In addition, the Attorney General may exempt certain anabolic steroid products, upon the recommendation of the Secretary of Health and Human Services, if, because of their concentration, preparation, mixture or delivery system, they have no significant potential for abuse.

The DEA will be publishing regulations on how one may apply for these exclusions and exemptions and provide separate lists of these excluded veterinary implant products and exempt anabolic steroid products in a proposed Federal Register notice. Thereafter, the DEA will republish updated lists on an annual basis.

The list of anabolic steroids under 21 CFR 1308.02(b) shows certain anabolic steroids with an additional name in parenthesis. These names reflect the correct spelling for these anabolic steroids.

The Administrator of the Drug Enforcement Administration hereby certifies that this final rule will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The final rule is not a major rule for the purposes of Executive Order (E.O.) 12291 of February 17, 1981.

This scheduling action is a formal rulemaking that is required by Public Law 101-647, and as such, is exempt from the consultation requirements of E.O. 12291.

This action has been analyzed in accordance with the principles and criteria in E.O. 12612, and it has been determined that the final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug Enforcement Administration, Drug traffic control, Narcotics, Prescription drugs.

Under the authority vested in the Attorney General by Public Law 100-647 and delegated to the Administrator of the DEA by Department of Justice regulations (28 CFR 0.100), the Administrator hereby orders that 21 CFR part 1308 be amended as follows:

PART 1308—[AMENDED]

1. The authority citation for part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, and 871(b), unless otherwise noted.

2. Section 1308.02 is amended by redesignating the current paragraphs (b) through (g) as paragraphs (c) through (h) and adding a new paragraph (b) to read as follows:

§ 1308.02 Definitions.

* * * * *

(b) The term *anabolic steroid* means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

(1) Boldenone;
(2) Chlorotestosterone (4-chlortestosterone);
(3) Clostebol;
(4) Dehydrochlormethyltestosterone;
(5) Dihydrotestosterone (4-dihydrotestosterone);
(6) Drostanolone;
(7) Ethylestrenol;
(8) Fluoxymesterone;
(9) Formebulone (formebolone);
(10) Mesterolone;
(11) Methandienone;
(12) Methandranone;
(13) Methandriol;
(14) Methandrostenolone;
(15) Methenolone;
(16) Methyltestosterone;
(17) Mibolerone;
(18) Nandrolone;
(19) Norethandrolone;
(20) Oxandrolone;
(21) Oxymesterone;
(22) Oxymetholone;
(23) Stanolone;
(24) Stanozolol;
(25) Testolactone;
(26) Testosterone;
(27) Trenbolone; and
(28) Any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth. Except such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for such administration. If any person prescribes, dispenses, or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph.

* * * * *

3. Section 1308.13 is amended by adding a new paragraph (f) to read as follows:

§ 1308.13 Schedule III.

* * * * *

(f) *Anabolic steroids.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts of isomers is possible within the specific chemical designation:

(1) Anabolic Steroids.....4000

Dated: February 4, 1991.

Robert C. Bonner,

Administrator, Drug Enforcement Administration.

[FR Doc. 91-3402 Filed 2-12-91; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Miami, Florida Regulation CCGD7-91-06]

Security Zone Regulations: U.S. Coast Guard Base Miami Beach, Miami Beach, FL

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a security zone around U.S. Coast Guard Base Miami Beach, Miami Beach, Florida. This zone is needed to protect U.S. Coast Guard Base Miami Beach and the vessels moored thereto from potential subversive acts by any unknown person or persons hostile to the United States. The zone is established at a one hundred yard radius upon and under the waters of Biscayne Bay off Coast Guard Base Miami Beach, centered in approximate position latitude 25-46.25N, longitude 080-08.8W. Entry into this zone is prohibited unless authorized by the Captain of the Port, Miami, Florida, or his designated representative.

FOR FURTHER INFORMATION CONTACT: Lt. Jones, Project Officer, USCG Marine Safety Office, 155 S. Miami Ave., Miami, Florida 33130, (305) 536-5693.

EFFECTIVE DATES: This regulation becomes effective on 14 January 1991 at 4:00 p.m. local time and will remain in effect until further notice. A notice will be published in the Federal Register announcing termination of the rule.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register publication. Publishing a NPRM and delaying its effective date would be contrary to national security interests since immediate action is needed to protect U.S. Coast Guard Base Miami Beach and vessels moored thereto.

