

released from State quarantine except as provided in this paragraph. * * *

(10) The Administrator will approve laboratories to conduct CEM cultures and tests only after consulting with the State animal health official in the State in which the laboratory is located and after determining that the laboratory:

(i) Has technical personnel assigned to conduct the CEM culturing and testing who possess the following minimum qualifications:

(A) A bachelor's degree in microbiology;

(B) A minimum of 2 years experience working in a bacteriology laboratory; and

(C) Experience working with the CEM organism, including knowledge of the specific media requirements, atmospheric requirements, and procedures for the isolation and identification of the CEM organism.¹⁴

(ii) Follows standard test protocol prescribed by the National Veterinary Services Laboratories;¹⁵ and

(iii) Reports all official test results to the State animal health official and the Veterinarian in Charge.

(11) To retain approval, the laboratory must meet the requirements prescribed in paragraph (a)(10) of this section, and shall test with the CEM organism each lot of media it prepares, to ensure that the media will support growth of the laboratory's reference culture. Media that will not support growth of the reference culture must be discarded.

(12) The Administrator may deny or withdraw approval of any laboratory to conduct CEM culturing or testing, upon a determination that the laboratory does not meet the criteria for approval or maintenance of approval under paragraphs (a)(10) and (a)(11) of this section.

(i) In the case of a denial, the operator of the laboratory or facility will be informed of the reasons for denial and, upon request, will be afforded an opportunity for a hearing with respect to the merits or validity of such action in accordance with rules of practice which will be adopted for the proceeding.

(ii) In the case of withdrawal, before such action is taken, the operator of the laboratory will be informed of the reasons for the proposed withdrawal and, upon request, will be afforded an

opportunity for a hearing with respect to the merits or validity of such action in accordance with rules of practice that will be adopted for the proceeding. However, withdrawal will become effective pending final determination in the proceeding when the Administrator determines that such action is necessary to protect the public health, interest, or safety. The withdrawal will be effective upon oral or written notification, whichever is earlier, to the operator of the laboratory. In the event of oral notification, written confirmation will be given as promptly as circumstances allow. This withdrawal will continue in effect pending completion of the proceeding, and any judicial review of the proceeding, unless otherwise ordered by the Administrator.

(iii) Approval for a laboratory to conduct CEM culturing or testing will be automatically withdrawn by the Administrator when the operator of the approved laboratory notifies the National Veterinary Services Laboratories, Ames, IA 50010, in writing, that the diagnostic or research facility no longer conducts CEM culturing and testing.

Done in Washington, DC, this 9th day of April 1991.

James W. Glosser,
Administrator, Animal and Plant Health
Inspection Service.

[FR Doc. 91-8722 Filed 4-16-91; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket No. R-0720]

Regulation D—Reserve Requirements of Depository Institutions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is making a number of technical amendments to Regulation D, including simplifying the definition of "savings account" by merging paragraphs 204.2(d)(2) (i) and (ii), which previously had separate descriptions of savings accounts and money market deposit accounts, and revising § 204.7(a) to change the term "penalties" to "charges," where appropriate, to more accurately reflect the nature of these payments.

EFFECTIVE DATE: April 24, 1991.

FOR FURTHER INFORMATION CONTACT: Patrick McDivitt, Attorney (202/452-3818), or Lawranne Stewart, Attorney

(202/452-3513), Legal Division; or Thomas Brady, Chief, Banking and Money Market Statistics Section (202/452-2489), Division of Monetary Affairs. For the hearing impaired only, Telecommunications Device for the Deaf ("TDD"), Dorothea Thompson (202/452-3544).

SUPPLEMENTARY INFORMATION: The Board is making a number of technical amendments to Regulation D, including simplifying the definition of savings deposit by merging paragraphs 204.2(d)(2) (i) and (ii). These paragraphs previously provided separate descriptions of savings deposits subject to limited withdrawals and transfers and money market deposit accounts ("MMDAs") with additional withdrawal and transfer capabilities. This amendment is intended to reduce confusion resulting from the separate descriptions and limitations on the two types of accounts. Currently, "savings deposit" includes accounts from which no more than three withdrawals per statement cycle are permitted for the purpose of making transfers to another account at the same institution or to a third party, as well as MMDAs, on which six such withdrawals are permitted, of which no more than three may be by check, draft, debit card or similar order. The consolidation of these two paragraphs will clarify that a depository institution may allow up to six such withdrawals from a savings account even if the account does not have a check-writing feature. This amendment does not require that depository institutions increase the transaction limits on such accounts, but is intended only to clarify that they may do so if desired. Other technical changes are made to reflect this simplification.

