(ii) A letter from an authorized official of the specific organizational unit of the religious organization which will be employing the alien or engaging the alien's services in the United States. If the alien is to be employed, this letter should come from the organizational unit that will maintain the alien's Form I-9, Employment Eligibility Verification, that is, the organizational unit that is either paying the alien a salary or otherwise remunerating the alien in exchange for services rendered. This letter must establish:

(A) That, if the alien's religious membership was maintained, in whole or in part, outside the United States, the foreign and United States religious organizations belong to the same religious denomination;

(B) That, immediately prior to the application for the nonimmigrant visa or application for admission to the United States, the alien has the required two (2) years of membership in the religious denomination;

(C) As appropriate:

(*1*) That, if the alien is a minister, he or she is authorized to conduct religious worship for that denomination and to perform other duties usually performed by authorized members of the clergy of that denomination, including a detailed description of those duties;

(*2*) That, if the alien is a religious professional, he or she has at least a United States baccalaureate degree or its foreign equivalent and that at least such a degree is required for entry into the religious profession; or

(*3*) That, if the alien is to work in another religious vocation or occupation, he or she is qualified in the religious vocation or occupation. Evidence of such qualifications may include, but need not be limited to, evidence establishing that the alien is a monk, nun, or religious brother or that the type of work to be done relates to a traditional religious function;

(D) The arrangements made, if any, for remuneration for services to be rendered by the alien, including the amount and source of any salary, a description of any other types of remuneration to be received (including housing, food, clothing, and any other benefits to which a monetary value may be affixed), and a statement whether such remuneration shall be in exchange for services rendered;

(E) The name and location of the specific organizational unit of the religious organization for which the alien will be providing services within the United States; and

(F) If the alien is to work in a non-ministerial and nonprofessional capacity for a bona fide organization which is affiliated with a religious denomination, the existence of the affiliation; and

(iii) Any appropriate additional evidence which the examining officer may request relating to the religious organization, the alien, or the affiliated organization. Such additional documentation may include, but need not be limited to, diplomas, degrees, financial statements, or certificates of ordination. No prior petition, labor certification, or prior approval shall be required.

(4) *Initial admission.* The initial admission of a religious worker, spouse, and unmarried children under twenty-one years of age shall not exceed three (3) years. A Form I-94, Arrival-Departure Record, shall be provided to every alien who qualifies for admission as an R nonimmigrant. The Form I-94 for the religious worker shall be endorsed with the name and location of the specific organizational unit of the religious organization for which the alien will be providing services within the United States. The admission symbol for the religious worker shall be R-1; the admission symbol for the worker's spouse and childen shall be R-2.

(5) *Extension of stay.* The organizational unit of the religious organization employing the nonimmigrant religious worker admitted under this section shall use Form I-129, Petition for a Nonimmigrant Worker, along with the appropriate fee, to extend the stay of the worker. The petition shall be filed at the Service Center having jurisdiction over the place of employment. An extension may be authorized for a period of up to two (2) years. The worker's total period of stay may not exceed five (5) years. The petition must be accompanied by a letter from an authorized official of the organizational unit confirming the worker's continuing eligibility for classification as an R-1 nonimmigrant.

(6) *Change of employers.* A different or additional organizational unit of the religious denomination seeking to employ or engage the services of a religious worker admitted under this section shall file Form I-129 with the appropriate fee. The petition shall be filed with the Service Center having jurisdiction over the place of employment. The petition must be accompanied by evidence establishing that the alien will continue to qualify as a religious worker under this section. Any unauthorized change to a new religious organizational unit will constitute a failure to maintain status within the meaning of section 241(a)(1)(C)(i) of the Act.

(7) *Limitation on stay.* An alien who has spent five (5) years in the United States under section 101(a)(15)(R) of the Act may not be readmitted to the United States under the R visa classification unless the alien has resided and been physically present outside the United States for the immediate prior year, except for brief visits for business or pleasure. Such visits do not end the period during which an alien is considered to have resided and been physically present outside the United States, but time spent during such visits does not count toward the requirement of this paragraph.

(8) *Spouse and children.* The religious worker's spouse and unmarried children under twenty-one years of age are entitled to the same nonimmigrant classification and length of stay as the religious worker, if the religious worker will be employed and residing primarily in the United States, and if the spouse and unmarried minor children are accompanying or following to join the religious worker in the United States. Neither the spouse nor any child may accept employment while in the United States in R-2 nonimmigrant status.

Dated: December 16, 1991.

Gene McNary,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 91-31000 Filed 12-26-91; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 139

Development of an Airport Signage Plan; Certification and Operations: Land Airports Serving Certain Air Carriers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of requirement for airport signage plan.

SUMMARY: This notice informs all certificated airport owners and operators subject to FAR part 139 that they must have an approved airport signage plan by November 1, 1992.

FOR FURTHER INFORMATION CONTACT: William DeLoach, Office of Airport Safety and Standards, Airport Safety and Operations Division, AAS-300, Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591. Telephone (202)-267-3085.

