

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Applies to Model 747 series airplanes, production line numbers 001 through 200, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent depressurization resulting from cracks and/or corrosion in the fuselage skins, accomplish the following:

A. Accomplish either paragraph A.1. or A.2., below:

1. Within 1,000 landings after the effective date of this AD, and thereafter at intervals not to exceed 1,000 landings (2,000 landings from body station (BS) 100 to BS 1480), conduct a detailed external visual inspection of the fuselage skin at the upper lobe skin lap joints for cracks and evidence of corrosion (bulging skin between fasteners, blistered paint, dished or popped rivet heads, or loose fasteners) in accordance with Boeing Service Bulletin 747-53-2307, dated December 21, 1989. If cracking or corrosion is detected during the visual inspection, prior to further flight, conduct a high frequency eddy current (HFEC) inspection for cracks in the skin at the upper row of fasteners of the affected skin panel lap joint, in accordance with the above mentioned Boeing service bulletin.

2. Within 1,000 landings after the effective date of this AD, and thereafter at the intervals specified below, conduct the following inspections at the upper lobe skin lap joints in accordance with Boeing Service Bulletin 747-53-2307, dated December 21, 1989.

a. Conduct a detailed visual inspection for cracks and evidence of corrosion (bulging skin between fasteners, blistered paint, dished fasteners, popped rivet heads, or loose fasteners) and repeat at intervals not to exceed 2,000 landings.

b. Conduct a HFEC inspection for cracks, in accordance with the above mentioned Boeing service bulletin, in the skin at the upper row of fasteners of the lap joints forward of BS 1000 and repeat at intervals not to exceed 4,000 landings.

c. Conduct a HFEC inspection for cracks, in accordance with the above mentioned Boeing service bulletin, in the skin at the upper row of fastener holes of the lap joints aft of BS 1480 and repeat at intervals not to exceed 6,000 landings.

B. Any cracks, or corrosion for which material loss exceeds 10% of the material thickness, which are detected during the inspections required by this AD must be repaired, prior to further flight, in accordance with Boeing Service Bulletin 747-53-2307, dated December 21, 1989. Terminating action, as described in the service bulletin, must be accomplished within 15 months after repair for the remainder of any skin panel lap joint in which cracks, or corrosion exceeding 10% of the material thickness, are found. Terminating action, as described in the service bulletin, must be accomplished within 30 months for any skin panel lap joint in which corrosion is found, but the corrosion does not exceed 10% of the material thickness, and no cracking is found; and HFEC inspection of the lap joint for cracks, as described in the service bulletin, must be accomplished at repetitive intervals of 500 landings until the termination action is completed.

C. Within 14 days after the detection of cracks or corrosion when conducting the inspections required by this AD, submit a written report of findings to the Manager, Seattle Aircraft Certification Office, ANM-100S, FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, C-88966, Seattle, Washington 98168. The report must contain the following information:

1. Serial number of the airplane inspected;
2. Total number of landings on the airplane inspected;
3. Number of landings since last inspected;
4. The location and dimensions of cracks and/or corrosion detected.

D. To conduct the inspections required by this AD:

1. Remove the paint, using an approved chemical stripper; or
2. Ensure that each fastener head is clearly visible.

E. For the purposes of complying with this AD, the number of landings may be determined to equal the number of pressurization cycles where the cabin pressure differential was greater than 1.5 PSI.

F. The inspections required by this AD may be terminated for the affected lap joints on which the terminating action has been accomplished in accordance with Boeing Service Bulletin 747-53-2307, dated December 21, 1989.

G. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to

operate airplanes to a base in order to comply with the requirements of this AD.

H. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be submitted directly to the Manager, Seattle ACO, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Seattle ACO.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective August 20, 1990.

