

§ 303.13 Appeals.

(a) Any official decision or action relating to the allocation of duty-exemptions or to the issuance or use of production incentive certificates may be appealed to the Secretaries by any interested party. * * *

§ 303.14 [Amended]

5. Section 303.14 is amended as follows:

a. Paragraph (a)(1)(i) is revised;
b. Paragraph (b)(3) is amended by removing "\$150" and adding "\$175" in its place;

c. Paragraph (c) is revised; and
d. Paragraph (e) is amended by removing "4,700,000" and adding "4,200,000" in its place.

§ 303.14 Allocation factors and miscellaneous provisions.

(a) * * *
(1) * * *

(i) Fifty percent of the territorial share shall be allocated on the basis of the net dollar amount of economic contributions to the territory consisting of the dollar amount of creditable wages, up to a maximum of \$32,000 per person, paid by each producer to territorial residents, plus the dollar amount of income taxes (excluding penalty and interest payments and deducting any income tax refunds and subsidies paid by the territorial government), and

(c) Calculation of the value of production incentive certificates. (1) The value of each producer's certificate shall

equal the producer's average creditable wages per unit shipped (including non-91/5 units as provided for in

§ 303.2(a)(13)) multiplied by the sum of:

(i) The number of units shipped up to 300,000 units times a factor of 90%; plus

(ii) Incremental units shipped up to 450,000 units times a factor of 85%; plus

(iii) Incremental units shipped up to 600,000 times a factor of 80%; plus

(iv) Incremental shipments up to 750,000 units times a factor of 65%.

(2) The Departments may make adjustments for these data in the manner set forth in section

§ 303.10(c)(2).

(3) Section 303.2(a)(13) provides for certain non-91/5 wages to be creditable up to 25% of other creditable wages. For purposes of subparagraph (1), above, non-91/5 units shall enter the calculation of a producer's average creditable wages only proportionally with the crediting of wages paid for their assembly. If, for example, 40% of wages paid for the assembly of non-91/5 units is disallowed, 40% of the related units will also be excluded from the calculation.

* * * * *
Eric I. Garfinkel,
Assistant Secretary for Import Administration.

Stella G. Guerra,
Assistant Secretary for Territorial and International Affairs.

[FR Doc. 91-5399 Filed 3-6-91; 8:45 am]

BILLING CODE 3510-DS-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

21 CFR Parts 510, 522, 524, and 558

Animal Drugs, Feeds, and Related Products; Bambermycin, et al.

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to remove those portions of the regulations reflecting approval of 20 new animal drug applications (NADA's) held by various sponsors. The firms requested withdrawal of approval of the NADA's. In a notice published elsewhere in this issue of the Federal Register, FDA is withdrawing approval of the NADA's.

EFFECTIVE DATE: March 18, 1991.

FOR FURTHER INFORMATION CONTACT: Mohammad I. Sharar, Center for Veterinary Medicine (HFV-216), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

SUPPLEMENTARY INFORMATION: In a notice published elsewhere in this issue of the Federal Register, FDA is withdrawing approval of the following NADA's:

NADA	Sponsor	Product
95-511	International Nutrition, Inc.	Tylosin phosphate.
96-512	Dale Alley Co.	Tylosin phosphate.
99-768	Blair Milling & Elevator Co.	Tylosin phosphate.
100-809	Hoechst-Roussel Agri-Vet Co.	T-81 Euthanasia solution.
107-003	Dale Alley Co.	Hygromycin B.
109-688	International Nutrition, Inc.	Hygromycin B.
109-816	International Nutrition, Inc.	Tylosin/sulfamethazine.
110-470	J.H. Wake Feed Mill, Inc.	Tylosin phosphate.
116-030	Lavergne Supplement Co.	Tylosin phosphate.
118-875	Dale Alley Co.	Pyrantel tartrate.
120-646	National Pharmaceutical Mfg Co.	Selenium disulfide susp.
127-823	Lavergne Supplement Co.	Hygromycin B.
127-824	Lavergne Supplement Co.	Tylosin/sulfamethazine.
129-645	Dale Alley Co.	Tylosin/sulfamethazine.
132-922	Dale Alley Co.	Lincomycin hydrochloride.
132-983	Walnut Grove Products	Bambermycin.
132-984	Walnut Grove Products	Lincomycin.
139-488	Stutts Scientific Service, Inc.	Tylosin phosphate.
140-530	Agri-Basics, ConAgri-Westfeeds	Tylosin/sulfamethazine.
140-531	Agri-Basics, ConAgri-Westfeeds	Tylosin phosphate.