SUPPLEMENTARY INFORMATION: Federal Aviation Regulations, 14 CFR part 139,

§ 139.205(b)(12) and § 139.213(b)(10) contain the requirement to include in the Airport Certification Manual or the Airport Certification Specifications, as applicable, the following: "A description of, and procedures for maintaining, the marking and lighting systems as required by § 139.311." Additionally, §§ 139.205(b)(26) and § 139.213(b)(16) state that the airport certification manual and airport certification specifications must contain any other item which the Administrator of the Federal Aviation Administration (FAA) finds is necessary in the public interest.

The purpose of this notice is to inform all certificated airport owners and operators that the FAA finds that the inclusion of the airport signage plan in the airport certification manual or the airport certification specifications is in the public interest and requires that airports subject to Federal Aviation Regulation part 139 prepare a signage plan for FAA approval. This plan will detail the type and the location of each sign required by § 139.311.(a) (3), (4), and (5). Any airport subject to FAR part 139 must have an approved airport signage plan no later than November 1, 1992. Additionally, any airport subject to FAR part 139 must have an approved sign plan in order to be eligible for Airport Improvement Program funds for such signing.

Advisory Circular No. 150/5340-18C was adopted July 31, 1991 and contains acceptable standards to satisfy these signage plan requirements.

Authority: 49 U.S.C. App. 1354(a) and 1432; 49 U.S.C. section 106(g) (Revised, Pub. L. 97-449, January 12, 1983).

Issued in Washington, DC, on December 16, 1991.

Raymond T. Uhl,

Deputy Director, Office of Airport Safety and Standards.

[FR Doc. 91-30642 Filed 12-26-91; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Technology Administration

15 CFR Part 265

Regulations Governing Traffic and Conduct on the Grounds of the National Institute of Standards and Technology, Gaithersburg, MD, and Boulder and Fort Collins, CO

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Final Rule; nomenclature change.

SUMMARY: Pursuant to a reorganization of certain offices within the National Institute of Standards and Technology (hereinafter "NIST"), during which many of NIST's functions and activities have been renamed and reassigned, it became necessary to revise and update NIST's administrative structure. Accordingly, relevant sections of the Code of Federal Regulations must be amended to reflect these changes.

EFFECTIVE DATE: December 27, 1991.

FOR FURTHER INFORMATION CONTACT: Philip J. Greene (202) 377-5394.

SUPPLEMENTARY INFORMATION: Because this rulemaking document concerns agency organization and management, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and is not subject to the requirements of that order.

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedures Act (5 U.S.C. 553), or by any other law, no regulatory flexibility analysis has to be or will be prepared for purposes of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)).

This final rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612. This rule does not contain collections of information for purposes of the Paperwork Reduction Act.

List of Subjects in 15 CFR Part 265

Federal buildings and facilities; Traffic regulations.

For the reasons set forth in the Preamble, 15 CFR part 265 is amended as follows:

PART 265 [AMENDED]

1. The authority citation for 15 CFR part 265 continues to read as follows:

Authority: Sec. 9, 31 Stat. 1450, as amended (15 U.S.C. 277). Applies sec. 1, 72 Stat 1711, as amended, (15 U.S.C. 278e(b)).

§ 265.31 [Amended]

2. In 15 CFR 265.31, remove the words "Deputy Director, IBS/Boulder" and add, in their place, the words "Director, NIST Boulder Laboratories."

§ 265.42 [Amended]

3. In 15 CFR 265.42(a), remove the words "Office of Information Activities of the National Institute of Standards and Technology (Chief, Program Information Office, IBS/Boulder for sites in Colorado)" and add, in their place, the words "Public Affairs Division of the National Institute of Standards and Technology (Public Affairs Officer for Boulder for sites in Colorado.)"

§ 265.42 [Amended]

4. In 15 CFR 265.42(b), remove the words "Associate Director for Administration (Executive Officer, IBS/Boulder, for sites in Colorado," and add, in their place, the words "Director of Administration (Executive Office, Boulder, for sites in Colorado)."

Dated: December 19, 1991.

John W. Lyons,

Director, National Institute of Standards and Technology.

[FR Doc. 91-30721 Filed 12-26-91; 8:45 am]

BILLING CODE 3510-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 91F-0059]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Cocoa Butter Substitute

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 a synthetic triglyceride mixture as a cocoa butter substitute. This action is in response to a petition filed by Huls America, Inc.

DATES: Effective December 27, 1991; written objections and requests for a hearing by January 27, 1992.

ADDRESSES: Written objections to the Docket Management Branch (HFA-305), Food and Drug Administration, room 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-5487.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of March 14, 1991 (56 FR 10903), FDA announced that a food additive petition (FAP 7A4025) had been filed by Huls America, Inc., 80 Centennial Ave., P.O. Box 456, Piscataway, NJ 08855-0456, proposing that the food additive regulations be amended to provide for the safe use of synthetic triglyceride mixture (CAS Reg. No. 85665–33–4), obtained by reacting fatty acids derived from coconut or palm kernel oil with glycerol, as a cocoa butter substitute.

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 in 21 CFR part 172 should be amended as set forth below. Because the notice of filing of March 14, 1991, may have been ambiguous, in the amendment set forth below, FDA is clarifying that the food additive may be composed of fatty acids derived solely from coconut oil, fatty acids derived solely from palm kernel oil, or a combination of fatty acids derived from both oils.

