thereof, other than a savings association, shall file in accordance with § 500.32(c)(6) of this chapter, such reports as may be required by the Office. Such reports shall be made under oath or otherwise, and shall be in such form and for such periods, as the Office may prescribe. Each report shall contain information concerning the operations of such savings and loan holding company and its subsidiaries as the Office may require.

* * * * *

54. Amend § 584.2–1 by revising the first three sentences of paragraph (c)(1) to read as follows:

§ 584.2–1 Prescribed services and activities of savings and loan holding companies.

* * * * *

(c) *Procedures for commencing services or activities.* (1) Before a savings and loan holding company subject to restrictions on its activities pursuant to § 584.2(b) of this part or a subsidiary thereof may commence performing or engaging in a service or activity prescribed by paragraph (b) of this section, either *de novo* or by an acquisition of a going concern, it shall file a notice of intent to do so in a form prescribed by the Office. The notice should be filed in accordance with § 500.32(e)(5) of this chapter. The activity or service may be commenced unless, before the close of the period specified immediately below, the District Director finds that the activity or service proposed would not be, under the circumstances, a proper incident to the operations of savings associations or would be detrimental to the interests of savings account holders therein, or unless the District Director, upon notice to the applicant, refers the application to the Director of the Office because the proposed activity presents a significant issue of law or policy. * * *

* * * * *

55. Amend § 584.2–2 by revising the first two sentences of paragraph (b) to read as follows:

§ 584.2–2 Permissible bank holding company activities of savings and loan holding companies.

* * * * *

(b) *Procedures for applications.* Applications to commence any activity prescribed under paragraph (a) of this section shall be filed in accordance with § 500.32(c)(1)(i) of this chapter. The District Director, or his or her designee, shall act upon such application pursuant to the guidelines set forth in § 571.12 of this chapter unless, the District Director, upon notice to the applicant, refers the application to the Director of the Office because it raises issues of law or policy inappropriate for resolution by the District Director. * * *

* * * * *

56. Amend § 584.5 by revising the first three sentences to read as follows:

§ 584.5 Advance notice of proposed dividend declarations.

No subsidiary savings association of a savings and loan holding company may declare any dividend on its guaranty, permanent, or other nonwithdrawal stock without first giving to the Office not less than 30 days' advance notice of the proposed declaration by its directors of any such dividend. Such notice shall be in the form prescribed by the Office in § 584.10(b), and shall be filed in accordance with § 500.32(c)(6) of this chapter. The 30-day notice period begins to run from the date of receipt of such notice by the District Director, who will promptly acknowledge such receipt in writing. * * *

Dated: January 31, 1990.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 90–7135 Filed 4–10–90; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 176

[Docket No. 86F–0339]

Indirect Food Additives; Paper and Paperboard Components

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 5-chloro-2-methyl-4-isothiazolin-3-one and 2-methyl-4-isothiazolin-3-one mixture with the optional use of magnesium nitrate as an antimicrobial agent for fillers, binders, pigment slurries, sizing solutions, and coating formulations employed in the manufacture of paper and paperboard for use in contact with food. This action is in response to a petition filed by Rohm & Haas Co.

DATES: Effective April 11, 1990; written objections and requests for a hearing by May 11, 1990.

ADDRESSES: Written objections may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of September 2, 1986 (51 FR 31176), FDA announced that a food additive petition (FAP 6B3947) had been filed by Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of 5-chloro-2-methyl-4-isothiazolin-3-one and 2-methyl-4-isothiazolin-3-one mixture with magnesium nitrate as an antimicrobial agent for fillers, binders, pigment slurries, sizing solutions, and coating formulations employed in the manufacture of paper and paperboard for use in contact with food.

FDA, in its evaluation of the safety of this additive, reviewed the safety of both the additive and the starting materials used to manufacture the additive. The agency is not aware of any data that show 5-chloro-2-methyl-4-isothiazolin-3-one, 2-methyl-4-isothiazolin-3-one, or magnesium nitrate to be cancer causing chemicals. However, dimethylnitrosamine, which could be present as an impurity in the additive, has been shown to cause cancer in test animals. Residual amounts of reactants and byproducts, such as dimethylnitrosamine are commonly found as contaminants in chemical products, including food additives.