The agency is amending the regulations in 21 CFR 510.600, 522.900, 524.2101, 558.95, 558.274, 558.325, 558.485,

558.625, and 558.630 to reflect withdrawal of approval of these NADA's.

Additionally, because seven of the ten sponsors listed above are no longer sponsors of any approved NADA's,

§ 510.600 is amended to remove the sponsor entries for those firms.

List of Subjects in 21 CFR

Part 510: Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Part 522: Animal drugs.

Part 524: Animal drugs.

Part 558: Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510, 522, 524, and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

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

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

§ 510.600 [Amended]

2. Section 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in the table in paragraph (c)(1) by removing the entries for "Agri-Basics, ConAgra-Westfeeds", "Blair Milling & Elevator Co., Inc.", "Dale Alley Co.", "Laverne Supplement Co.", "National Pharmaceutical Mfg. Co., a Division of Barre-National, Inc.", "Stutts Scientific Service, Inc.", "J. H. Wake Feed Mill, Inc.", and in the table in paragraph (c)(2) by removing the entries for "000570", "017476", "018083", "018597", "022422", "023368", and 048696".

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

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

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

§ 522.900 [Amended]

4. Section 522.900 *Euthanasia solution* is amended by removing paragraph (a) and reserving it.

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

5. The authority citation for 21 CFR part 524 continues to read as follows:

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

§ 524.2101 [Amended]

6. Section 524.2101 *Selenium disulfide suspension* is amended in paragraph (c) introductory text by removing "000570".

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

7. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Secs. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

§ 558.95 [Amended]

8. Section 558.95 *bambermycins* is amended by removing paragraph (a)(5).

§ 558.274 [Amended]

9. Section 558.274 *Hygromycin B* is amended in paragraph (a)(2) by removing "018083, and 043733"; in paragraph (a)(4) by removing "018083," and "022422, 043733"; and in paragraph (c)(1), entries (i) and (ii), in the sponsor column of the table, by removing "018083," "022422," and "043733".

§ 558.325 [Amended]

10. Section 558.325 *Lincomycin* is amended by removing and reserving paragraphs (a)(2) and (a)(6).

§ 558.485 [Amended]

11. Section 558.485 *Pyrantel tartrate* is amended by removing and reserving paragraph (a)(6).

§ 558.625 [Amended]

12. Section 558.625 *Tylosin* is amended by removing and reserving paragraphs (b)(3), (b)(32), (b)(50), (b)(60), (b)(65), (b)(87), and (b)(88).

§ 558.630 [Amended]

13. Section 558.630 *Tylosin and sulfamethazine* is amended by removing and reserving paragraph (b)(9) and in paragraph (b)(10) by removing "018083," "023368," and "043733".

Dated: February 27, 1991.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 91-5300 Filed 3-6-91; 8:45 am]

BILLING CODE 4180-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

RIN 3046-AA43

Procedural Regulations

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission is revising its procedural regulations to provide for enforcement of title I of the Americans with Disabilities Act (ADA). Title I of the ADA prohibits employment discrimination based on an individual's disability. The final rule applies the current title VII procedural regulations to both Title VII and ADA charges. In connection with this change, EEOC is revising § 1601.19 of its procedural regulations to remove the procedure by which a party may request a review of a field director's determination. This review process has met all of EEOC's goals of strengthening its law enforcement capabilities, and EEOC is shifting the focus of the process and redirecting resources to other law enforcement purposes.

EFFECTIVE DATE: April 8, 1991.

FOR FURTHER INFORMATION CONTACT: Nicholas M. Inzeo, Acting Associate Legal Counsel, Kathleen Oram, Senior Attorney, or Laird Street, Staff Attorney, at (202) 663-4669 (voice) or (202) 663-7026 (TDD).

Copies of this final rule are available in the following alternate formats: large print, braille, electronic computer disk, and audio-tape. Copies may be obtained from the Office of Equal Employment Opportunity by calling (202) 663-4395 (voice) or (202) 663-4399 (TDD).