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 January 27, 1992 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 the 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 172

Food additives, 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 Director, Center for Food Safety and Applied Nutrition, 21 CFR part 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: Secs. 201, 401, 402, 409, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 348, 371, 376).

2. New § 172.861 is added to subpart I to read as follows:

§ 172.861 Cocoa butter substitute from coconut oil, palm kernel oil, or bath oils.

The food additive, cocoa butter substitute from coconut oil, palm kernel oil, or both oils, may be safely used in food in accordance with the following conditions:

(a) Cocoa butter substitute from coconut oil, palm kernel oil (CAS Reg. No. 85665–33–4), or both oils is a mixture of triglycerides. It is manufactured by esterification of glycerol with food-grade fatty acids (complying with § 172.860) derived from edible coconut oil, edible palm kernel oil, or both oils.

(b) The ingredient meets the following specifications:

Acid number	Not to exceed 0.5.
Saponification number.	220 to 260.
Iodine number	Not to exceed 3.
Melting range	30 to 44 °C.

(c) The ingredient is used or intended for use as follows:

(1) As coating material for sugar, table salt, vitamins, citric acid, succinic acid, and spices; and

(2) In compound coatings, cocoa creams, cocoa-based sweets, toffees, caramel masses, and chewing sweets as defined in § 170.3 (n)(9) and (n)(38) of this chapter, except that the ingredient may not be used in a standardized food unless permitted by the standard of identity.

(d) The ingredient is used in accordance with current good manufacturing practice and in an amount not to exceed that reasonably required to accomplish the intended effect.

Dated: December 17, 1991.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 91–30923 Filed 12–26–91; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF STATE

Bureau of Economic and Business Affairs

[Public Notice 1542]

22 CFR Part 89

Foreign Prohibitions on Longshore Work by U.S. Nationals

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The final rule contains a revised list, of longshore work by particular activity, of countries where performance of such a particular activity is prohibited by law, regulation or in practice in the country concerned. This list is being issued pursuant to section 258(d) of the Immigration and Nationality Act of 1952, as amended, 8 U.S.C. 1288, as added by the Immigration Act of 1990, Pub. L. 101–649 of November 29, 1990.

DATES: Effective Date: January 1, 1992.

ADDRESSES: For mailing public comments: Office of Maritime and Land Transport (EB/TRA/MA), room 5828, Department of State, Washington, DC 20520–5816.

FOR FURTHER INFORMATION CONTACT: Stephen Miller, Office of Maritime and Land Transport, Department of State, Washington, DC 20520–5816. (202) 647–6961.

SUPPLEMENTARY INFORMATION: Section 258(d)(2) of the Immigration and Nationality Act of 1952, as amended, (hereinafter: the Act) directs the Secretary of State (hereinafter: the Secretary) to "compile and annually maintain a list, of longshore work by particular activity, of countries where performance of such work by crewmembers aboard United States vessels is prohibited by law, regulation or in practice in the country." As announced in the Notice of Proposed Rulemaking dated February 27, 1991, the

Department of State (hereinafter: the Department) is establishing such a list from reports received from United States diplomatic posts abroad concerning relevant laws, regulations and practices of their host countries and from comments received from interested parties. On May 30, 1991, the Department issued a list in the form of an interim final rule with a request for comments (56 FR 24338). Upon publication of the interim final rule, the Department asked the U.S. Embassies in the countries cited to inform their host governments of the rulemaking and its effects and to investigate reports of restrictive practices received in comments to the interim final rule.

Comments From Interested Parties

The Department has received the following comments in response to the interim final rule.

The American Great Lakes Ports (the Ports), which make up the U.S. members of the International Association of Great Lakes Ports, commends the Department for its effort to carry out the letter and intent of section 258 of the Act in a practical manner that takes account of the complexities of the shipping industry. In particular, the Ports agree with the Department's interpretation of geographic scope. The Ports also support listing particular activities in order to apply reciprocity to activities prohibited by other countries, as specified by the Act. In cases where governments are involved in local prohibitions, the Ports believe that the Department should consider whether the government role is similar to that of a commercial entity. Finally, the Ports take the position that the Department's list should govern application of the reciprocity exemption by other agencies.

On behalf of its domestic member companies, the American Iron and Steel Institute expressed strong support for the interim final rule, in particular for the interpretation of the term "in practice", which the Institute believes is fully consistent with section 258 of the Act.

Writing on behalf of the Canadian Shipowners Association, the Canadian-American Company (CANAMCO), fully concurs with the Department's interim final rule. In particular, CANAMCO agrees with the interpretation regarding collective bargaining agreements and general practice.