I. Determination of Safety

Under section 409(c)(3)(A) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348(c)(3)(A)), the so-called "general safety clause" of the statute, a food additive cannot be approved for a particular use unless a fair evaluation of the data available to FDA establishes that the additive is safe for that use. The concept of safety embodied in the Food Additives Amendment of 1958 is explained in the legislative history of the provision: "Safety requires proof of a reasonable certainty that no harm will result from the proposed use of an additive. It does not—and cannot—require proof beyond any possible doubt that no harm will result under any conceivable circumstance." H. Rept. 2284, 85th Cong., 2d Sess. 4 (1958). This definition of safety has been incorporated into FDA's

food additive regulations (21 CFR 170.3(i)). The anticancer or Delanny clause of the Food Additives Amendment (section 409(c)(3)(A) of the act (21 U.S.C. 348(c)(3)(A))) provides further that no food additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal.

In the past, FDA has often refused to approve the use of an additive that contained or was suspected of containing even minor amounts of a carcinogenic chemical. The agency now believes, however, that developments in scientific technology and experience with risk assessment procedures make it possible for FDA to establish the safety of additives that contain carcinogenic impurities but that have not themselves been shown to cause cancer.

In the preamble to the final rule permanently listing D&C Green No. 6, published in the **Federal Register** of April 2, 1982 (47 FR 14138), FDA explained the basis for approving the use of a color additive that had not been shown to cause cancer, even though it contains a carcinogenic impurity. Since that decision, FDA has approved the use of other color additives and food additives on the same basis.

An additive that has not been shown to cause cancer, but that contains a carcinogenic impurity, may properly be evaluated under the general safety clause of the statute using risk assessment procedures to determine whether there is a reasonable certainty that no harm will result from the proposed use of the additive.

The agency's position is supported by *Scott* v. *FDA*, 728 F.2d 322 (6th Cir. 1984). That case involved a challenge to FDA's decision to approve the use of D&C Green No. 5, which contains a carcinogenic chemical but has itself not been shown to cause cancer. Relying heavily on the reasoning in the agency's decision to list this color additive, the U.S. Court of Appeals for the Sixth Circuit rejected the challenge to FDA's action and affirmed the listing regulation.

II. Safety of Petitioned Use

FDA estimates that the petitioned use of 5-chloro-2-methyl-4-isothiazolin-3-one and 2-methyl-4-isothiazolin-3-one mixture with magnesium nitrate will result in extremely low levels of exposure to this additive. The agency calculated the estimated daily intake of 5-chloro-2-methyl-4-isothiazolin-3-one and 2-methyl-4-isothiazolin-3-one mixture (hereafter referred to as isothiazolones), with the optional use of magnesium nitrate, based on considerations such as the migration of the mixture under the most severe intended use conditions and the probable concentration of the mixture in the daily diet from food-contact articles that contain this substance. The agency estimated the daily intakes for the isothiazolones and the maximum requested level of the optional component magnesium nitrate to be 99 micrograms per person per day (32.9 parts per billion in the diet) each.

FDA does not ordinarily consider chronic testing to be necessary to determine the safety of an additive whose use will result in such low exposure levels (Refs. 1 and 2) and has not required such testing here. However, the agency has reviewed available data from subchronic rat and dog feeding studies and teratology studies with the isothiazolones. No adverse effects were observed in these studies. The agency also finds that the small increase in exposure from the optional use of magnesium nitrate in the additive will not significantly increase exposure to magnesium and nitrate ions in the diet. On the basis of this information and of the low level of exposure to the additive, the agency concludes that there is an adequate margin of safety for the proposed use of the additive.

FDA has evaluated the safety of this additive under the general safety clause, considering all available data and using risk assessment procedures to estimate the upper-bound limit of risk presented by the carcinogenic chemical dimethylnitrosamine, which may be present as an impurity in the additive. Based on this evaluation, the agency has concluded that the additive is safe under the proposed conditions of use.

The risk assessment procedures that FDA used in this evaluation are similar to the methods that the agency has used to examine the risk associated with the presence of minor carcinogenic impurities in various other food and color additives that contain carcinogenic impurities (see, e.g., 49 FR 13018 and 13019; April 2, 1984). The risk evaluation of the carcinogenic impurity dimethylnitrosamine has two aspects:

(1) Assessment of the worst-case exposure to the impurity from the proposed use of the additive, and

(2) Extrapolation of the risk observed in the animal bioassays to the conditions of probable exposure to humans.