Reporting requirements are not being changed as a result of this amendment at the current time. MMDAs and other savings deposits should continue to be reported separately where called for according to the reporting instructions for the specific reports.

Other amendments clarify that early withdrawals without penalty for 401(k) plans as well as Keogh plans are permissible within the first seven days after establishment if all interest is forfeited, and will revise the provisions concerning reserve deficiencies in § 204.7 by changing the term "penalties" to "charges" to more accurately reflect the nature of these charges.

Conforming amendments and corrections are also included.

Notice and public participation. The provisions of the Administrative Procedure Act relating to notice and public participation (5 USC 553(b)) have

¹⁴ When training regarding CEM culturing and testing is necessary, it may be obtained at the National Veterinary Services Laboratories, Ames, IA 50010.

¹⁵ Standard test protocols prescribed by the National Veterinary Services Laboratories, and a list of approved laboratories can be obtained from the National Veterinary Services Laboratories, Ames, IA 50010.

not been followed in connection with the adoption of these amendments because the amendments involve technical rather than substantive changes to Regulation D. The amendments will not increase and may decrease the regulatory burdens on depository institutions, as they are designed to clarify certain provisions of Regulation D. Accordingly, a request for comments would serve no purpose. The Board therefore finds good cause for determining, and so determines, that notice and public participation are unnecessary and contrary to the public interest.

The provisions of the Act relating to notice of the effective date of a rule (5 USC 553(d)) have not been followed in connection with the adoption of these amendments. The amendments are designed to make the regulation easier to understand, but will have no effect on depository institutions. For these reasons, the Board finds there is good cause to determine, and so determines, that such notice is not necessary. These technical amendments have therefore been published in final with an immediate effective date.

Regulatory Flexibility Act. Because the Board finds that no notice of proposed rulemaking is required, a statement concerning the effects of the rule on small entities is also not required under the Regulatory Flexibility Act, 5 USC 604. The Board notes, however, that the proposed amendments impose no additional reporting or recordkeeping requirements. The amendments are intended to simplify and clarify the amended provisions of the regulation. The amendments concerning savings deposits may be helpful to small institutions, as it clarifies that the higher transaction limits may be offered on savings accounts regardless of whether the account provides a checking feature or is a true "money market" investment.

List of Subjects in 12 CFR Part 204

Banks, Banking, Currency, Federal Reserve System, Penalties, Reporting and recordkeeping requirements.

Pursuant to the Board's authority under section 19 of the Federal Reserve Act, 12 USC 461 *et seq.*, the Board is amending 12 CFR part 204 as follows:

PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS

1. The authority citation for part 204 continues to read as follows:

Authority: Sections 11(a), 11(c), 19, 25, 25(a) of the Federal Reserve Act (12 USC 248(a), 248(c), 371a, 371b, 461, 601, 611); section 7 of the International Banking Act of 1978 (12 USC 3105); and section 411 of the Garn St-Germain

Depository Institutions Act of 1982 (12 USC 461).

2. Section 204.2 is amended by revising paragraph (b)(3)(ii)(A), footnote 1 to paragraph (c)(1)(i), and paragraphs (d)(2), (e)(2), the first two sentences of (e)(4), and (f)(2); by removing paragraph (b)(3)(iv) and redesignating paragraphs (b)(3)(v) and (b)(3)(vi) as (b)(3)(iv) and (b)(3)(v), respectively, to read as follows:

§ 204.2 Definitions

* * * * *

(b) * * *

(3) * * *

(ii) * * *

(A) Is subject to check, draft, negotiable order of withdrawal, share draft, or similar item, such as an account authorized by 12 USC 1832(a) ("NOW account") and a savings deposit described in § 204.2(d)(2), provided that the depositor is eligible to hold a NOW account; or

* * * * *

(c) * * *

(1) * * *

(i) * * *

* * * * *

* A time deposit, or a portion thereof, may be paid before maturity without imposing the early withdrawal penalties specified by this part:

(a) Where the time deposit is maintained in an individual retirement account established in accordance with 26 U.S.C. 408 and is paid within seven days after establishment of the individual retirement account pursuant to 26 CFR 1.408-6(d)(4), where it is maintained in a Keogh (H.R. 10) plan, or where it is maintained in a "401(k) plan" under 26 U.S.C. 401(k); provided that the depositor forfeits an amount at least equal to the simple interest earned on the amount withdrawn;