SUPPLEMENTARY INFORMATION: On July 26, 1990, President Bush signed into law the Americans with Disabilities Act, Public Law No. 101-336, 104 Stat. 330, 42 U.S.C. 12101 through 12213. Title I of the ADA prohibits employment discrimination based on disability. Title I will become effective as to employers of 25 or more employees on July 26, 1992. Section 107 of the ADA provides for enforcement of the employment discrimination provisions by the EEOC and incorporates the powers, remedies and procedures set forth in sections 705, 706, 707, 709, and 710 of title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-4 through 6, 8 and 9. Consequently, EEOC is amending its Title VII procedural regulations so that they will apply also to charges of employment discrimination filed under the Americans with Disabilities Act.

The EEOC also is amending its procedural regulations to replace the phrase "706 agency" with the phrase "FEP agency" everywhere it is found. The change is consistent with current title VII terminology and will further demonstrate that title VII and ADA procedures are similar. The term "706 agency" is derived from the deferral provision in section 706 of title VII. The

change will prevent confusion regarding the meaning of 706 agencies, as state and local fair employment practice agencies, especially with regard to charges filed under the Americans with Disabilities Act.

The Commission is making a number of changes to its procedural regulations to effectuate inclusion of the Americans with Disabilities Act. One of those changes deserves mention. EEOC is moving subpart D of the current regulations to the end of the part and redesignating it as subpart H. Subpart D, containing §§ 1601.31 through 1601.33, permits a respondent to raise, as a defense to a charge, any written interpretation or opinion of the Commission. The sections are drawn from section 713(b) of title VII, 42 U.S.C. 2000e-12(b), which was not incorporated by section 107 of the Americans with Disabilities Act and which has no counterpart in the Americans with Disabilities Act. Redesignated subpart H will apply only to charges filed under title VII.

As part of the Commission's ongoing efforts to review its law enforcement processes, and consistent with the encouragement of Congress to continue these efforts to streamline the procedures by which cases are processed, the Commission is shifting the focus of its Determinations Review Program. The Commission's review demonstrates that the program has accomplished its purpose with respect to the review of no cause determinations issued by EEOC field offices. Because of the success of the Determinations Review Program, the Commission has concluded that it should shift the focus of the program (a review program will continue to exist, but members of the Commission or agency management will initiate the reviews) and transfer these resources to other enforcement activities.

The Commission will continue to review the no cause determinations issued by field offices. Members of the Commission or agency management will initiate reviews of specific offices, specific types of closures or specific issues. In addition, the Commission will have the flexibility to, and in appropriate circumstances will, review closures other than no cause determinations.

The Commission is making this change by amending section 1601.19, which regulates how no cause determinations are issued. The regulation will provide that determinations issued by EEOC field offices will be final when issued, subject to the right of the Commission and Commission managers to reconsider

those decisions in accordance with longstanding Commission procedures. This regulatory amendment will permit the Commission to transfer the resources required by the Determinations Review Program to other enforcement programs in the headquarters and field offices.

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal Employment Opportunity.

For the Commission,
Evan J. Kemp, Jr.,
Chairman

PART 1601—[AMENDED]

Accordingly, 29 CFR part 1601 is amended as follows:

1. The authority citation for part 1601 is revised to read as follows:

Authority: 42 U.S.C. 2000e to 2000e-17; 42 U.S.C. 12111 to 12117.

2. All references to "706 agency" or "706 Agency" in part 1601 are revised to read "FEP agency."

3. Section 1601.1 is revised to read as follows:

§ 1601.1 Purpose.

The regulations set forth in this part contain the procedures established by the Equal Employment Opportunity Commission for carrying out its responsibilities in the administration and enforcement of title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990. Section 107 of the Americans with Disabilities Act incorporates the powers, remedies and procedures set forth in sections 705, 706, 707, 709 and 710 of the Civil Rights Act of 1964. Based on its experience in the enforcement of title VII and the Americans with Disabilities Act and upon its evaluation of suggestions and petitions for amendments submitted by interested persons in accordance with § 1601.31, the Commission may from time to time amend and revise these procedures.