A. Dimethylnitrosamine

Based on the fraction of the daily diet that may be in contact with articles containing 5-chloro-2-methyl-4-isothiazolin-3-one and 2-methyl-4-isothiazolin-3-one mixture with magnesium nitrate and on the level of dimethylnitrosamine that may be present in the additive, FDA estimated the hypothetical worst-case exposure to dimethylnitrosamine from the petitioned use of this additive to be 0.99 nanograms per person per day (Ref. 3). The agency used data from a carcinogenesis bioassay on dimethylnitrosamine (Ref. 4) to estimate the upper-bound level of lifetime human risk from the exposure to this chemical resulting from the proposed use of 5-chloro-2-methyl-4-isothiazolin-3-one and 2-methyl-4-isothiazolin-3-one mixture with magnesium nitrate. The results of the bioassay on dimethylnitrosamine demonstrated that the material was carcinogenic for male and female rats under the conditions of the study, causing liver tumors in the rats.

The Center for Food Safety and Applied Nutrition's Quantitative Risk Assessment Committee (the committee) reviewed this bioassay and other relevant data available in the literature and concluded that the findings of carcinogenicity were supported by this information on dimethylnitrosamine.

The committee further concluded that the dimethylnitrosamine bioassay provided the appropriate basis on which to calculate an estimate of the upper-bound level of lifetime human cancer risk from potential exposure to dimethylnitrosamine stemming from the proposed use of 5-chloro-2-methyl-5-isothiazolin-3-one and 2-methyl-4-isothiazolin-3-one mixture with the optional use of magnesium nitrate.

The agency used a quantitative risk assessment procedure (linear proportional model) to extrapolate from the dose used in the animal experiment to the very low doses encountered under the proposed conditions of use. This procedure is not likely to underestimate the actual risk from very low doses and may, in fact, exaggerate it because the extrapolation models used are designed to estimate the maximum risk consistent with the data. For this reason, the estimate can be used with confidence to determine to a reasonable certainty whether any harm will result from the proposed conditions and levels of use of the additive.

Based on a worst-case exposure of 0.99 nanogram per person per day, FDA estimates that the upper-bound limit of individual lifetime risk from potential exposure to dimethylnitrosamine from the proposed use of 5-chloro-2-methyl-4-isothiazolin-3-one and 2-methyl-4-isothiazolin-3-one mixture with the optional use of magnesium nitrate is 3.5×10^{-8} or less than 1 in 28 million (Ref. 5). Because of numerous conservatisms in the exposure estimate, lifetime averaged individual exposure to

dimethylnitrosamine is expected to be substantially less than the estimated daily intake, and, therefore, the calculated upper-bound risk would be less. Thus, the agency concludes that there is a reasonable certainty of no harm from exposure to dimethylnitrosamine that might result from the proposed use of 5-chloro-2-methyl-4-isothiazolin-3-one and 2-methyl-4-isothiazolin-3-one with the optional use of magnesium nitrate.

B. Need for Specifications

The agency has carefully considered whether a specification is necessary to control the amount of dimethylnitrosamine in the food additive. The agency finds that a specification is not necessary for the following reasons:

(1) Because of the low levels at which dimethylnitrosamine may be expected to remain as an impurity following production of the additive, the agency would not expect this impurity to become a component of food at other than extremely small levels.

(2) The upper-bound limit of lifetime risk from exposure to this impurity, even under worst-case assumptions, is very low, less than 1 in 28 million.

C. Conclusion on Safety

FDA has evaluated the available and other relevant material and concludes that the proposed use for the additive is safe, and that 21 CFR 176.170 should be amended by revising the table in paragraph (b)(2) as set forth below. Additionally, in revising the table in § 176.170(b)(2), FDA is editorially correcting the CAS Registry number for magnesium nitrate to read "CAS Reg. No. 10377–60–3" in place of "CAS Reg. No. 10377–6–3" under the heading "List of substances".

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

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.

III. Objections

Any person who will be adversely affected by this regulation may at any time on or before May 11, 1990, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

IV. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m and 4 p.m., Monday through Friday.

1. Carr, G. M., "Carcinogenicity Testing Programs" in "Food Safety: Where Are We?," Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, p. 59, July 1979.