Drafting Information

The drafters of this regulation are BM1 K.A. Richter, project officer for the Captain of the Port, and LT G.G. Tanos, Project Attorney, Seventh Coast Guard District Legal Office

Discussion of Regulation

The evolution requiring this regulation is the increasing possibility of acts of terrorism or sabotage by any unknown person or persons against United States Coast Guard facilities. This threat stems from the United States' support of the United Nations Resolutions calling for the removal of Iraqi military forces from Kuwait. This regulation is pursuant to 50 U.S.C. 191 as set out in the authority citation for all of part 165.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, subpart D of part 165 of title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation of part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 33 CFR 160.5.

2. A new § 165.T0706 is added to read as follows:

§ 165.T0706 Security Zone: U.S. Coast Guard Base Miami Beach, Miami Beach, Florida.

(a) *Location.* The following area is a Security Zone: A one hundred yard radius upon and under the waters of Biscayne Bay, off Coast Guard Base Miami Beach, centered in approximate position latitude 25–46.25N, longitude 080–08.8W.

(b) *Effective date.* This regulation becomes effective on 14 January 1991, at 4:00 p.m. local time. This regulation will remain in effect until further notice from the Captain of the Port, Miami, Florida. A notice will be published in the **Federal Register** announcing termination of the rule.

(c) *Regulations.* In accordance with the general regulation in subpart 165.33 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Miami, Florida, or a Coast Guard commissioned, warrant, or petty officer designated by him. Subpart 165.33 also contains other general requirements.

Dated: January 14, 1991, 4 p.m. local.

G.M. Williams,

Commander, U.S. Coast Guard, Captain of the Port, Miami, Florida.

[FR Doc. 91–3459 Filed 2–12–91; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AE97

Active Military Service Certified as Such Under Section 401 of Public Law 95–202

AGENCY: Department of Veterans Affairs.

ACTION: Final regulation.

SUMMARY: The Department of Veterans Affairs (VA) has amended its regulations concerning persons who are included as having served on active duty. The need for this action results from recent decisions of the Secretary of the Air Force that the service of members of three additional civilian or contractual groups constitutes active military service in the Armed Forces of the United States for purposes of all laws administered by VA. The effect of this action is to confer veteran status for VA benefit purposes on former members of those groups who were discharged under honorable conditions.

EFFECTIVE DATE: The effective dates are August 30, 1990 (§ 3.7(x) (17) and (18)), for the U.S. Civilians of the American Field Service, and October 5, 1990 (§ 3.7(x)(19)), for the U.S. Civilian Employees of American Airlines.

FOR FURTHER INFORMATION CONTACT: Joel Drembus, Regulations Staff (211B), Compensation and Pension Service, Veterans Benefits Administration (202) 233–3005.

SUPPLEMENTARY INFORMATION: Public Law 95–202 authorized the Secretary of Defense to certify whether the service of members of civilian or contractual groups shall be considered active duty for the purposes of all laws administered by VA.

Notices of such certification of the following groups by the Secretary of the Air Force appeared in the **Federal Register** of November 6, 1990, pages 46706–07: U.S. Civilians of the American Field Service (AFS) Who Served Overseas Operationally in World War I During the Period August 31, 1917 to January 1, 1918; U.S. Civilians of the American Field Service (AFS) Who Served Overseas Under U.S. Armies and U.S. Army Groups in World War II During the Period December 7, 1941 through May 8, 1945; and U.S. Civilian Employees of American Airlines Who Served Overseas as a Result of American Airlines' Contract with the Air Transport Command During the Period December 14, 1941 through August 14, 1945.

Pursuant to 38 CFR 1.12(b), VA finds that prior publication of these changes for public notice and comment is impracticable and unnecessary. VA has no discretion in this matter. The decisions of the Secretary of the Air Force concerning active duty status are binding on VA. Consequently, a proposed notice will not be published. For the same reason, the effective dates are retroactive to the dates on which the Secretary of the Air Force held that such service constitutes active duty.

Since a notice of proposed rulemaking is unnecessary and will not be published, this amendment is not a "rule" as defined in and made subject to the Regulatory Flexibility Act (RFA), 5 U.S.C. 601(2). In any case, this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the RFA, 5 U.S.C. 601–612. This amendment will not directly affect any small entity.

In accordance with Executive Order 12291, Federal Regulation, we have determined that these regulation changes are non-major for the following reasons:

(1) They will not have an annual effect on the economy of $100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterpri ses in domestic or export markets.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

There is no affected catalog of federal domestic assistance program number.

Approved January 16, 1991.

Edward J. Derwinski,

Secretary of Veterans Affairs.

38 CFR part 3, Adjudication, is amended as follows:

PART 3—[AMENDED]

In § 3.7, the authority citations following paragraphs (x)(11) through (x)(14), and (x)(16) are removed and paragraphs (x)(17) through (x)(19) and an authority citation are added to read as follows:

§ 3.7 Persons included.