Issued in Seattle, Washington, on July 3, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-16256 Filed 7-11-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 90-NM-24-AD; Amdt. 39-6654]

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, which requires inspection and modification of the off-wing evacuation system. This amendment is prompted by numerous reports of failures of the evacuation system due to installation errors and equipment malfunctions. This condition, if not corrected, could result in unusable escape slides and jeopardize successful emergency evacuation of the airplane.

EFFECTIVE DATE: August 20, 1990.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be

examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. Jayson B. Claar, Airframe Branch, ANM-120S; telephone (206) 431-1932. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A

proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to Boeing Model 767 series airplanes, which requires inspection and modification of the emergency escape system, including the escape slides and slide/rafts, was published in the Federal Register on March 19, 1990 (55 FR 10074).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the three comments received.

The first commenter supported the proposed rule.

The second commenter recommended that paragraph C. of the proposed rule, regarding modification of BFGoodrich escape slides, be separated from the other modification requirements into a separate rule because (1) the compliance time is different, (2) it relates to a component while the rest of the rule relates to airplane structure, and (3) it affects all doors while the rest of the rule affects the off-wing evacuation system. The FAA concurs. The FAA has considered these comments and other information related to the BFGoodrich slides and has determined that further rulemaking related specifically to the off-wing evacuation system is warranted; therefore, the final rule has been revised by deleting the BFGoodrich slide modification. The economic impact paragraph, below, has also been revised accordingly.

The third commenter expressed concern about the availability of parts from Boeing to accomplish the modifications within the proposed 20-month compliance time, and requested an additional 4 to 6 months. The FAA does not concur. Boeing advised the FAA that it has improved the availability of the parts required for the modification. Boeing reported that the majority of the parts are available now, and the last group of parts will be ready for shipment before the first of October

1990. Based on this improvement in parts availability, the FAA has determined that adequate parts will be available and the modification can be completed within the 20-month compliance time.

Paragraph C. of the final rule has been revised to specify the current procedure for submitting requests for approval of alternate means of compliance.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 283 Model 767 series airplanes of the affected design in the worldwide fleet. It is estimated that 114 airplanes of U.S. registry will be affected by this AD. The actions required by paragraph A. (compartment door closed proximity sensor installation) will take approximately 6 manhours per airplane to accomplish, and the average labor cost will be \$40 per manhour; the estimated cost of required parts is \$778 per airplane. Based on these figures, the total cost of the actions required by paragraph A. to U.S. operators is estimated to be \$118,052.

The actions required by paragraph B. (escape system actuator replacement) will take approximately 6 manhours per airplane to accomplish, and the average labor cost will be \$40 per manhour; the estimated cost of required parts is \$1,628 per airplane. Based on these figures, the total cost of the actions required by paragraph A. to U.S. operators is estimated to be \$212,952.

Based on the figures discussed above, the total cost of this AD to U.S. operators is estimated to be \$329,004.

The regulations adopted herein will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial

number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Applies to Model 767 series airplanes, identified in paragraphs A. and B., below, certificated in any category. Compliance required within the next 20 months after the effective date of this AD, unless previously accomplished.

To provide satisfactory reliability of the evacuation system, accomplish the following:

A. For airplanes identified in Boeing Service Bulletin 767-25-0120, dated December 14, 1989: Modify the off-wing evacuation system (compartment door closed proximity sensor installation) in accordance with that service bulletin.

B. For airplanes identified in Boeing Alert Service Bulletin 767-25A0131, Revision 1, dated November 9, 1989: Modify the off-wing evacuation system by replacing the escape system actuator in accordance with Boeing Alert Service Bulletin 767-25A0131, Revision 1, dated November 9, 1989, or Boeing Service Bulletin 767-25-0011, Revision 2, dated October 12, 1989 or Revision 3, dated December 14, 1989.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplanes Directorate.

Note: The request should be submitted directly to the Manager, Seattle ACO, and a copy sent to the cognizant Principal Inspector (PMI). The PMI will then forward comments or concurrence to the Seattle ACO.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the

appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

The amendment becomes effective August 20, 1990.