2. Kokoski, C. J., "Regulatory Food Additive Toxicology" in "Chemical Safety Regulations and Compliance," edited by F. Homburger and J. K. Marquis, S. Karger, New York, pp. 24–33, 1985.

3. Memorandum dated September 4, 1986, from Regulatory Food Chemistry Branch to Indirect Additive Branch, "FAP 6B3947—Rohm & Haas CO., 5-chloro-2-methyl-4-isothiazolin-3-one and 2-methyl-4-isothiazolin-3-one mixture with magnesium nitrate as an antimicrobial agent used in the manufacture of paper and paperboard."

4. Peto, R., et al., IARC Science Publications, 57:627–665, 1984.

5. Memorandum dated November 15, 1989, Report of Quantitative Risk Assessment Committee, "Upperbound Risks from Dimethylnitrosamine (DMN) in FAP's 5B3835 and 6B3947."

List of Subjects in 21 CFR Part 176

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 176 is amended as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

1. The authority citation for 21 CFR part 176 continues to read as follows:

Authority: Secs. 201, 402, 406, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 346, 348, 376).

2. Section 176.170 is amended in the table in paragraph (b)(2) by revising the entry for "5-Chloro-2-methyl-4-isothiazolin-3-one * * *" under the headings "List of substances" and "Limitations" to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(b) * * *

(2) * * *

List of substances	Limitations
* * * * *	
5-Chloro-2-methyl-4-isothiazolin-3-one (CAS Reg. No. 26172-55-4) and 2-methyl-4-isothiazolin-3-one (CAS Reg. No. 2682-20-4) mixture at a ratio of 3 parts to 1 part, manufactured from methyl-3-mercaptopropionate (CAS Reg. No. 2935-90-2). The mixture may contain magnesium nitrate (CAS Reg. No. 10377-60-3) at a concentration equivalent to the isothiazolone active ingredients (weight/weight).	For use only: 1. As an antimicrobial agent for polymer latex emulsions in paper coatings at a level not to exceed 50 parts per million (based on isothiazolone active ingredients) in the coating formulation. 2. As an antimicrobial agent for finished coating formulations and for additives used in the manufacture of paper and paperboard including fillers, binders, pigment slurries, and sizing solutions at a level not to exceed 25 parts per million (based on isothiazolone active ingredients) in the coating formulations and additives.
* * * * *	

* * * * *

Dated: April 4, 1990.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 90–8360 Filed 4–10–90; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 178

[Docket No. 88F–0139]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of tris(2, 4-di-*tert*-butylphenyl)phosphite as an antioxidant and thermal stabilizer for poly-l-butene resins and butene/ethylene copolymers intended for use in contact with food. This action is in response to a petition filed by Ciba-Geigy Corp.

DATES: Effective April 11, 1990; written objections and requests for a hearing by May 11, 1990.

ADDRESSES: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard H. White, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 9, 1988 (53 FR 21728), FDA announced that a food additive petition (FAP 8B4077) had been filed by Ciba-Ceigy Corp., Three Skyline Dr., Hawthorne, NY 10532, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of tris(2,4-di-*tert*-butylphenyl)phosphite as an antioxidant and thermal stabilizer for poly-l-butene resins and butene/ethylene copolymers intended for use in contact with food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive use is safe, and that the regulations should be amended in 21 CFR 178.2010(b) as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

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.

Any person who will be adversely affected by this regulation may at any time on or before May 11, 1990, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: Secs. 201, 402, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 376).

2. Section 178.2010 is amended in the table in paragraph (b), for the entry "Tris(2,4-di-*tert*-butylphenyl)phosphite * * *", numerically adding new item "23," under the heading "Limitations" to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
• • • • •	
	For use only:
	* * *
Tris(2,4-di-*tert*-butylphenyl)phosphite (CAS Reg. No. 31570–04–4).	23. At levels not to exceed 0.15 percent by weight of poly-1-butene resins and butene/ethylene copolymers complying with § 177.1570 of this chapter: *Provided*, that the finished polymer contacts food only under conditions of use B through H described in Table 2 of § 176.170(c) of this chapter.
• • • • •	

Dated: March 30, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90–8359 Filed 4–10–90; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 301

[T.D. 8275]

RIN 1545–AJ05

Returns Relating to Persons Receiving Contracts From Federal Executive Agencies

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to final regulations that were

published in the Federal Register on Wednesday, December 6, 1989 (54 FR 50367) as Treasury Decision 8275. The rules related to compliance with the new reporting requirements imposed by section 6050M for returns relating to persons receiving contracts from Federal executive agencies.