4. Section 1601.2 is revised to read as follows:

§ 1601.2 Terms defined in Title VII of the Civil Rights Act and the Americans with Disabilities Act.

The terms *person*, *employer*, *employment agency*, *labor organization*, *employee*, *commerce*, *industry affecting commerce*, *State* and *religion* as used in this part shall have the meanings set forth in section 701 of title VII of the Civil Rights Act of 1964. The term "disability" shall have the meaning set forth in section 3 of the Americans with Disabilities Act of 1990.

5. Section 1601.3 is amended by revising paragraph (a) to read as follows:

§ 1601.3 Other definitions.

(a) For the purposes of this part, the term *Title VII* shall mean title VII of the Civil Rights Act of 1964; the term "ADA" shall mean the Americans with Disabilities Act of 1990; the term "Commission" shall mean the Equal Employment Opportunity Commission or any of its designated representatives; "Washington Field Office" shall mean the Commission's primary non-Headquarters office serving the District of Columbia and surrounding Maryland and Virginia suburban counties and jurisdictions; the term "field office" shall mean any of the Commission's District Offices, Area Offices and Local Offices, and its Washington Field Office; the term "FEP agency" shall mean a State or local agency which the Commission has determined satisfies the criteria stated in section 706(c) of title VII; and the term "verified" shall mean sworn to or affirmed before a notary public, designated representative of the Commission, or other person duly authorized by law to administer oaths and take acknowledgements, or supported by an unsworn declaration in writing under penalty of perjury.

6. In 29 CFR part 1601 add the words "or the ADA" after the words "Title VII" in the following places:

- (a) § 1601.6(a);
- (b) § 1601.7(a);
- (c) § 1601.10;
- (d) § 1601.11(b);
- (e) § 1601.13(a)(4)(i);
- (f) § 1601.18(a);
- (g) § 1601.21(a);
- (h) § 1601.21(e)(2)(iii);
- (i) § 1601.22;
- (j) § 1601.24(c);
- (k) § 1601.25;
- (l) § 1601.28(a)(3);
- (m) § 1601.79.

7. In 29 CFR part 1601 add the words "and the ADA" after the words "Title VII" in the following places:

- (a) § 1601.16(a) introductory text;
- (b) § 1601.17(a);
- (c) § 1601.34.

§ 1601.13 [Amended]

8. Section 1601.13 is amended as follows:

(a) Paragraph (a)(3)(i) is amended by removing the words "the Act" and adding, in their place, the words "title VII," and by adding the words "or the ADA" after the words "concurrently regulated by title VII."

(b) Paragraph (a)(4)(i)(C) is amended by adding the words "of title VII" at the end of the sentence.

(c) The first sentence of paragraph (c) is amended by removing the words "and other fair employment practice agencies."

§ 1601.18 [Amended]

9. In § 1601.18, paragraph (a) is amended to add the words "or the Rehabilitation Act" after the words "section 717 of title VII."

10. Section 1601.19 is amended by removing paragraphs (b), (c) and (d), redesignating paragraph (e) as paragraph (b) and revising paragraph (a) to read as follows:

§ 1601.19 No cause determinations: Procedure and authority.

(a) Where the Commission completes its investigation of a charge and finds that there is not reasonable cause to believe that an unlawful employment practice has occurred or is occurring as to all issues addressed in the determination, the Commission shall issue a letter of determination to all parties to the charge indicating the finding. The Commission's letter of determination shall be the final determination of the Commission. The letter of determination shall inform the person claiming to be aggrieved or the person on whose behalf a charge was filed of the right to sue in federal district court within 90 days of receipt of the letter of determination. The Commission hereby delegates authority to the Program Director, Office of Program Operations, or upon delegation of the Directors, Field Management Programs, Office of Program Operations, and District Directors or upon delegation to Area Directors or Local Directors, except in those cases involving issues currently designated by the Commission for priority review, to issue a no cause letter of determination.

* * *

§ 1601.21 [Amended]

11. In § 1601.21, the first sentence of paragraph (d) is amended to remove the words "the Director, Determinations Review Program, Office of Program Operations or."

12. Section 1601.22 is amended to revise the first sentence to read as follows:

§ 1601.22 Confidentiality.

