606, 2101–2111, 2201–2205; 48 U.S.C. 1469d(c).

2. Section 701.51 shall be revised to read as follows:

§ 701.51 Extent of cost-sharing.

(a) The maximum payment under this subpart per person, per disaster, is limited to $200,000, including the amount of any payment received by such person as the result of a disaster under a pooling agreement.

(b) The cost-share payments which may be made by ASCS for a practice under the program shall, subject to the maximum payment amount specified in paragraph (a) of this section and any other limitation as may apply, be further limited to the level of cost-share assistance established by the county committee not to exceed the following amounts:

(1) 64 percent of the first $62,500 of eligible reimbursable costs; plus

(2) 40 percent of the second $62,500 of eligible reimbursable costs; plus

(3) 20 percent of the remaining eligible reimbursable costs up to such amount as would produce a cost-share not in excess of the limitation in paragraph (a) of this section.

3. Section 701.70 is revised to read as follows:

§ 701.70 Practices carried out with aid from ineligible persons.

(a) Except as provided in paragraph (b) of this section, financial assistance which is made available, or will be made available, to a program participant from a person ineligible for cost-share assistance under this part for the practice, including aid from a State or Federal agency other than assistance made available under this part, shall be deducted from the program participant's total costs incurred for the practice for purposes of determining the applicant's eligible reimbursable costs under this part.

(b) Third party contributions need not be deducted under paragraph (a) of this section where it is determined by the State ASC Committee, in accordance with instructions of the Deputy Administrator, State and County Operations (DASCO), ASCS, that an exception would be in furtherance of program objectives. However, the total cost-share paid may not, in any case, exceed the net contribution (exclusive of any contribution by ineligible persons) otherwise made by the applicant to the cost of carrying out the practice.

Signed at Washington, DC, March 22, 1990.

John A. Stevenson,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 90-7066 Filed 3-27-90; 8:45 am]

BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

9 CFR Part 11

[Docket No. 89-222]

Horse Protection Inspection Guidelines

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the Horse Protection regulations to expand and clarify the procedures to be followed by Designated Qualified Persons in conducting inspections at horse shows, exhibitions, and sales or auctions. We believe these amendments are necessary to better protect horses under the Horse Protection Act.

DATES: Consideration will be given only to comments received on or before April 27, 1990.

ADDRESSES: To help ensure that your written comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 89–222. Comments received may be inspected at USDA, Room 1141, South Buidling, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. R.L. Crawford, Director, Animal Care Staff, Regulatory Enforcement and Animal Care, APHIS, USDA, Room 269, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. (301) 436–8790.

SUPPLEMENTARY INFORMATION:

Background

The practice known as "soring" is the causing of suffering in show horses to affect their performance in the show ring. In 1970, Congress passed the Horse Protection Act (15 U.S.C. 1821–1831), referred to below as the Act, to eliminate the practice of soring, by prohibiting the showing or selling of sored horses. Exercising our rulemaking power under the Act, we issued regulations published at 9 CFR Part 11, referred to below as the regulations, that prohibit devices and methods that may sore horses. In 1979, in response to an amendment to the Act, we established guidelines under which show managements must, to avoid liability for any sore horses which are shown, hire individuals trained to conduct preshow inspections. These individuals, referred to as Designated Qualified Persons (DQP's), are trained and licensed under industry-sponsored DQP programs that we certify and monitor.

The requirements for DQP licensing are set forth in § 11.7 of the current regulations. As part of the licensing process, prospective DQP's are trained in procedures we have established for examining a horse prior to exhibition. The inspection procedures include both examination by palpation of the horse's pasterns and visual examination of the horse. Representatives of both the horse industry and animal welfare organizations have suggested that the

current guidelines for preshow DQP examination of a horse are not detailed enough to ensure a uniform and adequate inspection of all horses examined by DQP's. In response to these concerns, we published an advance notice of proposed rulemaking on May 12, 1989 [54 FR 20605–20606, Docket No. 89–057], in which we solicited comments on how best to clarify and make more specific the DQP inspection procedures, so as to detect more effectively horses that are sore. We received seven comments in response to our notice, and have reviewed and analyzed each of the comments. In this document, we are proposing to add to the regulations a new section, and designate it § 11.21, regarding inspection procedures to be carried out by DQP's, as discussed below. Current §§ 11.21 and 11.22 would be redesignated as §§ 11.22 and 11.23 respectively.

