

Rules and Regulations

Federal Register

Vol. 55, No. 72

Friday, April 13, 1990

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 713]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 713 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 330,000 cartons during the period from April 15, 1990, through April 21, 1990. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: Regulation 713 (7 CFR part 910) is effective for the period from April 15, 1990, through April 21, 1990.

FOR FURTHER INFORMATION CONTACT: Beatriz Rodriguez, Marketing Specialist, Marketing Order Administration Branch, P&V, AMS, USDA, room 2523, South Building, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 475-3861.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order

that small businesses will not be unduly or disproportionately burdened.

Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 85 handlers of lemons grown in California and Arizona subject to regulation under the lemon marketing order and approximately 2,500 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of handlers and producers of California-Arizona lemons may be classified as small entities.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR part 910), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601-674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee (Committee) and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the California-Arizona lemon marketing policy for 1989-90. The Committee met publicly on April 10, 1990, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and unanimously recommended a quantity of lemons deemed advisable to be handled during the specified week. The Committee reports that overall demand for lemons is steady.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because of insufficient time between the date when information became

available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Lemons, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR part 910 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

Note: This section will not appear in the Code of Federal Regulations.

2. Section 910.713 is added to read as follows:

§ 910.713 Lemon Regulation 713.

The quantity of lemons grown in California and Arizona which may be handled during the period from April 15, 1990, through April 21, 1990, is established at 330,000 cartons.

Dated: April 11, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90-8786 Filed 4-12-90; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 381

[Docket No. RM90-5-000]

Annual Update of Filing Fees

April 9, 1990.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of annual update of filing fees.

SUMMARY: In accordance with § 381.104 of the Commission's regulations, the Commission issues this update of its filing fees assessed for specific services and benefits provided to identifiable beneficiaries. This notice provides the yearly update by using data under the Commission's Payroll Utilization Reporting System to calculate the new fees. The Commission revised the fee calculation formula in § 381.104(c) in Order No. 521, an interim rule issued on March 23, 1990 (55 FR 12169, April 2, 1990). Under the revised formula, the Commission averages the three previous fiscal years' data to determine the annual filing fee for a fee category. The purpose of updating is to adjust the fees to reflect the Commission's current costs.

EFFECTIVE DATE: May 14, 1990.

FOR FURTHER INFORMATION CONTACT: Olive Wallace, Revenue and Funds Control Branch, Division of Accounting, Federal Energy Regulatory Commission, 810 First Street NE., room 627, Washington, DC 20426, (202) 357-0883.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the *Federal Register*, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in room 3308, 941 North Capitol Street NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), and electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 357-8997. To access CIPS, set your communications software to use 300, 1200 or 2400 baud, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this notice will be available on CIPS for 30 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in room 3308, 941 North Capitol Street NE., Washington, DC 20426.

Annual Update of Filing Fees

Issued April 9, 1990.

The Federal Energy Regulatory Commission (Commission), by its designee, the Executive Director,¹ is

issuing this notice to update the filing fees the Commission assesses for specific services and benefits provided to identifiable beneficiaries. Pursuant to § 385.104 of the Commission's regulations, the Commission is establishing updated fees on the basis of the Commission's cost, completion, and work time data for fiscal years 1987, 1988 and 1989.² The adjusted fees announced in this final rule will become effective May 14, 1990.

The new fee schedule is as follows:

Fees Applicable to Producer Matters Under the Natural Gas Act

1. Blanket certificates for small producers (codified at 18 CFR 381.201)..... \$650
2. Producer certificates of public convenience and necessity (18 CFR 381.202)..... 1,810
3. Changes in producer rate schedules (18 CFR 381.203)..... 500

Fees Applicable to Natural Gas Pipeline Rate Matters³

1. Pipeline tariff filings for general changes in rates and for changes other than in rates (18 CFR 381.204(a))..... \$4,710
 - Categorical reduction for other than major natural gas companies (18 CFR 381.204(b))..... 1,880
2. Pipeline tariff filings that track certain costs:
 - (a) Annual filing under § 154.305 (18 CFR 381.205(a)(1))..... 6,600
 - Categorical reduction for other than major natural gas companies (18 CFR 381.205(b)(1))..... 2,640
 - (b) Quarterly filing under § 154.308 (18 CFR 381.205(a)(2))..... 1,720
 - Categorical reduction for other than major natural gas companies (18 CFR 381.205(b)(2))..... 680
 - (c) Interim adjustment filing under § 154.309 (18 CFR 381.205(a)(3))..... 650
 - Categorical reduction for other than major natural gas companies (18 CFR 381.205(b)(3))..... 260
 - (d) Any other tariff filing that tracks costs (18 CFR 381.205(a)(4))..... 1,030
 - Categorical reduction for other than major natural gas companies (18 CFR 381.205(b)(4))..... 410