Issued in Seattle, Washington, on July 3, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 90-16257 Filed 7-11-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 90-ASW-8]

Alteration of Restricted Area R-5104A Melrose, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the upper altitude of Restricted Area R-5104A Melrose, NM. The legal descriptions of R-5104A and R-5104B indicate that the altitudes of these two areas overlap at 18,000 feet MSL. In reality, this is not the case; therefore, this action changes the altitude of R-5104A to read "Surface to but not including 18,000 feet MSL." This action reflects the actual altitude of R-5104A and eliminates altitude overlap as previously described.

EFFECTIVE DATE: 0901 u.t.c., August 23, 1990.

FOR FURTHER INFORMATION CONTACT: Rich Uhrich, Military Operations (ATM-400), Office of Air Traffic System Management, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-7635.

The Rule

This amendment to part 73 of the Federal Aviation Regulations changes the upper altitude of R-5104A from "Surface to 18,000 feet MSL" to "Surface to but not including 18,000 feet MSL." The current legal descriptions of R-5104A and R-5104B indicate that the two areas overlap at 18,000 feet MSL. This is not the case and this action changes the legal description of R-5104A to accurately reflect the actual upper altitude of the restricted area. Because

this action is an administrative correction of the legal description, does not designate any additional restricted airspace, and is a minor technical amendment in which the public would not be particularly interested, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Section 73.51 of part 73 of the Federal Aviation Regulations was republished in Handbook 7400.6F dated January 2, 1990.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 73

Aviation safety, Restricted areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 7 of the Federal Aviation Regulations (14 CFR part 73) is amended, as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) [Revised Pub. L. 97-449, January 12, 1983]; 14 CFR 11.69.

§ 73.51 [Amended]

2. Section 73.51 is amended as follows:

R-5104A Melrose, NM [Amended]

By removing the present designated altitudes and substituting the following:
Designated altitudes. Surface to but not including 18,000 feet MSL.

Issued in Washington, DC, on June 20, 1990.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 90-16258 Filed 7-11-90; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF LABOR

Employment Standards Administration

20 CFR Parts 701, 702, 703, 704 and 718, 722, 725, 726, 727

RIN 1215-AA51

Claims; Subchapter A—Longshore and Harbor Workers' Compensation Act and Related Statutes and Subchapter B—Claims for Benefits Under Part C of Title IV of the Federal Coal Mine Health and Safety Act, as Amended

AGENCY: Employment Standards Administration, Labor.

ACTION: Notice of final rule.

SUMMARY: The Department of Labor's Office of Workers' Compensation Programs has changed the title of the district office heads in the Division of Longshore and Harbor Workers' Compensation (DLHWC) and the Division of Coal Mine Workers' Compensation (DCMWC). They were previously known as deputy commissioner and are now called district director. This change will ensure administrative uniformity within the three Employment Standards Administration divisions, including the workers' compensation programs administered by the Office of Workers' Compensation Programs (OWCP). It is effective immediately, since it represents a purely administrative change. It will have no effect on the authority of the office heads; the change is in name only and the district director has the same authority to adjudicate cases and perform all other functions as did the deputy commissioner.

EFFECTIVE DATE: July 12, 1990.

FOR FURTHER INFORMATION CONTACT: Shelby Hallmark, Deputy Director, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, room S-3524, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC, 20210; Telephone (202) 523-7503.

SUPPLEMENTARY INFORMATION: The Office of Workers' Compensation Programs (OWCP) administers various workers' compensation programs, including the Federal Employees' Compensation Act (FECA, 5 U.S.C. 8101, *et seq.*) the Longshore and Harbor Workers' Compensation Act (LHWCA, 33 U.S.C. 901, *et seq.*); and Title IV of the Federal Mine Safety and Health Act, as amended (the Black Lung Benefits Act, 30 U.S.C. 901, *et seq.*). The initial adjudication of claims under each program takes place in district offices

which are located throughout the country. The individuals who manage the district offices for the Longshore Division and for the Black Lung Division of OWCP have been titled deputy commissioner (or, as explained below, assistant deputy commissioner) consistent with the language in section 39 and 40 of the Longshore and Harbor Workers' Compensation Act which is applicable in both programs; hence the term deputy commissioner is used in both. OWCP now proposes to change the official title from deputy commissioner to district director.