Neither a charge, nor information obtained during the investigation of a charge of employment discrimination under the ADA or title VII, nor information obtained from records required to be kept or reports required

to be filed pursuant to the ADA or title VII, shall be made matters of public information by the Commission prior to the institution of any proceeding under the ADA or title VII involving such charge or information. * * *

§ 1601.24 [Amended]

13. In § 1601.24, paragraph (a) is amended to remove the words "and after the review provided for in § 1601.19."

§ 1601.26 [Amended]

14. In § 1601.26, paragraph (a) is amended to add the words "or the ADA" after the words "Commission's functions under title VII" and to add the words "or the ADA" after the words "effective enforcement of title VII."

§ 1601.28 [Amended]

15. Section 1601.28 is amended as follows:

(a) Paragraph (b)(1) introductory text is amended to remove the words "the Act" and add, in their place, the words "title VII or the ADA" and to add the words "or the ADA" after the words "compliance with title VII."

(b) Paragraph (e)(1) is amended to add the words "under title VII or the ADA" after the words "bring a civil action" and to remove the words "the Act" and add, in their place, the words "title VII or section 107 of the ADA."

§ 1601.30 [Amended]

16. Section 1601.30 is amended by revising the first sentence of paragraph (a) to read as follows:

§ 1601.30 Notices to be Posted.

(a) Every employer, employment agency, labor organization, and joint labor-management committee controlling an apprenticeship or other training program that has an obligation under title VII or the ADA shall post and keep posted in conspicuous places upon its premises notices in an accessible format, to be prepared or approved by the Commission, describing the applicable provisions of title VII and the ADA. * * *

* * *

Subpart H—[Amended and Redesignated as Subpart G]

17. Subpart H is redesignated as subpart G and amended by removing the authority citation.

18. Subpart D is redesignated as subpart H and the title is revised to read as follows:

Subpart H—Title VII Interpretations and Opinions by the Commission

Subpart D—[Redesignated as Subpart E]

19. Subpart E is redesignated as Subpart D.

Subpart E—[Redesignated as Subpart F]

20. Subpart F is redesignated as Subpart E.

Subpart F—[Reserved]

21. Subpart F is reserved.

§ 1601.70 [Amended]

22. Section 1601.70 is amended as follows:

(a) Paragraph (a)(1) is amended by removing the words "sex or national origin" and adding, in their place, the words "sex, national origin or disability."

(b) Paragraphs (b) and (c) are amended by removing the words "706 designation" wherever they appear and adding, in their place, the words "FEP agency designation."

(c) Paragraph (d) is amended by removing the words "of the Act" and adding, in their place, the words "of title VII or the ADA."

§ 1601.74 [Amended]

23. In § 1601.74, footnote 7 of paragraph (a) is amended to remove the words "706 designation" and add, in their place, the words "FEP agency designation."

§ 1601.75 [Amended]

24. In § 1601.75, paragraph (a) is amended to remove the words "as provided in section 706(b) of title VII."

25. Section 1601.31 is redesignated as § 1601.91 and revised to read as follows:

§ 1601.91 Request for Title VII Interpretation or opinion.

Any interested person desiring a written title VII interpretation or opinion from the Commission may make such a request. However, issuance of title VII interpretations or opinions is discretionary.

§ 1601.32 [Amended and Redesignated as § 1601.92]

26. Section 1601.32 is redesignated as § 1601.92 and amended as follows:

(a) The introductory text is amended by removing the words "2401 E Street, NW., Washington, DC 20506" and adding, in their place, the words "1801 L Street, NW., Washington, DC 20507."

(b) Paragraph (c) is amended by adding the words "title VII" after the words "reasons why the."

§ 1601.33 [Redesignated as § 1601.93]

27. Section 1601.33 is redesignated as § 1601.93.

[FR Doc. 91-5308 Filed 3-6-91; 8:45 am]

BILLING CODE 6750-06-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56 and 57

RIN 1219-AA17

Safety Standards for Explosives at Metal and Nonmetal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Delay of effective date of final rule.

SUMMARY: The Mine Safety and Health Administration (MSHA) is delaying the effective date of the Agency's final rule revising its safety standards for explosives at metal and nonmetal mines. This delay will allow MSHA time to review concerns raised by the regulated public prior to implementation of the rule.