Preshow Observation of Horse's Movement

We are proposing to specify procedures for the DQP to follow in conducting preshow inspections. We would specify that the DQP shall direct the custodian of the horse to walk and/or turn the horse in a manner that allows the DQP to determine whether the horse exhibits signs of soreness. While watching the horse move, the DQP would determine whether the horse moves in a free and easy manner and whether it is free of any signs of soreness, such as unusual posture, distressed expression, or a reluctance to move.

Other Preshow Inspection Techniques

Under this proposed rule, the DQP would be required to follow certain specified procedures in physically examining a horse. We would specify that the DQP shall digitally palpate the front limbs of the horse, with particular emphasis on the pasterns. The DQP would be required to examine the posterior surface of the pastern by picking up the foot and examining the posterior (flexor) surface. The DQP would be further required to apply digital pressure to the pocket (sulcus), including the bulbs of the heel, and continue the palpation to the medial and lateral surfaces of the pastern, being careful to observe for responses to pain in the horse. The DQP would also be required to extend the foot and leg of the horse, while continuing to hold onto the pastern, to examine the front (extensor) surfaces, including the coronary band. We are also providing that the DQP may examine the rear limbs of the horse in like manner when he deems it necessary.

In this proposed rule, we are also specifying that the DQP examine the horse to ensure that those pads, other devices, and substances prohibited by § 11.2 of the regulations are not used, that the DQP ensure that the restrictions on workouts and performances specified in § 11.2(d) of the regulations are complied with, and that the "scar rule" provisions in § 11.3 of the regulations are not violated.

We are also providing in this proposed rule that the DQP may carry out additional inspection procedures as he deems necessary to determine whether a horse is sore.

Inspection of Horses in Unloading and Barn Areas

We believe that inspection of horses in the unloading and barn areas of show or sale grounds would enable a DQP to detect soreness in horses and other violations of the regulations, such as the use of prohibited substances. We believe that such inspection should include observing the horses for signs of soreness, such as unusual posture, distressed expression, or reluctance to move. In order to establish effective procedures for such inspections, we are proposing to require that horse industry organizations or associations that are seeking, or that have been granted, certification of a DQP program submit to the Department for approval procedures for conducting such inspections. Those associations and organizations seeking DQP program certification would be required to submit the procedures for approval along with the other information required for Department approval under current § 11.7(b). Those organizations or associations with DQP programs that have already been certified would have 30 days from the publication date of the document making final this proposal to receive Department approval of such procedures.

Organizational Sanctions

We are proposing to provide in § 11.7 of the regulations that those DQP's who fail to follow the procedures that would be established by this proposed rule would be subject to sanctions by the organization that has licensed the DQP. Licensing organizations that fail to impose such sanctions when appropriate would be subject to decertification by the Animal and Plant Health Inspection Service.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291 and Departmental Regulation 1512–1, and have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule would have an effect on the economy of less than $100 million;" would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not cause 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.

The changes to the regulations in this proposed rule would make explicit the procedures Designated Qualified Persons (DQP's) must follow when inspecting horses in accord with the Horse Protection Act regulations. The proposed changes would help ensure that the procedures that DQP's are already trained in are uniformly followed. In addition to specifying procedures for physical examination of a horse, the proposed regulations would direct DQP's to observe the horse as it is walked and turned. Additionally, the proposed regulations would require that DQP programs include procedures for inspection of horses in unloading and barn areas. We expect that implementation of these regulations would cause no change in the number of shows inspected by DQP's. We do not believe that the cost to show management for a DQP's services would increase as a result of these proposed changes.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), we have submitted the information collecton provisions that are included in this proposed rule for approval to the Office of Management and Budget (OMB). Please send written comments concerning any information collection to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Submit a duplicate copy of

your comments to Regulatory Analysis and Development, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

List of Subjects in 9 CFR Part 11

Animal welfare, Horses, Humane animal handling, Soring of horses.

Accordingly, 9 CFR part 11 would be amended as follows:

PART 11—HORSE PROTECTION REGULATIONS

1. The authority citation for part 11 would continue to read as follows:

Authority: 15 U.S.C. 1823, 1824, 1825, and 1828; 44 U.S.C. 3506.

2. In § 11.7, paragraphs (b)(6), (7), and (8) would be redesignated as paragraphs (b)(7), (8), and (9), respectively, and a new paragraph (b)(6) would be added to read as follows:

§ 11.7 Certification and licensing of designated qualified persons (DQP's).

(b) * * *

(6) Procedures for inspection of horses in the unloading and barn areas of show or sale grounds, prior to such horses being shown.