The Federation of American Controlled Shipping (FACS), whose membership consists of U.S. companies with interests in open registry shipping, believes that the interim final rule has properly construed the longshore provisions of the Act. In particular, FACS concurs with the Department's interpretation of the term "in practice". FACS takes the view that to deny reciprocity to friendly foreign countries whose governments had no role in restrictions in private agreements would be akin to holding the U.S. Government responsible for practices privately negotiated by longshore unions and stevedoring firms in this country. FACS observes that the Act defers to collective bargaining arrangements in U.S. ports which may have the effect of reserving certain activities to longshoremen. From this, FACS concludes that Congress views such private arrangements as both permissible and controlling in the U.S. and that in the same law, Congress would not treat similar arrangements in other countries as improper in the sense that these restrictions would create grounds for denial of a reciprocal exemption. FACS also points to the practical difficulties of monitoring private sector practices throughout the world. Finally, FACS believes that the decision to list only countries that actually have had operative restrictions against U.S. mariners in the past year is reasonable, justifiable and consistent with the spirit and purpose of the reciprocity exemption.

Georgia-Pacific Corporation (G–P) supports the interim final rule as fairly and effectively implementing the spirit and intent of Congress in the Act. G–P agrees with the Department's interpretation regarding collective bargaining agreements and general practice. G–P reports that it owns three foreign-flag ships and depends on other U.S. and foreign-flag carriers for the import and export of raw materials and finished goods. G–P underscores the importance of free and fair international trade to U.S. interests and takes the position that U.S. regulations must not impose unnecessary restrictions or barriers in ocean transportation.

The International Council of Cruise Lines (ICCL) requests an exemption for passenger ships registered in Italy. The ICCL identifies itself as the representative of thirteen foreign-flag passenger cruise lines that carry more than ninety percent of the overnight, deep-water passenger cruise capacity in the North American market. The ICCL recalls that it submitted an earlier statement that the Act does not apply to passenger vessels. Since several ICCL vessels are registered in Italy, which appears on the list published in the interim final rule, ICCL wanted to submit further comments on this particular point. The ICCL submits that the Department should make a finding that Italian law, regulation or practice has not restricted the crews of U.S. passenger vessels from performing longshore work because no U.S.-flag passenger vessel has called on any Italian port in the past year. The ICCL points out that the Department, in its cable to U.S. diplomatic posts, did not make any reference to non-cargo related loading activities of U.S. passenger vessels. The ICCL understands that there is no national policy in Italy regarding longshore work and that each port sets its own policy.

The Lake Carrier's Association supports the Department's finding that Canada does not prohibit longshore work to the crews of U.S.-flag bulk vessels.

The Shippers for Competitive Ocean Transportation (SCOT) has submitted comments as the representative of major companies and associations accounting for more than 60 percent of all U.S. liner exports and for substantial exports by bulk shipping. SCOT supports the Department's interim final rule. In particular, SCOT applauds the effort to determine precise restrictions of each country and to apply reciprocal restrictions only to the degree foreign countries restrict U.S. mariners. SCOT strongly concurs with the Department's interpretation of the geographic scope of foreign restrictions and with the decision not to include countries where no U.S. ship has called in the past year. SCOT urges the Department to clarify whether the restrictions listed apply to different kinds of shipping services. As an example, SCOT notes that in its experience, the restrictions listed for Belgium have not applied to liquid bulk terminals in that country. SCOT observes that the law excludes tankers under the provisions dealing with hazardous materials and environmental protection.

In contrast to industry comments, labor union representatives oppose the Department's interpretation of the Act.

In the view of the International Longshoremen's Association, AFL–CIO and the International Longshoremen and Warehousemen's Union, AFL–CIO (the longshoremen's unions), the Department's standards for reciprocity exception articulated in the interim final rule are not consistent with the guidelines set by Congress in the Act. The longshoremen's unions hold that the Act has the objective of preserving longshore work in the U.S. for U.S. longshoremen. The longshoremen's unions believe that alien longshoremen are doing such work in U.S. ports while U.S. nationals are not able to perform the same activities in foreign countries. The longshoremen's unions express the concern that the Department's list will enable countries to avail themselves of a reciprocity exemption to which they are not entitled.

Specifically, the longshoremen's unions observe that the statute refers to activities "prohibited by law, regulation or in practice *in* the country. (Emphasis added by the longshoremen's unions.) The longshoremen's unions believe that this construction applies to any private agreement that prohibits U.S. mariners from carrying out longshore work in a foreign country. The longshoremen's unions do not believe that Congress would allow reciprocal exemptions for beneficiaries whose countries did not extend the same privileges to U.S. vessels and mariners.

The longshoremen's unions also take exception to the Department's interpretation of the effect of compensation of local port workers and geographic scope. The longshoremen's unions refer to reports from the International Transport Workers Federation attached to their comments to demonstrate that practices can vary among the ports of a single country. The longshoremen's unions do not believe that the omission of Liberia from the list is warranted because the Department has not made a finding that any longshore activities have been normally performed in Liberia during the past year or during the year preceeding the arrival of a Liberian ship in U.S. coastal waters. The longshoremen's unions further question the terms for the reciprocal treatment of U.S. mariners in Panama. The longshoremen's unions do not believe that Peru should be granted a reciprocal exception because regulations prohibit longshore work by U.S. mariners. Finally, the longshoremen's unions ask about the reasons for the exemptions of Canada, China, Denmark, Germany, Japan, Korea, Portugal and other unspecified countries.