* * * * *

(x) *Active military service certified as such under section 401 of Public Law 95–202.*

* * * * *

(17) U.S. Civilians of the American Field Service (AFS) Who Served Overseas Operationally in World War I during the Period August 31, 1917 to January 1, 1918.

(18) U.S. Civilians of the American Field Service (AFS) Who Served Overseas Under U.S. Armies and U.S. Army Groups in World War II during the Period December 7, 1941 through May 8, 1945.

(19) U.S. Civilian Employees of American Airlines Who Served Overseas as a Result of American Airlines' Contract with the Air Transport Command During the Period December 14, 1941 through August 14, 1945.

(Authority: Pub. L. 95–202, Sec. 401.)

[FR Doc. 91–3407 Filed 2–12–91; 8:45 am]

BILLING CODE 8320–01–M

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38 CFR Part 3

RIN 2900–AE88

Clothing Allowance and Marriage Requirements

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) has amended its adjudication regulations on clothing allowances and the period of marriage required for eligibility for certain survivor benefits. These amendments are based on recently enacted legislation. The intended effect of these amendments is to expand and extend benefit eligibility.

EFFECTIVE DATE: The amendments are to be effective December 18, 1989, the date the legislation was signed into law.

FOR FURTHER INFORMATION CONTACT: Phyllis Barber, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233–3005.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 19, 1990 (55 FR 38564), VA published proposed regulatory amendments based on the recently enacted Veterans' Benefits Amendments of 1989 (Pub. L. 101–237, 103 Stat. 2062) which amended 38 U.S.C. 362 to expand the category of veterans entitled to receive a clothing allowance and amended 38 U.S.C. 418(c)(1) to reduce the time a surviving spouse must have been married to a veteran in order to be eligible for certain survivor benefits. Interested persons were invited to submit written comments, suggestions or objections on or before October 19, 1990. Since no comments, suggestions or objections were received, the regulations have been adopted as proposed without change.

The Secretary hereby certifies that these regulatory amendments will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The reason for this certification is that these amendments would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), these amendments are exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that these regulatory amendments are non-major for the following reasons:

(1) They will not have an annual effect on the economy of $100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

(The Catalog of Federal Domestic Assistance program numbers are 64.105, 64.109 and 64.110).

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Approved: January 8, 1991.

Edward J. Derwinski,

Secretary of Veterans Affairs.

PART 3—[AMENDED]

38 CFR part 3, Adjudication, is amended as follows:

§ 3.54 [Amended]

1. In § 3.54(c)(2) remove the words "2 years" where they appear and add, in their place, the words "1 year".

2. In § 3.810 the authority citation at the end of paragraph (a)(2) is removed and a new authority citation for all of § 3.810 is added. The introductory texts of paragraph (a) and paragraph (a)(2) are revised to read as follows:

§ 3.810 Clothing allowance.

(a) A veteran who has a service-connected disability, or a disability compensable under 38 U.S.C. 351 as if it were service-connected, is entitled, upon application therefor, to an annual clothing allowance as specified in 38 U.S.C. 362. The annual clothing allowance is payable in a lump sum, and the following eligibility criteria must also be satisfied:

* * * * *

(2) The Chief Medical Director or designee certifies that because of such disability a prosthetic or orthopedic appliance is worn or used which tends to ware or tear the veteran's clothing, or that because of the use of a physician-prescribed medication for a skin condition which is due to the service-connected disability irreparable damage is done to the veteran's outergarments. For the purposes of this paragraph "appliance" includes a wheelchair.

* * * * *

(Authority: 38 U.S.C. 362)

[FR Doc. 91–3406 Filed 2–12–91; 8:45 am]

BILLING CODE 8320–01–M

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38 CFR Part 17

RIN 2900–AD46

Increasing the Domiciliary Income Limitation

AGENCY: Department of Veterans Affairs.

ACTION: Final regulations.

SUMMARY: The Department of Veterans Affairs (VA) is amending its regulations that govern the provision of domiciliary care to veterans. Title 38 U.S.C. 610(b) was amended to provide eligibility for domiciliary care to any veteran whose annual income does not exceed the maximum annual rate of pension

payable to a veteran in need of aid and attendance or to any veteran whom the Secretary determines has no adequate means of support.

EFFECTIVE DATE: This amendment is effective March 15, 1991.

FOR FURTHER INFORMATION CONTACT: Paul C. Tryhus, Chief, Policies and Procedures Division (161B2), Veterans Health Services and Research Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233–2504.

SUPPLEMENTARY INFORMATION: These regulations were proposed in the **Federal Register** of July 31, 1990, on pages 31082 and 31083. Interested persons were given 30 days in which to submit comments, however, no comments were received. Therefore, the regulations are hereby adopted as final in their original form.