* * * * *

§ 11.7 [Amended]

3. In § 11.7, paragraph (f)(1), the first sentence would be revised to read as follows: "Each horse industry organization or association having a DQP program certified by the Department shall issue a written warning to any DQP whom it has licensed who violates the rules, regulations, by-laws, or standards of conduct promulgated by such horse industry organization or association pursuant to this section, who fails to follow the procedures set forth in § 11.21 of this part, or who otherwise carries out his duties and responsibilities in a less than satisfactory manner, and shall cancel the license of any DQP after a second violation."

4. In § 11.7, paragraph (g), the first sentence would be revised to read as follows: "Any horse industry organization or association having a Department certified DQP program that has not received Department approval of the inspection procedures provided for in paragraph (b)(6) of this section, or that otherwise fails to comply with the requirements contained in this section, may have such certification of its DQP program revoked, unless, upon written notification from the Department of such failure to comply with the requirements in this section, such organization or association takes immediate action to rectify such failure and takes appropriate steps to prevent a recurrence of such noncompliance within the time period specified in the Department notification, or otherwise adequately explains such failure to comply."

§ 11.20 [Amended]

5. In § 11.20, paragraph (b)(2), the third sentence would be revised to read as follows: "Such physical examination shall be conducted in accord with the inspection procedures provided for in § 11.21 of this part."

6. Sections 11.21 and 11.22 would be redesignated as §§ 11.22 and 11.23 respectively, and a new § 11.21 would be added to read as follows:

§ 11.21 Inspection procedures for designated qualified persons (DQP's).

(a) Preshow inspection. (1) During the preshow inspection, the DQP shall direct the custodian of the horse to walk and/or turn the horse in a manner that allows the DQP to determine whether the horse exhibits signs of soreness. The DQP shall determine whether the horse moves in a free and easy manner and is free of any signs of soreness.

(2) The DQP shall digitally palpate the front limbs of the horse, with particular emphasis on the pasterns. The DQP shall examine the posterior surface of the pastern by picking up the foot and examining the posterior (flexor) surface. The DQP shall apply digital pressure to the pocket (sulcus), including the bulbs of the heel, and continue the palpation to the medial and lateral surfaces of the pastern, being careful to observe for responses to pain in the horse. While continuing to hold onto the pastern, the DQP shall extend the foot and leg of the horse to examine the front (extensor) surfaces, including the coronary band. The DQP may examine the rear limbs of the horse in like manner when he deems it necessary. While carrying out the procedures set forth in this paragraph, the DQP shall also inspect the horse to determine whether the provisions of § 11.3 of this part are being complied with.

(3) The DQP shall observe and inspect the horse to determine whether the provisions of § 11.2 of this part are being complied with.

(b) The DQP may carry out additional inspection procedures as he deems necessary to determine whether the horse is sore.

(c) The DQP shall assess appropriate penalties for violations, as set forth in the rule book of the certified program under which the DQP is licensed, and shall report all violations, in accord with § 11.20(b)(3) of this part.

* * * * *

§ 11.24 [Amended]

7. In § 11.24, paragraph (a), first sentence, the words "§ 11.21(a)(1) through § 11.21(a)(6)" would be removed, and the words "§ 11.22(a)(1) through 11.22(a)(6)" would be added in their place.

Done in Washington, DC, this 23rd day of March 1990.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90-7068 Filed 3-27-90; 8:45 am]

BILLING CODE 3410-34-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Rel. No. 34-27834; File No. S7-5-90]

Exemption of Securities Underlying Market Baskets From Registration Under Section 12(a)

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing new Rule 12a-7 under the Securities Exchange Act of 1934 ("Act"). The Rule would exempt from the registration provisions of section 12(a) of the Act securities that are traded as part of a market basket transaction provided that each component security otherwise is a national market system security and is listed and registered on another national securities exchange or quoted on the National Association of Securities Dealers Automated Quotation System. In addition, to be eligible for the exemption the stocks must be part of a standardized market basket containing at least 100 securities. The exemption would be applicable only to facilitate the trading of securities as part of a standardized market basket, including any delivery and settlement requirements, that has been approved for exchange trading by the Commission.

DATES: Comments must be received on or before April 27, 1990.

ADDRESSES: Persons wishing to submit written comments should file 3 copies thereof with Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Reference should be made to File No. S7-5-90. Copies of the submission and all written comments will be available for public inspection and copying at the Commission's Public Reference Room,