The North American Caucus of the International Transport Workers' Federation (ITF) believes that the Department has misinterpreted the intent of the Act, in particular the term "in practice" as it relates to union contracts, industry agreements, or traditional practices. The ITF takes the position that this section of the Act has the objective of protecting the long-term security of jobs traditionally performed by U.S. longshoremen.

The Transportation Trades Department of the AFL-CIO believes that the Department has misinterpreted the intent of the Act, in particular the term "in practice" as it relates to union contracts, industry agreements, or traditional practices. The AFL-CIO takes the position that this section of the Act has the objective of protecting the long-term security of jobs traditionally performed by U.S. longshoremen.

Representatives Jack Brooks, Howard Berman, William Ford and George Miller submitted a joint statement expressing concerns about the Department's interim final rule and calling upon the Department to modify the final rule. The Congressmen advise that section 258(d) of the Act only provides for a narrow exception from an otherwise broad and deliberate effort to stop foreign mariners from doing longshore work. The Congressmen do not accept the Department's interpretation of the term "in practice" as it relates to private collective bargaining agreements. They note that Congress neither explicitly stated nor implicitly inferred that a private agreement would have to be imposed or approved by the government in order to disqualify a country from receiving a reciprocal exemption. They refer to a colloquy in the October 26, 1990 edition of the Congressional Record between Senators Brock Adams and Edward Kennedy about practices that could constitute a prohibition "in practice."

Definition of Longshore Work

Section 258(b) defines the term "longshore work" as "any activity relating to the loading or unloading of cargo, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when the vessel is made fast or let go, in the United States or the coastal waters thereof."

Information developed by the Department indicates that there is no international consensus on what constitutes "longshore work". The laws and regulations of many countries which prohibit crews of U.S. ships from performing longshore work do not provide a definition of the term and do not enumerate particular activities which are covered. Other countries specify particular activities exempt from their restrictions on longshore work. It is possible that activities covered by the Act's definition of "longshore work" may not be viewed in other countries as "longshore work" for the purposes of their laws and regulations. In order to compile as detailed a list as possible, the Department sought information regarding restrictions on particular shipboard activities, e.g. opening of hatches, rigging of ship's gear and handling of lines.

Several comments asked the Department to list practices that apply to different types of shipping services, such as bulk and passenger shipping. The regulations of many countries are not sufficiently detailed to differentiate between practices applying to dry bulk, tanker and liner shipping. Where identified, exceptions from restrictions on longshore work are noted in the list of countries established in accord with section 258(d)(2) of the Act.

Standards for Reciprocity Exception

The Department is listing those countries where restrictions on longshore activities by crewmembers of U.S. ships are imposed or approved by the foreign government on a national basis.

—By law or regulation,
—Through a collective bargaining agreement directly negotiated by the foreign government with other parties, or
—Through restrictions in private collective bargaining agreements imposed or approved by the foreign government.

In view of the sharp differences in opinion prompted by the interim final rule, the Department wishes to review in detail the Act and its legislative history.

Role of Government in Restrictions in Practice

Section 258(d)(1) of the Act sets the general conditions for the reciprocity exemption:

* * * the Attorney General shall permit an alien crewman to perform an activity constituting longshore work if—

(A) The vessel is registered in a *country that by law, regulation, or in practice does not prohibit such activity* by crewmembers aboard United States vessels; and (emphasis added by the Department.)

(B) nationals of *a country (or countries) which by law, regulation, or in practice does not prohibit such activity* by crewmembers aboard United States vessels hold a majority of the ownership interest in the vessel. (Emphasis added by the Department.)

Section 258(d)(3) defines "in practice" as

"an activity normally performed in such country during the one-year period preceding the arrival of such vessel into the United States or coastal waters thereof."

In interpreting the legislation, the Department consulted the conference report, which contains brief references to the exemptions from the general prohibition in section 258 against longshore work by the crews of foreign vessels:

The section provides * * * exemptions * * * for international reciprocity between the United States and *countries that do not prohibit crewmen from performing particular longshore activities* aboard U.S. vessels in their respective ports. (Emphasis added by the Department.)

The conference report further specifies that

"(t)he exception for reciprocity requires a foreign vessel to be registered in a country, and owned by nationals of a country, *each of which does not prohibit by law, regulation or general practice crewmen from performing longshore activities* aboard U.S. vessels in its ports. (Emphasis added by the Department.)

In addition, the colloquy between Senators Kennedy and Adams offers an insight into the intent of Congress:

Mr. ADAMS. Mr. President, concerning the international reciprocity provision in section 203, the bill's section on longshore work, I want to confirm the conference committee's agreement on the degree of protection this provision provides for U.S. longshoremen. It is my understanding that another country's "prohibition in practice" of U.S. or other foreign crewmen performing longshore work is to consist of any effective restriction *imposed or sanctioned by the other country's government.* * * * (emphasis added by the Department.)

Mr. KENNEDY. The Senator is correct.

The Department takes the view that the general conditions set in section 258(d)(1) govern the implementation of the reciprocity exception. The Department agrees with the comment that Congress does not want to grant an exception to crews of countries that do not accord U.S. crews the same treatment. Section 258(d)(1), however, only refers to restrictions in which the government has an active role. The conference report uses the same construction. Moreover, the colloquy explicitly refers to restrictions sanctioned or imposed by a country's government. The Department has therefore concluded that a reasonable interpretation of the Act would only apply to restrictions actively imposed or sanctioned by a foreign government.