FOR FURTHER INFORMATION CONTACT: Keith E. Stanley at 202-566-3367 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections relate to section 6050M, which was added to the Internal Revenue Code by the Tax Reform Act of 1986.

Need for Correction

As published, the final regulations contain errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations which were the subject of FR Doc. 89-28396, is corrected as follows:

Para. 1. On page 50369, in the preamble, first column, line 10, the language "(including into (or treated as entered" is corrected to read "(including their contract actions treated as new contracts entered into (or treated as entered".

§ 1.5060M [Amended]

Par. 2. On page 50370, second column, § 1.5060M-1(b)(2)(iv) should read:

* * * * *

(iv) *Certain schedule contracts.* For purposes of this section, any of the following contracts entered into on behalf of one or more Federal executive agencies is not a "contract" to be reported by the General Services Administration or the Department of Veteran's Affairs at the time of execution:

(A) A Federal Supply Schedule Contract entered into by the General Services Administration,

(B) An Automated Data Processing Schedule Contract entered into by the General Services Administration, or

(C) A schedule contract entered into by the Department of Veteran's Affairs.

Instead, an order placed by a Federal executive agency, including the General Services Administration or the Department of Veteran's Affairs, under such a schedule contract is a "contract" for purposes of this section.

§ 1.6050M [Amended]

Par. 3. On page 50371, second column, line 4 of § 1.6050M-1(d)(5)(i)(A) which reads "26 CFR 1.6050M-1(d)(5), to make, on the" should read "26 CFR 1.6050M-1(d)(5) to make, on the".

Par. 4. On page 50372, second column, immediately following the text of § 301.6050M-1, the language "Approved: November 6, 1989. Lawrence B. Gibbs, Commissioner of Internal Revenue." should read as follows:

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

Approved: November 6, 1989.

Kenneth W. Gideon,

Assistant Secretary of the Treasury.

Dale D. Goode,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 90-8135 Filed 4-10-90; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD8-90-02]

Drawbridge Operation Regulations; Lake Pontchartrain, LA

AGENCY: U.S. Coast Guard, DOT.

ACTION: Final rule; revocation.

SUMMARY: This amendment revokes the regulations for the Southern Railway Systems south drawspan on Lake Pontchartrain, in Orleans and St. Tammany Parishes, Louisiana, because the drawspan has been replaced with a fixed span. Notice and public procedure have been omitted from this action due to the conversion of the span.

EFFECTIVE DATE: This regulation becomes effective on May 11, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. John Wachter, Bridge Administration Branch, Eighth Coast Guard District, telephone (504) 589-2065.

SUPPLEMENTARY INFORMATION: This action has no economic consequences. It merely revokes regulations that are now meaningless because they pertain to a drawbridge span that no longer exists. Consequently, this action is considered to be non-major under Executive Order 12291 and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034, February 26, 1979). Since there is no economic impact, a full regulatory evaluation is unnecessary. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, and because this action will not have a significant impact on a substantial number of small entities, this rulemaking is exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)).

Drafting Information

The drafters of this regulation are Mr. John Wachter, project officer, and Commander J.A. Unzicker, project attorney.

List of Subjects in 33 CFR Part 117

Bridges.

Regulation

In consideration of the foregoing, part 117 of title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46 and 33 CFR 1.05-1(g).

2. Section 117.467(a) is revised to read as follows:

§ 117.467 Lake Pontchartrain

(a) The south draw of the S11 bridge near New Orleans shall open on signal if at least 48 hours notice is given. In case of emergency, the draw shall open within 12 hours and shall be kept in condition for immediate operation until the emergency is over.

* * * * *

Dated: March 22, 1990.

W.F. Merlin,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 90-8328 Filed 4-10-90; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AC54

Procedural Due Process

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) has amended its adjudication regulations on procedural due process for VA claimants and beneficiaries and the eligibility criteria for retroactive awards based on liberalizing laws or administrative issues. These amendments are necessary because of the need for more specificity in VA regulations on procedural due process and because of a