² The formula for updating the filing fees was revised recently in Order No. 521. Under the revised formula, the Commission averages three previous fiscal years' data to determine the annual fee for a fee category.

³ There is no fee for a tariff filing that responds to an order requiring compliance issued by the Commission to a specifically identified pipeline with respect to a specific tariff previously filed by that pipeline.

Fees Applicable to the Natural Gas Policy Act

1. Adjustments under section 502(c) of the Natural Gas Policy Act (18 CFR 381.401)..... \$3,180
2. Review of jurisdictional agency determinations (18 CFR 381.402)..... 80
3. Petitions for rate approval pursuant to § 284.123(b)(2) (18 CFR 381.403)..... 3,150
4. Initial or extension reports for Title III transactions (18 CFR 381.404)..... 270

Fees Applicable to General Activities

1. Request for interpretation by the Office of the Chief Accountant (18 CFR 381.301)..... \$290
2. Petition for issuance of a declaratory order (except under Part I of the Federal Power Act) (18 CFR 381.302)..... 10,720
3. Review of a Department of Energy remedial order:
 - Amount in controversy*
 - \$0 to 9,999 (18 CFR 381.303(b))..... 100
 - \$10,000 to 29,999 (18 CFR 381.303(b))..... 600
 - \$30,000 or more (18 CFR 381.303(a))..... 10,000
4. Review of a Department of Energy denial of adjustment:
 - Amount in controversy*
 - \$0 to 9,999 (18 CFR 381.304(b))..... 100
 - \$10,000 to 29,999 (18 CFR 381.304(b))..... 600
 - \$30,000 or more (18 CFR 381.304(a))..... 5,760
5. Written legal interpretations by the Office of the General Counsel (18 CFR 381.305(a))..... 2,170

Fees Applicable to Natural Gas Pipelines

1. Pipeline certificate applications (18 CFR 381.207(b))..... \$26,260
2. Requests under the blanket certificate notice and protest procedures (18 CFR 381.208(a))..... 760
3. Curtailment filings (18 CFR 381.209(b))..... 6,270

Fees Applicable to Electric Utilities, Cogenerators, and Small Power Producers

1. Rate schedule filings under sections 205 and 206 of the Federal Power Act (18 CFR 381.502(a))..... ⁴ \$6,120
2. Certification of qualifying status as a small power production facility (18 CFR 381.505(a))..... 6,070
3. Certification of qualifying status as a cogeneration facility (18 CFR 381.505(a))..... 7,140
4. Extension of equipment testing periods (18 CFR 381.506)..... 1,030

¹ 18 CFR 375.313(a) (1988)

Fees Applicable to Electric Utilities, Cogenerators, and Small Power Producers—Continued

5. Applications to assume obligation or liability as guarantor or for the negotiated placement of securities (18 CFR 381.507).....	4,180
6. Authorization to issue equity or debt securities (18 CFR 381.508)...	1,980
7. Corporate applications involving one or more jurisdictional utilities (18 CFR 381.509).....	9,790
8. Applications to hold interlocking positions (18 CFR 381.510).....	2,890

Fees Applicable to the Public Utility Regulatory Policies Act of 1978

1. 5 Megawatt exemption application (18 CFR 381.601).....	\$15,650
---	----------

List of Subjects in 18 CFR Part 381

Natural gas, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission amends part 381, chapter I, title 18, Code of Federal Regulations, as set forth below.

George L.B. Pratt,
Executive Director.

PART 381—FEES

1. The authority citation for part 381 continues to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101-7352 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142; Independent Offices Appropriations Act, 31 U.S.C. 9701 (1982); Natural Gas Act, 15 U.S.C. 717-717w (1988); Federal Power Act, 16 U.S.C. 791-828c (1988); Public Utility Regulatory Policies Act, 16 U.S.C. 2601-2645 (1988); Interstate Commerce Act, 49 U.S.C. 1-27 (1976); Omnibus Budget Reconciliation Act of 1986, Pub. L. 99-509, Title III, Subtitle E, Sec. 3401 (October 21, 1986).