Collective Bargaining Agreements

Under the policy of reciprocal treatment established by the Act, collection bargaining agreements duly negotiated under a foreign country's labor law should not affect that country's eligibility for reciprocal exemption unless the country's government imposes or sanctions the agreements. The mere existence of agreements restricting longshore activities by crewmen does not mean that the government supports or requires such restrictions. As in the U.S., the labor laws of many other countries guarantee the right of collective bargaining but do not dictate the terms of collective bargaining agreements. In each case, the Department examined the extent of government intervention in the collective bargaining process.

The Department agrees with the comment that section 258(d)(3) recognizes collective bargaining activities as a distinct sphere of activity not subject to provisions of the Act. In this connection, the Department makes note of a statement by Senator Kennedy on this matter in the colloquy cited earlier:

[This section] does not extent (sic) into the area of labor law and would not disturb any U.S. longshore collective bargaining agreements that reserve work for U.S. workers.

Geographic Scope

The Department is only listing countries where restrictions generally prevail throughout the country. The conference report establishes "general practice" as a test for reciprocity exemption. Some parties submitting comments claim no knowledge of discussions in Congress to examine each region of countries contiguous to the United States rather than considering activities on a nationwide basis. Even if Congress rejected such a proposal, these parties believe that the legislation requires a separate examination of the practices in each region of a foreign country. The Department notes that Administration representatives from the Departments of State and Transportation took an active part in discussions with the conferees about this proposal and made clear that the Administration firmly rejected such an approach. Comments to the interim final rule have not changed the Department's views.

Commercial Practice

Several comments submitted in response to the notice of proposed rulemaking observed that carriers may use local longshore workers as a matter of established commercial practice. The Department agrees that carriers may voluntarily employ local workers for reasons other than governmentally imposed or approved constraints. In the absence of evidence of restrictive laws, regulations or practices, the Department presumes that the choice to use local longshoremen results from purely voluntary commercial decisions.

Compensation of Port Workers

The Department is not including as restrictions requirements to compensate local workers for wages foregone if crewmembers perform longshore work unless the compensation does not reflect the ordinary market wages for such work.

Status of Individual Countries

Some parties raised questions about the status of individual countries. The Department made its finding on Liberia after determining that no U.S. ships have called in Liberian ports during the past year and consequently have not been subject to any restrictions on longshore work. After further consultations with the Panamanian Government, the Department has not found any prohibition against longshore work by U.S. crewmembers in law, regulation or in practice. Therefore, the Department is not placing Panama on the list. The finding on Peru is based on reports from the U.S. Embassy in Lima on discussions with U.S. carriers as well as Peruvian government officials. These sources confirm that Peru no longer prevents U.S. mariners from doing longshore work.

Some comments contained allegations about restrictions in several other countries. Some of the countries (Belgium, Brazil, Italy and Turkey) are already included on the list. Further investigation into the allegations about Japan uncovered regulations that prohibit the crews of U.S. ships from doing longshore work. The Department also determined that Germany requires U.S. mariners to have a work permit in order to perform certain on-shore longshore activities. Germany and Japan have consequently been added to the list. The Department also investigated reports of restrictive collective bargaining agreements in Denmark and has reconfirmed that the Danish Government has not approved or imposed these restrictions. Therefore, Denmark is not included in the list.

Information collected after publication of the interim final rule indicates that Algeria prohibits U.S. mariners from performing longshore work. That country has been added to the list. The Department has incorporated changes into the final rule concerning prohibitions in Italy, Spain, Taiwan and Trinidad and Tobago to reflect more precisely the laws, regulations, and practices of these countries and regions.

In its comments, one party questioned whether Italy has a national policy on longshore work. The U.S. Embassy in Rome reports that Article 110 of the Navigation Code governs longshore work by foreign mariners. The law makes no distinction between types of ships.

List of Subjects in 22 CFR Part 89

Aliens, Crewmembers, Immigration, Labor, Longshore Work.

For the reasons set out in the preamble, 22 CFR chapter I is amended as follows.

PART 89—PROHIBITIONS ON LONGSHORE WORK BY U.S. NATIONALS

Part 89 is amended by revising § 89.1 to read as follows:

§ 89.1 Prohibitions on Longshore work by U.S. nationals; listing by country.

The Secretary of State has determined that, in the following countries, longshore work by crewmembers aboard United States vessels is prohibited by law, regulation, or in practice, with respect to the particular activities noted:

Algeria

(a) All longshore activities.

Argentina

(a) Loading and discharge of cargo.

Australia

(a) Handling of cargo or ballast in connection with the loading or discharge of a ship, including rigging of ship's gear, unless there is insufficient shore labor.

(b) Exceptions: Operation of self discharging equipment and other automatic loading/unloading mechanisms.

Belgium

(a) Cargo loading and discharge.

(b) Exception: Operation of cargo-related machinery on board the ship.

Belize

(a) Loading and unloading cargo vessels and handling of containers.

(b) Exception: Operation of shipboard cranes to load and offload containers.