The Veteran's Benefits and Services Act of 1988, Public Law 100–322, amended 38 U.S.C. 610(b) to change the criteria governing eligibility for domiciliary care. As amended, the law provides that the Secretary may furnish domiciliary care to: (1) Any veteran whose annual income does not exceed the maximum annual rate of pension payable to a veteran in need of aid and attendance, or (2) any veteran whom the Secretary determines has no adequate means of support. The law also provided that veterans who were patients or residents in a State home facility or VA domiciliary during the period January 1, 1987, through April 1, 1988, would not be affected by these changes. Under the regulation (38 CFR 17.48(b)(2)) an applicant for domiciliary care is considered as having "no adequate means of support" if annual income does not exceed the annual rate of pension for a veteran in receipt of aid and attendance as defined in 38 U.S.C. 503. The veteran must also be able to demonstrate, on the basis of objective evidence, that deficits in health and/or functional status render the veteran incapable of pursuing substantially gainful employment, and the veteran must otherwise be without the means to provide adequately for self, or be provided for in the community.

These final regulatory amendments do not meet the criteria for a major rule as that term is defined by Executive Order 12291, Federal Regulation. These regulatory amendments will not have a $100 million annual effect on the economy, will not cause a major increase in costs or prices, and will not have any other significant adverse effects on the economy.

The Secretary hereby certifies that these regulations will not have a significant economic impact on the substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 United States Code 601–612.

These regulatory amendments concern eligibility for domiciliary care. Any economic impact on small entities would be small because of the minimal part of their overall operation and income which this activity represents.

The Catalog of Federal Domestic Assistance Number is 63.008.

List of Subjects in 38 CFR Part 17

Alcoholism, Claims, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Health care, Health facilities, Health professions, Medical devices, Medical research, Mental health programs, Nursing home care, Philippines, Veterans.

Approved: January 25, 1991.

Edward J. Derwinski,

Secretary of Veterans Affairs.

38 CFR part 17, Medical, is amended as follows:

PART 17—[AMENDED]

1. In § 17.47 paragraph (e) and its authority citation are revised to read as follows:

§ 17.47 Eligibility for hospital, domiciliary or nursing home care of persons discharged or released from active military, naval, or air service.

* * * * *

(e) Domiciliary care may be furnished when needed to:

(1) Any veteran whose annual income does not exceed the maximum annual rate of pension payable to a veteran in need of regular aid and attendance, or

(2) Any veteran who the Secretary determines had no adequate means of support. An additional requirement for eligibility for domiciliary care is the ability of the veteran to perform the following:

(i) Perform without assistance daily ablutions, such as brushing teeth; bathing; combing hair; body eliminations.

(ii) Dress self, with a minimum of assistance.

(iii) Proceed to and return from the dining hall without aid.

(iv) Feed Self.

(v) Secure medical attention on an ambulatory basis or by use of personally propelled wheelchair.

(vi) Have voluntary control over body eliminations or control by use of an appropriate prosthesis.

(vii) Share in some measure, however slight, in the maintenance and operation of the facility.

(viii) Make rational and competent decisions as to his or her desire to remain or leave the facility.

(Authority: 38 U.S.C. 610(b), sec. 102, Pub. L. 100–322.)

* * * * *

2. In § 17.48, paragraph (b)(2) is revised as follows:

§ 17.48 Considerations applicable in determining eligibility for hospital, nursing home or domiciliary care.

* * * * *

(b) * * *

(2) For purposes of eligibility for domiciliary care, the phrase "no adequate means of support" refers to an applicant for domiciliary care whose annual income exceeds the annual rate of pension for a veteran in receipt of regular aid and attendance, as defined in 38 U.S.C. 503, but who is able to demonstrate to competent VA medical authority, on the basis of objective evidence, that deficits in health and/or functional status render the applicant incapable of pursuing substantially gainful employment, as determined by the Chief of Staff, and who is otherwise without the means to provide adequately for self, or be provided for in the community.

* * * * *

[FR Doc. 91–3408 Filed 2–12–91; 8:45 am]

BILLING CODE 8320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–3903–5]

Approval and Promulgation of Implementation Plans; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Iowa Department of Natural Resources (IDNR) has submitted revised regulations to incorporate by reference the EPA revisions to 40 CFR 52.21 at (53 FR 40656), August 17, 1988, pertaining to PSD NO_x increments. EPA is taking final action to approve this revision to the Iowa State Implementation Plan (SIP).

DATES: This action will be effective April 15, 1991, unless notice is received within 30 days of publication that adverse or critical comments will be submitted. If the effective date is