§ 381.201 [Amended]

2. Section 381.201 is amended by removing "\$480" and inserting "\$650" in its place.

§ 381.202 [Amended]

3. Section 381.202 is amended by removing "\$1,840" and inserting "\$1,810" in its place.

§ 381.203 [Amended]

4. Section 381.203 is amended by removing "\$560" and inserting "\$500" in its place.

§ 381.204 [Amended]

5. In § 381.204, paragraph (a) is amended by removing "\$4,510" and inserting "\$4,710" in its place and paragraph (b) is amended by removing

"\$1,800" and inserting "\$1,880" in its place.

§ 381.205 [Amended]

6. In § 381.205 paragraph (a)(1) is amended by removing "\$5,060" and inserting "\$6,600" in its place; paragraph (a)(2) is amended by removing "\$1,330" and inserting "\$1,720" in its place; paragraph (a)(3) is amended by removing "\$610" and inserting "\$650" in its place; and paragraph (a)(4) is amended by removing "\$1,330" and inserting "\$1,030" in its place.

§ 381.205 [Amended]

7. In § 381.205, paragraph (b)(1) is amended by removing "\$2,020" and inserting "\$2,640" in its place; paragraph (b)(2) is amended by removing "\$530" and inserting "\$680" in its place; paragraph (b)(3) is amended by removing "\$240" and inserting "\$260" in its place; and paragraph (b)(4) is amended by removing "\$530" and inserting "\$410" in its place.

§ 381.207 [Amended]

8. In § 381.207, paragraph (b) is amended by removing "\$26,280" and inserting "\$26,260" in its place.

§ 381.208 [Amended]

9. In § 381.208, paragraph (a) is amended by removing "\$1,470" and inserting "\$760" in its place.

§ 381.209 [Amended]

10. In § 381.209, paragraph (b) is amended by removing "\$5,330" and inserting "\$6,270" in its place.

§ 381.301 [Amended]

11. Section 381.301 is amended by removing "\$310" and inserting "\$290" in its place.

§ 381.302 [Amended]

12. In § 381.302, paragraph (a) is amended by removing "\$9,260" and inserting "\$10,720" in its place.

§ 381.303 [Amended]

13. In § 381.303, paragraph (a) is amended by removing "\$9,590" and inserting "\$10,000" in its place.

§ 381.304 [Amended]

14. In § 381.304, paragraph (a) is amended by removing "\$7,230" and inserting "\$5,760" in its place.

§ 381.305 [Amended]

15. In § 381.305, paragraph (a) is amended by removing "\$1,650" and inserting "\$2,170" in its place.

§ 381.401 [Amended]

16. Section 381.401 is amended by removing "\$4,300" and inserting "\$3,180" in its place.

§ 381.403 [Amended]

17. Section 381.403 is amended by removing "\$1,680" and inserting "\$3,150" in its place.

§ 381.404 [Amended]

18. Section 381.404 is amended by removing "\$240" and inserting "\$270" in its place.

§ 381.502 [Amended]

19. In § 381.502, paragraph (a) is amended by removing "\$6,630" and inserting "\$6,120" in its place.

§ 381.505 [Amended]

20. In § 381.505, paragraph (a) is amended by removing "\$5,360" and inserting "\$6,070" in its place and by removing "\$6,350" and inserting "\$7,140" in its place.

§ 381.506 [Amended]

21. Section 381.506 is amended by removing "\$1,010" and inserting "\$1,030" in its place.

§ 381.507 [Amended]

22. Section 381.507 is amended by removing "\$4,470" and inserting "\$4,180" in its place.

§ 381.508 [Amended]

23. Section 381.508 is amended by removing "\$1,550" and inserting "\$1,980" in its place.

§ 381.509 [Amended]

24. Section 381.509 is amended by removing "\$8,800" and inserting "\$9,790" in its place.

§ 381.510 [Amended]

25. Section 381.510 is amended by removing "\$2,510" and inserting "\$2,890" in its place.

§ 381.601 [Amended]

26. Section 381.601 is amended by removing "\$15,920" and inserting "\$15,650" in its place.

[FR Doc. 90-8581 Filed 4-12-90; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

Animal Drugs, Feeds, and Related Products; Change of Sponsor Address

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

* No fee is assessed for rate schedule filings that have no effect on the rate a utility charges or that involve only rate decreases.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor address for A. H. Robins Co.