Brazil

(a) Movement of cargo.

(b) Lashing or unlashing of containers.

(c) Operation of cargo related equipment, whether or not on board the ship.

(d) Activities performed by cargo checkers, tally clerks, watchmen, and coopers.

Burma

(a) Loading and discharge of cargo from and in any sea-going vessels coming to any dock, wharf, quay, stage, jetty or pier.

(b) Handling of mooring lines.

(c) Exceptions: Shipboard activities including opening hatches and rigging ship's gear; loading or discharge of cargo when the equipment or cargoes require special handling; and loading or discharge of other cargoes, by special agreement with port authorities.

Chile

(a) Any and all functions relating to the loading and unloading of cargo and other tasks appropriate to a port, whether on board boats and ships in the port or in the dock area, including the operation of cargo-related equipment, whether or not integral to the vessel, including hatches and rigging of ship's gear.

(b) Exceptions:

(1) Placement and removal of mooring ropes from dock bitts and operation of the capstans aboard the vessel, when under the control of the harbor pilot; and

(2) Doing a vessel's mess and purveying alongside the ship with the provisions, loading and placement of the provisions in the ship's larder or stores.

China, Peoples Republic of

(a) All longshore activities.

Columbia

(a) All activities related to the loading and discharge of cargo, including operation of cargo-related equipment integral to the vessel.

Congo

(a) All longshore activities.

Costa Rica

(a) Operation of loading and unloading equipment affixed to the pier.

Cote d'Ivoire

(a) All longshore activities.

Egypt

(a) Cargo loading and unloading activities not on board the ship.

El Salvador

(a) Port operations, including the loading and discharge of cargo, the operation of equipment, whether on the ship or not, and the handling of lines.

France

(a) All loading and unloading of ocean-going ships.

(b) Exception: Movement of personal belongings and machinery belonging to the ship.

Germany

(a) All longshore activities on shore without a labor permit.

Guatemala

(a) All port operations except for the opening of hatches and entrances to ship storage areas.

Guinea

(a) All longshore activities.

Honduras

(a) All longshore activities, including loading and discharge of cargo, handling of containers, operation of cranes, hoisting machinery and roll-on/roll-off equipment.

(b) Exception: Handling of toxic or hazardous materials, with clearances obtained through the national port authority prior to entry into port.

India

(a) All on-board activities relating to loading and discharge of cargo and operation of cargo-related equipment, including rigging of derricks, and opening and closing of hatches.

(b) All movement of cargo on shore.

(c) Berthing vessels and handling of mooring lines on dock when the vessel is made fast or let go.

Indonesia

(a) All longshore activities, including opening of hatches, rigging of ship's gear and line handling, as long as there are Indonesian longshoremen available.

(b) Exceptions: Activities for which local workers lack the requisite skills; in an emergency situation, duties ordinarily performed by longshoremen; and loading and discharge of hazardous chemicals at industrial ports if no Indonesian workers are available for the job.

Israel

(a) All longshore activities, including loading and unloading of cargo, operation of cargo-related equipment, and handling of mooring lines.

(b) Exception: Jobs related to the maintenance of the ship itself.

Italy

(a) All longshore activities, including operation of on board equipment and the loading and discharge of new automobiles.

(d) Exceptions:

(1) Operation of automated loading and discharge equipment on board the vessel and associated manual activities, including loading and discharging containers from container vessels manually or with automatic or semi-automatic spreaders,

(2) Operation and movement of fixed or mobile mechanical equipment owned or leased by port companies and used for operations,

(3) Ancillary activities connected with documenting goods,

(4) Restoration of packaging,

(5) All activities, including moving goods, carried out within areas operated under a concession granted by the port authority,

(6) Activities strictly connected with the operation and security of navigation, or otherwise within the competence of the crew,

(7) Handling of the lifts on ferries,

(8) Preparation of on board derricks, winches and cranes,

(9) Opening and closing of hatches,

(10) Loading and discharge operations related to barges from LASH vessels,

(11) Installation of bulkheads to secure cargo,

(12) Lashing and unlashing operations, and

(13) Securing of cargo.

Jamaica

(a) Activities normally carried out by stevedores, linesmen, gangmen or longshoremen, including:

(1) All on-shore activities dealing with the handling and placement of cargo;

(2) All movement of cargo from or onto ships whether by gangplank or crane;

(3) All stacking and slinging of pallets within the ship's cargo holds;

(4) Mooring and unmooring of ships, including handling of mooring lines aboard ships; and

(5) Any other activity involving the discharge of cargo into Jamaica.

(b) All activities associated with the discharge of grain and loading of grain products, with the exception of handling of on-board machinery to keep the ship righted.

(c) Exception: Direction of supervisors by the ship's officers only insofar as necessary to identify which cargo is to be palletized, shifted, or off-loaded.

Kenya

(a) All longshore activities.

Madagascar

(a) All longshore activities.

Mauritania

(a) All longshore activities.

(b) Exception: Supervision by the vessel's master or loadmaster.

Morocco

(a) Handling of any product, crates, boxes, bales or containers destined for unloading.

(b) Exception: Any shipboard activities not relating to loading or discharge operations and not having any commercial character, including opening hatches, rigging of ship's gear and line handling.