(b) Where the depository institution pays all or a portion of a time deposit representing funds contributed to an individual retirement account or a Keogh (H.R. 10) plan established pursuant to 26 U.S.C. 408 or 26 U.S.C. 401 or to a "401(k) plan" established pursuant to 26 U.S.C. 401(k) when the individual for whose benefit the account is maintained attains age 59½ or is disabled (as defined in 26 U.S.C. 72(m)(7)) or thereafter;

(c) Where the depository institution pays that portion of a time deposit on which federal deposit insurance has been lost as a result of the merger of two or more federally insured banks in which the depositor previously maintained separate time deposits, for a period of one year from the date of the merger;

(d) Upon the death of any owner of the time deposit funds;

(e) When any owner of the time deposit is determined to be legally incompetent by a court or other administrative body of competent jurisdiction; or

(f) Where a time deposit is withdrawn within ten days after a specified maturity date even though the deposit contract provided for automatic renewal at the maturity date.

(d) * * *

(2) The term *savings deposit* also means: A deposit or account, such as an account commonly known as a passbook savings account, a statement savings account, or as a money market deposit account ("MMDA"), that otherwise meets the requirements of § 204.2(d)(1) and from which, under the terms of the deposit contract or by practice of the depository institution, the depositor is permitted or authorized to make no more than six transfers and withdrawals, or a combination of such transfers and withdrawals, per calendar month or statement cycle (or similar period) of at least four weeks, to another account (including a transaction account) of the depositor at the same institution or to a third party by means of a preauthorized or automatic transfer, or telephonic (including data transmission) agreement, order or instruction, and no more than three of the six such transfers may be made by check, draft, debit card, or similar order made by the depositor and payable to third parties. A "preauthorized transfer" includes any arrangement by the depository institution to pay a third party from the account of a depositor upon written or oral instruction (including an order received through an automated clearing house (ACH)) or any arrangement by a depository institution to pay a third party from the account of the depositor at a predetermined time or on a fixed schedule. Such an account is not a "transaction account" by virtue of an arrangement that permits transfers for the purpose of repaying loans and associated expenses at the same depository institution (as originator or servicer) or that permits transfers of funds from this account to another account of the same depositor at the same institution or permits withdrawals (payments directly to the depositor) from the account when such transfers or withdrawals are made by mail, messenger, automated teller machine, or in person or when such withdrawals are made by telephone (via check mailed to the depositor) regardless of the number of such transfers or withdrawals.⁵

* * * * *

⁵ In order to ensure that no more than the permitted number of withdrawals or transfers are made, for an account to come within the definition in § 204.2(d)(2), a depository institution must either:

(a) prevent withdrawals or transfers of funds from this account that are in excess of the limits established by § 204.2(d)(2); or

(b) adopt procedures to monitor those transfers on an *ex post* basis and contact customers who exceed the established limits on more than an occasional basis.

Continued

(e) * * *

(2) Deposits or accounts on which the depository institution has reserved the right to require at least seven days' written notice prior to withdrawal or transfer of any funds in the account and that are subject to check, draft, negotiable order of withdrawal, share draft, or other similar item, except accounts described in § 204.2(d)(2) (savings deposits), but including accounts authorized by 12 U.S.C. 1832(a) (NOW accounts).

(4) Deposits or accounts on which the depository institution has reserved the right to require at least seven days' written notice prior to withdrawal or transfer of any funds in the account and under the terms of which, or by practice of the depository institution, the depositor is permitted or authorized to make more than six withdrawals per month or statement cycle (or similar period) of at least four weeks for the purposes of transferring funds to another account of the depositor at the same institution (including "transaction account") or for making payment to a third party by means of a preauthorized transfer, or telephonic (including data transmission) agreement, order or instruction, except accounts described in § 204.2(d)(2). An account that authorizes more than six such withdrawals in a calendar month, or statement cycle (or similar period) of at least four weeks, is a "transaction account" whether or not more than six such transfers are made during such period. * * *

(f) * * *

(2) *Nonpersonal time deposit* does not include nontransferable time deposits to the credit of or in which the entire beneficial interest is held by an individual pursuant to an individual retirement account or Keogh (H.R. 10) plan under 26 U.S.C. 408, 401, or non-transferable time deposits held by an employer as part of an unfunded deferred-compensation plan established pursuant to subtitle D of the Revenue Act of 1978 (Pub. L. 95-600, 92 Stat.

For customers who continue to violate those limits after they have been contacted by the depository institution, the depository institution must either close the account and place the funds in another account that the depositor is eligible to maintain, or take away the transfer and draft capacities of the account.

An account that authorizes withdrawals or transfers in excess of the permitted number is a transaction account regardless of whether the authorized number of transactions are actually made. For accounts described in § 204.2(d)(2), the institution at its option may use, on a consistent basis, either the date on the check, draft, or similar item, or the date the item is paid in applying the limits imposed by that section.