EFFECTIVE DATE: The final rule will become effective May 20, 1991.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA, (703) 235-1910.

SUPPLEMENTARY INFORMATION: On January 18, 1991, MSHA published a final rule (56 FR 2070) to revise safety standards that address explosives at metal and nonmetal mines. Interested parties have raised some concerns regarding the final rule and the Agency believes that these concerns need to be reviewed and resolved prior to the rule's effective date. The effective date for the final rule was scheduled for March 19, 1991. MSHA is delaying the effective date to May 20, 1991 in order to complete its review of these concerns.

Dated: March 4, 1991.

William J. Tattersall,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 91-5397 Filed 3-6-91; 8:45 am]

BILLING CODE 4510-43-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 6 and 8

RIN 2900-AD74

Authority of Fiduciaries To Conduct Insurance Transactions

AGENCY: Department of Veterans Affairs.

ACTION: Final regulations.

SUMMARY: The Department of Veterans Affairs is amending its regulations to clarify and enunciate the right and authority of fiduciaries to conduct insurance transactions on behalf of government life insurance policyholders and beneficiaries.

EFFECTIVE DATE: April 8, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Paul F. Koons, Assistant Director for Insurance, Department of Veterans Affairs Regional Office and Insurance Center, P.O. Box 8079, Philadelphia, PA 19101, (215) 951-5360.

SUPPLEMENTARY INFORMATION: On pages 33140 and 33141 of the Federal Register dated August 14, 1990, VA published proposed regulatory amendments to clarify and enunciate the right and authority of fiduciaries to conduct insurance transactions on behalf of government life insurance policyholders and beneficiaries. Interested parties were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulatory amendments.

One written comment was received during the comment period. The comment dated August 31, 1990, agrees with the proposed regulations. The commenter suggests, however, that regulations be further amended to give a fiduciary the authority to obtain the name of the insured's beneficiary and to change the beneficiary to the insured's estate without obtaining the approval of a state court.

With regard to the release of beneficiary information to fiduciaries, current procedures already allow for the release of such information to the recognized Federal fiduciary of an incompetent insured or beneficiary, as permitted by routine use number 23, Veterans and Armed Forces Personnel U.S. Government In-Force Life Insurance Records-VA (36VA00), Privacy Act Issuances, 1987 Comp., Vol. V, p. 788, 789-90. As for the suggestion that the authority of a fiduciary be expanded to include the changing of the insured's beneficiary, we do not believe this would be in the best interest of the insured.

Courts have generally held that the guardian of an incompetent insured does not have the authority to change the insured's beneficiary under a life insurance policy. 39 Am. Jur. 2d Guardian and Ward section 41 (1968); 39 C.J.S. Guardian & Ward section 23 (1976). While there are a few jurisdictions which do, under certain circumstances, permit a guardian to change a ward's beneficiary, even those jurisdictions have found the testamentary act of changing a beneficiary on a life insurance policy to be so personal a matter as to require specific court approval. See *Murray v. United States*, 107 F. Supp. 290 (E.D. Mich. 1950), *aff'd per curiam*, 188 F.2d 362 (6th Cir. 1951), *cert. denied*, 342 U.S. 816 (1951); *In re Church's Estate*, 141 F. Supp. 703 (D.D.C. 1956); *Roecker v. U.S.*, 379 F.2d 400 (5th Cir. 1967), *cert. denied*, 389 U.S. 1005 (1967). We concur in the reasoning of those decisions. Therefore, we have not amended the proposed regulations to incorporate this suggestion.

The Secretary of Veterans Affairs hereby certifies that these final regulations will not have a significant impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), these final regulations are, therefore, exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that these final regulations will affect only certain government life insurance policyholders. They will, therefore, have no significant direct impact on small entities in terms of compliance costs, paperwork requirements or effects on competition.

The Department of Veterans Affairs has also determined that these final regulations are nonmajor in accordance with Executive Order 12291, Federal Regulation. These regulations will not have a \$100 million dollar annual effect on the economy, will not cause a major increase in costs or prices, and will not otherwise have any significant adverse economic effects.

The Catalog of Federal Domestic Assistance Program number for these regulations is 64.103.

List of Subjects

38 CFR Part 6

Life insurance, Veterans.

38 CFR Part 8

Life insurance, Veterans.