Mozambique

(a) All longshore activities.

Namibia

(a) Port services and cargo loading and discharge.

(b) Exception: Handling of cargo only while it remains on the vessel.

Oman

(a) Longshore work without a labor permit, including loading or discharge of cargo, handling of containers or any other activity not related to a crewman's job on the ship or to basic ship repair.

(b) Exceptions: Opening of hatches, rigging of the ship's gear and handling of lines aboard ship.

Pakistan

(a) All longshore activities.

(b) Exceptions: Shipboard activities other than opening of hatches; with prior approval from Ministry of Communications officials, loading or discharge of special cargoes with on-board equipment in cases where dockside equipment operated by longshoremen cannot safely moved the cargoes.

Philippines

(a) All longshore activities.

Portugal

(a) All operations associated with loading or unloading cargo and complementary operations within the port area, including lashing.

(b) Expections:

(1) Opening and closing of hatches;

(2) Rigging of ship's gear;

(3) Handling of lines;

(4) Military vessels or the operation of military material in areas under military jurisdiction;

(5) The supply of bulk operating fuels and lubricating oils to a ship;

(6) The movement of spare parts, supplies, ship's stores, fuels and lubricants when the quantities to be moved are less than three tons per vessels;

(7) The loading, unloading and transfer of fuels and bulk liquid petroleum products;

(8) The loading, unloading and transfer of chemical products whose characteristics require special handling;

(9) The loading, unloading and packing of fresh, refrigerated or frozen fish from a fishing vessel, except when such cargo is listed on the manifest; and

(10) The movement of goods and materials within naval construction and repair yards or petroleum terminals.

Romania

(a) All longshore activities not on board the ship.

St Lucia

(a) All longshore activities.

Sierra Leone

(a) All longshore activities on shore.

South Africa

(a) Cargo handling without a license issued by the port authority.

Spain

(a) Longshore operations, including any loading, offloading, stowage and transfer of goods within port intended for maritime transport by ship.

(b) Exceptions include:

(1) Handling of goods, material, and machinery belonging to the port authorities;

(2) Material of the Ministry of Defense unless operations are carried out by a stowage company;

(3) Mail loading and offloading;

(4) Private vehicles offloaded by owners or drivers and complementary grip tasks carried out by ship's crew;

(5) Offloading, transport to storage and complementary work of fresh fish from ships of less than 100 gross tons capacity or those above this size under special contract when carried out by the crew;

(6) Operations carried out within the port directly related to processing plants, industrial zones or canning factories, as long as they are not carried out by a stowage company;

(7) Handling of personal belongings of passengers and crewmembers;

(8) Loading and offloading of maintenance goods as long as it does not require hiring additional personnel or operations carried out by pipelines;

(9) The use of cranes and tractor devices not assigned to port operations as long as they are used by their regular personnel; and

(10) Driving, coupling and coupling tractor devices to load and unload trailers as long as transport is carried out without interruption from outside of the port area until their loading, or from the ship to the outside of the port area.

Sri Lanka

(a) All longshore activities.

(b) Exceptions: With a waiver granted by the Minister of Ports and Shipping upon application through the ports authority, handling of long lines of ships awaiting unloading and other activities under exceptional circumstances.

Taiwan

(a) Loading and discharge activities, including opening of hatches and rigging of ship's gear.

(b) Handling of mooring lines on the dock for all vessels.

(c) Exceptions: Loading and discharge of cargo if the longshoremen cannot handle the cranes of a particular ship; and operation of automatic hatch opening equipment that longshoremen are unable to operate.

Thailand

(a) All longshore activities, including opening of hatches, riggings ship's gear and line handling once the ship has berthed.

(b) Exception: Operation of onboard cargo machinery integral to the ship.

Togo

(a) Handling of mooring lines on the dock.

Trinidad and Tobago

(a) All longshore activities, including loading and discharge of cargo; lashing and unlashing of containers; operation of cargo-related equipment, unless the required skill is unavailable at port; and activities normally performed by cargo checkers, tally clerks and watchmen.

Tunisia

(a) All longshore or dock activities, including the operation of on-board hoists.

Turkey

(a) Work done on the pier, including mooring, cargo handling, crane operations and ground vehicle transportation.

(b) Exceptions: activities on board vessels to assist in loading and discharge of cargo.

Uruguay

(a) All longshore activities, including the opening of hatches, rigging of ship's gear and line handling.

(b) Exception: loading and discharge of cargo where Uruguayan workers cannot operate on board loading cranes.

Yemen

(a) All longshore activities.

(8 U.S.C. 1288, Pub. L. 010-649, 104 Stat. 4878)

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[FR Doc. 91-30951 Filed 12-26-91; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Parts 201, 203, and 234

[Docket No. N-91-3348; FR-3188-N-01]

Loan and Mortgage Insurance; Changes to the Maximum Loan and Mortgage Limits for Single Family Residences, Condominiums and Manufactured Homes and Lots

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

ACTION: Notice of revisions to FHA maximum loan and mortgage limits for high-cost areas.

SUMMARY: This Notice amends the list of areas eligible for "high-cost" loan and