A review of the history of the programs shows that the title deputy commissioner was used in the legislation which established the OWCP's predecessor agency, the U.S. Employees' Compensation Commission. The adjudicators of the Commission were titled deputy commissioners.

The administering agency later became the Bureau of Employees' Compensation (see Reorganization Plan No. 2 of 1946 (3 CFR 1943-49 Comp., p. 1046; 60 Stat 1095, effective July 16)), and the U.S. Employees' Compensation Commission was abolished. Finally, the Office of Workers' Compensation Programs was formed and absorbed the Bureau of Employees' Compensation. Throughout these administrative changes, however, the title for the head of the adjudication office remained deputy commissioner. This title was also used in the Division of Federal Employees' Compensation (DFEC) until 1987.

In 1988, the Employment Standards Administration changed the title of the office managers in each of its divisions (the Wage and Hour Division, the Office of Federal Contract Compliance Programs and OWCP) to district director in an effort to bring administrative uniformity within the agency. See OMAP notice 89-73. While the change was also made in OWCP's Longshore and Black Lung Divisions, the Change was effective for internal administrative purposes only, since the statutes on which those programs are based contain the title deputy commissioner. In order to assure that there is no confusion as to the authority of the office head to continue to perform the adjudicatory functions delegated to the position under the statutes, routine use of the title district director has awaited this publication.

While the term deputy commissioner may have been appropriate to use when there was a commission, the Director of OWCP recognizes that the title "deputy commissioner" has been an anachronism since the Employees' Compensation Commission was

abolished in 1946. The title "district director" more accurately reflects the role now played in the district office by its head, who in addition to adjudicatory functions, is responsible for various management functions. Accordingly, the title was changed for the FEC Division in 1987. There, the change could be made without notice similar to this because it was not used in the enabling legislation.

As noted earlier, the district director title is used not just in OWCP, but throughout the Employment Standards Administration, of which OWCP is a part. The organizational structure for the Department includes ten regional offices. Each of ESA's three major programs is headed in the region by a regional director (RD), while the head of the district offices (of which there may be several within each region) for each of the programs is district director.

Although the DLHWC and DCMWC district office heads are titled district director for internal administrative purposes, the deputy commissioner title is still used by many offices for issuing orders and other official acts authorized by the statutes because the title is used in the legislation. By this publication, the Department extends notice to the relevant communities that the deputy commissioner title will no longer be used for any purpose and that it is replaced by the title district director.

The reader should also note that in some regions, the RD for OWCP has assumed the title of Deputy Commissioner and the individuals who head the Longshore and/or Black Lung Division offices are titled Assistant Deputy Commissioner. In those situations, the changes contemplated in this rule would mean that the Assistant Deputy Commissioner would assume the title District Director, while the RD would forego the use of the title Deputy Commissioner. The lines of authority which now exist would, however, remain unchanged. Thus, if the RD acted as the deputy commissioner and issued orders under that title, the authority to do so would remain, but would be issued under the title regional director. While the means of changing the title are different for the Longshore and Black Lung programs than for the DFEC, the reasons for the change in these two programs remain the same—to provide consistency among the various OWCP offices and to better reflect in the title the functions of the office. The change in title reflects the fact that there has been no commission since 1946, making the term deputy commissioner an anachronism of almost 45 years. It also reflects the shift in emphasis in the position's role since the title was first

applied. This final rule substitutes the term district director for deputy commissioner wherever it appears in the regulations. Internally, procedure manuals, bulletins, forms and other public material will be updated to reflect this change. In no event, however, should this change be considered in any way to reflect on the authority of or affect the delegation of authority to the office. The delegation of authority remains unaltered, even in those regional offices where the RD has assumed the deputy commissioner title.