EFFECTIVE DATE: April 13, 1990.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: A. H. Robins Co., 1405 Cummings Dr., P.O. Box 26609, Richmond, VA 23261, has informed FDA that it has changed its corporate address to P.O. Box 518, Fort Dodge, IA 50501-0518. Accordingly, the agency is amending the regulations in 21 CFR 510.600(c) (1) and (2) to reflect the new corporate address. However, A. H. Robins Co. has informed FDA that it is maintaining its Richmond, VA mailing address for all matters concerning animal feed approvals (i.e., salinomycins).

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR Part 510 is amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 512, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 376).

§ 510.600 [Amended]

2. Section 510.600 *names, addresses, and drug labeler codes of sponsors of approved applications* is amended in the table in paragraph (c)(1) in the entry "A. H. Robins Co." and in the table in paragraph (c)(2) in the entry "000031" by removing "1405 Cummings Dr., P.O. Box 26609, Richmond, VA 23261" and adding in its place "P.O. Box 518, Fort Dodge, IA 50501-0518".

Dated: April 9, 1990.

Robert C. Livingston,

Acting Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine. [FR Doc. 90-8604 Filed 4-12-90; 8:45 am].

BILLING CODE 4160-01-M

21 CFR Parts 510, 522, and 544

Animal Drugs, Feeds, and Related Products; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for four new animal drug applications (NADA's) from Maurry Biological Co., Inc., to Norbrook Laboratories, Ltd.

EFFECTIVE DATE: April 13, 1990.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: Maurry Biological Co., Inc., 8109 South Western Ave., Los Angeles, CA 90047, advised FDA of a change of sponsor of four NADA's to Norbrook Laboratories, Ltd., Station Works, Newry BT35 6JP, Northern Ireland. The NADA's affected are:

Product	NADA
Dexamethasone Sodium Phosphate Injection 4 mg/ml	110-046
Dihydrostreptomycin Sulfate Injection 500 mg/ml	65-013
Phenylbutazone Injection 200 mg/ml	94-978
Prednisolone Aqueous Suspension (Injection) (10 or 25 mg/ml)	12-444

As a result of these sponsor changes, Maurry Biological Co., Inc., is no longer the sponsor of any approved NADA's. Thus, 21 CFR 510.600 is amended to delete the entries for the firm. The agency is also amending the regulation in 21 CFR 522.540(d)(2)(ii), 522.1720(b)(1), 522.1880(b), and 544.275(c)(2) to reflect the change of sponsor.

List of Subjects in

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 522

Animal drugs.

21 CFR Part 544

Animal drugs, Antibiotics.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21

CFR parts 510, 522, and 544 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR Part 510 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 512, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 376).

§ 510.600 [Amended]

2. Section 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in the table in paragraph (c)(1) by removing the entry "Maurry Biological Co., Inc." and in the table in paragraph (c)(2) by removing the entry "010719".

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

3. The authority citation for 21 CFR Part 522 continues to read as follows:

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

§ 522.540 [Amended]

4. Section 522.540 *Dexamethasone injection* is amended in paragraph (d)(2)(ii) by removing "010719" and replacing it with "055529".

§ 522.1720 [Amended]

5. Section 522.1720 *Phenylbutazone injection* is amended in paragraph (b)(1) by removing "010719" and replacing it with "055529".

§ 522.1880 [Amended]

6. Section 522.1880 *Sterile prednisolone suspension* is amended in paragraph (b) by removing "010719" and replacing it with "055529".

PART 544—OLIGOSACCHARIDE CERTIFIABLE ANTIBIOTIC DRUGS FOR ANIMAL USE

7. The authority citation for 21 CFR part 544 continues to read as follows:

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

§ 544.275 [Amended]

8. Section 544.275 *Dihydrostreptomycin sulfate injection, sterile* is amended in paragraph (c)(2) by removing "010719" and replacing it with "055529".

Dated: April 9, 1990.

Robert C. Livingston,

Acting Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine. [FR Doc. 90-8605 Filed 4-12-90; 8:45 am]

BILLING CODE 4160-01-M