Publication in Final

The Department of Labor has determined, pursuant to 5 U.S.C. 553(b)(A), that public comment on this amendment to the regulations is not required because the change is purely an administrative title change, with no effect on the function or substance of the position.

The Department has determined that good cause exists for waiving the customary requirement for delay in the effective date of a final rule for 30 days following its publication. Therefore, this amendment shall be effective immediately. See 5 U.S.C. 553(d)(3). This finding is made because the change represents a purely administrative change and will have no effect on the function of the office or the services provided by OWCP to its public.

Classification—Executive Order 12291

The Department of Labor does not believe that this regulatory proposal constitutes a "major rule" under Executive Order 12291, as it will not result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in cost or prices for consumers, individual industries, Federal, state or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory analysis is required.

Paperwork Reduction Act

None.

Regulatory Flexibility Act

The Department believes that the rule will have "no significant economic impact upon a substantial number of small entities" within the meaning of section 3(a) of the Regulatory Flexibility Act. Pub. L. 96-354, 91 Stat. 1164 (5 U.S.C. 605(c)). The regulation applies

solely to an administrative title and therefore will have no impact on individuals; no additional burdens are being imposed on small entities. The Secretary of Labor has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. Accordingly, no regulatory impact analysis is required.

List of Subjects

20 CFR Part 701

Longshoremen, Workers' compensation.

20 CFR Parts 702 and 704

Administrative practice and procedure, Claims, Insurance, Longshoremen, and Workers' compensation.

20 CFR Part 703

Insurance, Longshoremen, Workers' compensation.

20 CFR Parts 718, 722, 725, 726, and 727

Black lung benefits, Lung disease, Miners, Mines, Workers' compensation, X-rays.

Accordingly, for the reasons set out in the preamble, title 20 CFR parts 701, 702, 703, 704, 718, 722, 725, 726, and 727 are amended as set forth below.

Subchapter A—Longshore and Harbor Workers' Compensation Act and Related Statutes

1. The citation of authorities for parts 701, 702, 703, and 704 are revised to read as follows:

Authority: 5 U.S.C. 301; Reorg. Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; 83 U.S.C. 939; 36 D.C. Code 501 et seq.; 42 U.S.C. 1651 et seq.; 43 U.S.C. 1331; 5 U.S.C. 8171, et seq.; Secretary's Order 7-87, 52 FR 48466; Employment Standards Order No. 90-02.

PART 701—GENERAL; ADMINISTERING AGENCY; DEFINITION AND USE OF TERMS

2. Section 701.201 is revised to read as follows:

§ 701.201 Establishment of Office of Workers' Compensation Programs.

The Assistant Secretary of Labor for Employment Standards, by authority vested in him or her by the Secretary of Labor in Secretary's Order No. 7-87 (52 FR 48466), established in the Employment Standards Administration (ESA) an Office of Workers' Compensation Programs (OWCP). The Assistant Secretary further designated as the head thereof a Director, who shall administer the programs assigned to that office by the Assistant Secretary.

3. Section 701.202 is revised to read as follows:

§ 701.202 Transfer of functions.

Pursuant to the authority vested in him or her by the Secretary of Labor, the Assistant Secretary for Employment Standards transferred from the Bureau of Employees' Compensation to the Office of Workers' Compensation Programs all functions of the Department of Labor with respect to the administration of benefits programs under the following statutes:

(a) The Longshore and Harbor Workers' Compensation Act, as amended and extended, 33 U.S.C. 901 et seq.;

(b) Defense Base Act, 42 U.S.C. 1651 et seq.;

(c) District of Columbia Workmen's Compensation Act, 36 D.C. Code 501 et seq.;

(d) Outer Continental Shelf Lands Act, 43 U.S.C. 1331;

(e) Nonappropriated Fund Instrumentalities Act, 5 U.S.C. 8171 et seq.;

(f) Title IV of the Federal Mine Safety and Health Act of 1977, as amended, 30 U.S.C. 901 et seq.

4. Section 701.301 is amended by revising paragraph (a)(7) to read as follows:

§ 701.301 Definitions and use of terms.

(a) * * *

(7) *District Director* means a person appointed as provided in sections 39 and 40 of the LHWCA or his or her designee, authorized by the Director to perform functions with respect to the processing and determination of claims for compensation under such Act and its extensions as provided therein and under this subchapter. These regulations substitute this term for the term "Deputy Commissioner" which is used in the statute. This substitution is for administrative purposes only and in no way affects the power or authority of the position as established in the statute.

* * * * *

PART 702—[AMENDED]

5. Part 702 is amended by adding a new § 702.105 which reads as follows:

§ 702.105 Use of the title District Director in place of Deputy Commissioner.

Wherever the statute refers to Deputy Commissioner, these regulations have substituted the term District Director. The substitution is purely an administrative one, and in no way effects the authority of or the powers

granted and responsibilities imposed by the statute on that position.

PART 702—[AMENDED]

6. In part 702 all references to "deputy commissioner" throughout part 702 are revised to read "district director."

PART 702—[AMENDED]

7. In part 702, remove the words "Deputy Under Secretary" and add, in their place, the words "Assistant Secretary for Employment Standards" in the following places:

(a) Section 702.433 (e) and (f); and

(b) Section 702.434 (a), (b) and (c).

PART 703—INSURANCE REGULATIONS

8. In part 703 all references to "deputy commissioner" throughout part 703 are revised to read "district director."

PART 704—SPECIAL PROVISIONS FOR LHWCA EXTENSIONS

9. In part 704 all references to "deputy commissioner" throughout part 704 are revised to read "district director."

Subchapter B—Federal Coal Mine Health and Safety Act of 1969, as Amended

1. The citations of authorities for parts 718, 722, 725, 726, and 727 are revised to read as follows:

Authority: 5 U.S.C. 301, Reorganization Plan No. 6 of 1950, 15 FR 3174, 30 U.S.C. 901 et seq., 902(f), 925, 932, 934, 936, 945; 33 U.S.C. 901 et seq., Secretary's Order 7-87, 52 FR 48466, Employment Standards Order No. 90-02.

PART 718—STANDARDS FOR DETERMINING COAL MINER'S TOTAL DISABILITY OR DEATH DUE TO PNEUMOCONIOSIS

2. In part 718 all references to "deputy commissioner" throughout part 718 are revised to read "district director."

PART 725—CLAIMS FOR BENEFITS UNDER PART C OF TITLE IV OF THE FEDERAL MINE SAFETY AND HEALTH ACT, AS AMENDED

3. Section 725.101 is amended by revising paragraph (a)(11) to read as follows:

§ 725.101 Definitions and use of terms.

(a) * * *

(11) "District Director" means a person appointed as provided in sections 39 and 40 of the LHWCA, or his or her designee, who is authorized to develop and adjudicate claims as provided in this subchapter (see § 725.350). These regulations substitute

this term for the term Deputy Commissioner which is used in the statute. This substitution is for administrative purposes only and in no way affects the power or authority of the position as established in the statute.

PART 726—BLACK LUNG BENEFITS; REQUIREMENTS FOR COAL MINE OPERATOR'S INSURANCE

4. In part 726 all references to "deputy commissioner" throughout are revised to read "district director."

PART 727—REVIEW OF PENDING AND DENIED CLAIMS UNDER THE BLACK LUNG BENEFITS REFORM ACT OF 1977

5. In part 727 all references to "deputy commissioner" throughout are revised to read "district director."

Signed at Washington, DC, this 31st day of May, 1990.

Laurence W. Rogers,

Director, Office of Workers' Compensation Programs.

[FR Doc. 90-15508 Filed 7-11-90; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 882

[Docket No. R-90-1394; FR-2502-F-04]

RIN 2502-AE56

Section 8 Certificate Program—Project-Based Assistance

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule revises HUD regulations that permit a Public Housing Agency (PHA) to attach section 8 Certificate Program assistance to newly constructed or rehabilitated units. The rule clarifies that the PHA's advertisement to announce that it will accept owner applications for assistance must be published once a week for three consecutive weeks. The current rule implied that the advertisement had to be published each day for 30 days. The revision should be less burdensome to PHAs, while still providing public notice of the availability of this assistance.

EFFECTIVE DATE: August 13, 1990.

FOR FURTHER INFORMATION CONTACT: Lawrence Goldberger, Director, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410-8000, telephone (202) 708-0720. Hearing- or speech-impaired individuals may call HUD's TDD number (202) 708-3938. (These telephone numbers are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980 and have been assigned OMB control number 2502-0388.

Public reporting burden for each collection of information is estimated to include the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This rule reduces the number of times a PHA must publish an advertisement that funds are available to be project-based. This revision, however, does not affect the Department's estimate of the public reporting burden for the PHA's written unit selection policy. Information on the burden hours for these requirements is provided as follows: Number of responses, 200; hours per response, 5; total burden hours 1000.

Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing this burden, to the Department of Housing and Urban Development, Rules Docket Clerk, 451 Seventh Street SW., room 10276, Washington, DC 20410; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

Background

On March 12, 1990, the Department published an interim rule revising 24 CFR part 882, subpart G, to permit a Public Housing Agency (PHA) to attach section 8 Certificate Program assistance to newly constructed units. The rule also revised certain provisions of subpart G that also applied to such assistance when it is attached to rehabilitated units. The Department received 18 public comments in response to that interim rule, and is currently developing a final rule which takes into consideration these comments.

One subject of public comment, however, is of immediate concern. Several commenters objected to the

provision in § 882.720(b) requiring a PHA to advertise in a newspaper of general circulation that it is accepting applications for project-based assistance. The advertisement must run for a minimum of 30 days. The commenters claimed that the 30-day publication requirement was unnecessarily expensive. The Department agrees, and is revising the § 882.720(b)(1) to require that the advertisement run once a week for three consecutive weeks. The rule also makes clear that the deadline for applications must be at least 30 days after the date the advertisement is last published.

E. Other Information

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR, Part 50, which implement section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, at the above address.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulations issued by the President on February 17, 1981. Analysis of the rule indicates that it would not: (1) Have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, state or local government agencies, or geographic regions; or (3) have 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.

In accordance with provisions of 5 U.S.C. 605(b), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities, because this rule makes less burdensome the requirement that PHAs advertise the availability of project-based assistance, which should be beneficial to all PHAs regardless of size.

HUD has determined, in accordance with E.O. 12612, *Federalism*, that this rule does not have a substantial, direct effect on the States or on the relationship between the Federal government and the States, or on the distribution of power or responsibilities among the various levels of government because this rule simply alters the advertising requirements that PHAs

must follow when inviting applications for project-based assistance. The rule makes these requirements less burdensome.

HUD has determined that this rule is not likely to have a significant impact on family formation, maintenance, and general well-being within the meaning of E.O. 12606, *The Family*, because the rule concerns only the advertising requirements that PHAs must follow when inviting applications for project-based assistance. It does not affect the terms and conditions under which a family may qualify for assistance under the Certificate Program. The Certificate Program, itself, is a benefit to families because it assists eligible families to, afford decent, safe, and sanitary housing.

This rule was listed as Sequence Number 1169 in the Department's Semiannual Agenda of Regulations published on April 23, 1990 (55 FR 16226, 16246), under Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance Program number and title is: 14.156, Lower Income Housing Assistance Program (section 8).

List of Subjects in 24 CFR Part 882

Grant programs—Housing and community development; Lead poisoning, Manufactured homes, Rent subsidies, Reporting and recordkeeping requirements.

Accordingly, the Department amends 24 CFR part 882 as follows:

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

1. The authority citation for part 882 is revised to read as follows:

Authority: Secs. 3, 5, 8, United States Housing Act of 1937 (42 U.S.C. 1437a, 1437c, and 1437f); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. In § 882.720, paragraph (b)(1) is revised to read as follows:

§ 882.720 PHA unit selection policy.

(b) * * *

(1) The PHA's selection policy must provide that the PHA will advertise in a newspaper of general circulation that the PHA will accept applications for assistance under this subpart G for specific projects. The advertisement may not be published until after the later of HUD authorization to implement a project-based program or ACC execution. The advertisement must be published once a week for three consecutive weeks; specify an

application deadline of at least 30 days after the date the advertisement is last published; specify the number of units the PHA estimates it will be able to assist under the funding the PHA is making available for this purpose; and state that only applications submitted in response to the advertisement will be considered.

(Approved by the Office of Management and Budget under control number 2502-0388)

Dated: July 2, 1990.

James E. Schoenberger,
Associate General Deputy Assistant
Secretary for Housing—Federal Housing
Commissioner.

[FR Doc. 90-16184 Filed 7-11-90; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[T.D. 8305]

RIN 1545-AO68

Treaty-Based Return Positions

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final Income Tax Regulations that amend final regulations previously issued on March 14, 1990, that relate to the requirement that any taxpayer who takes a position that a treaty of the United States overrules, or otherwise modifies, an internal revenue law of the United States shall disclose such position. These final regulations are necessary to provide additional guidance needed to implement section 6114 of the Internal Revenue Code.

DATES: These regulations are effective for taxable years of the taxpayer for which the due date for filing returns (without extensions) occurs after December 31, 1988.

FOR FURTHER INFORMATION CONTACT: David Bergquist of the Office of Associate Chief Counsel (International), within the Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attention: CC:CORP:T:R: (INTL-292-90)) (202-566-6442, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this final regulation has been reviewed and approved by the

Office of Management and Budget in accordance with the Paperwork Reduction Act (44 U.S.C. 3507) under the control number 1545-1126. The estimated annual burden per respondent to comply with § 301.6114-1 varies from ½ hour to 3 hours depending on individual circumstances, with an average estimate of one hour.

These estimates are an approximation of the average time expected to be necessary for a collection of information. They are based on such information as is available to the Internal Revenue Service. Individual respondents may require greater or less time, depending on their particular circumstances.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, T:FP, Washington, DC 20224, and to the Office of Management and Budget, Attention: Desk Officer for the Department of Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Background

This document contains amendments to the Income Tax Regulations (26 CFR part 301) under section 6114 of the Internal Revenue Code that were published in the *Federal Register* (55 FR 9438) on March 14, 1990. These amendments respond to comments received after the final regulations under section 6114 were published and provide further guidance with respect to section 6114. These amendments are discussed below.

Explanation of Provisions

Several commentators stated that the language of § 301.6114-1(b)(4)(ii) was unclear. In response to these comments, § 301.6114-1(b)(4)(ii) has been revised to narrow specifically required reporting under section 6114 to certain payments received from related persons. In addition, paragraph (b)(4)(ii)(B)(4) includes, as a foreign person who must report under section 6114, a foreign related party as defined in section 6038A(c)(2).

In response to a comment, § 301.6114-1(b)(5) and (c)(1) has been revised to clarify that income derived from certain independent personal services is subject to reporting under section 6114.

In response to comments, § 301.6114-1(c)(7) has been revised to limit to foreign insurers and reinsurers only the class of persons required to report with respect to payments of insurance premiums described in section 4371.