* Reserved.

2763), or a "401(k) plan" under 26 U.S.C. 401(k).

3. Section 204.7(a) is revised to read as follows:

§ 204.7 Reserve deficiencies.

(a) *Charges for deficiencies*—(1) *Assessment of charges.* Deficiencies in a depository institution's required reserve balance, after application of the 2 percent carryover provided in § 204.3(h) are subject to reserve deficiency charges. Federal Reserve Banks are authorized to assess charges for deficiencies in required reserves at a rate of 2 percent per year above the lowest rate in effect for borrowings from the Federal Reserve Bank on the first day of the calendar month in which the deficiencies occurred. Charges shall be assessed on the basis of daily average deficiencies during each maintenance period. Reserve Banks may, as an alternative to levying monetary charges, after consideration of the circumstances involved, permit a depository institution to eliminate deficiencies in its required reserve balance by maintaining additional reserves during subsequent reserve maintenance periods.

(2) *Waivers.* (i) Reserve Banks may waive the charges for reserve deficiencies except when the deficiency arises out of a depository institution's gross negligence or conduct that is inconsistent with the principles and purposes of reserve requirements. Each Reserve Bank has adopted guidelines that provide for waivers of small charges. The guidelines also provide for waiving the charge once during a two-year period for any deficiency that does not exceed a certain percentage of the depository institution's required reserves. Decisions by Reserve Banks to waive charges in other situations are based on an evaluation of the circumstances in each individual case and the depository institution's reserve maintenance record. If a depository institution has demonstrated a lack of due regard for the proper maintenance of required reserves, the Reserve Bank may decline to exercise the waiver privilege and assess all charges regardless of amount or reason for the deficiency.

(ii) In individual cases, where a federal supervisory authority waives a liquidity requirement, or waives the penalty for failing to satisfy a liquidity requirement, the Reserve Bank in the District where the involved depository institution is located shall waive the reserve requirement imposed under this part for such depository institution when

requested by the federal supervisory authority involved.

5. Footnote 14 is § 204.8(a)(2)(i)(B)(5) is revised to read as follows:

¹⁴ The designated entities are specified in 12 CFR 204.125.

6. Above the heading of § 204.121 the following is added:

Interpretations

7. In § 204.125, the heading of the section, the introductory text, and the first entry under the heading "ASIA" are revised to read as follows:

§ 204.125 *Foreign, international, and supranational entities referred to in §§ 204.2(c)(1)(iv)(E) and 204.8(a)(2)(i)(B)(5).*

The entities referred to in § 204.2(c)(1)(E) and § 204.8(a)(2)(i)(B)(5) are:

Asia

Asia and Pacific Council.

By order of the Board of Governors of the Federal Reserve System, April 12, 1991.

William W. Wiles,
Secretary of the Board.

[FR Doc. 91-8991 Filed 4-16-91; 8:45 am]

BILLING CODE 3210-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 381

[Docket No. RM91-9-000]

Annual Update of Commission Filing Fees

April 10, 1991.

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Notice of annual update of commission filing fees.

SUMMARY: In accordance with § 381.104 of the Commission's regulations, the Commission issues this update of its filing fees. This notice provides the yearly update using data in the Commission's Payroll Utilization Reporting System to calculate the new fees. The purpose of updating is to adjust the fees on the basis of the Commission's costs, completion, and work time data for fiscal years 1988, 1989, and 1990.

EFFECTIVE DATE: May 17, 1991.

FOR FURTHER INFORMATION CONTACT: Olive J. Wallace, Revenue Assessments

Branch, Financial Management, Office of the Executive Director, Federal Energy Regulatory Commission, 810 First Street, NE., room 610, Washington, DC 20426, (202) 219-2903.

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

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397. (If you are using a 9600 modem, dial (202) 208-1781.) To access CIPS, set your communications software to use 300, 1200 or 2400 bps, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this notice will be available on CIPS for 30 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in room 3308, 941 North Capitol Street, NE., Washington, DC 20426.

The Federal Energy Regulatory Commission (Commission), by its designee the Executive Director,¹ is issuing this notice to update the filing fees the Commission assesses for specific services and benefits provided to identifiable beneficiaries. Pursuant to 381.104 of the Commission's regulations, the Commission is establishing updated fees on the basis of the Commission's costs, completion, and work time data for fiscal years 1988, 1989 and 1990.² The adjusted fees announced in this final rule are effective May 17, 1991.

The new fee schedule is as follows:

Fees Applicable to Producer Matters Under the Natural Gas Act

1. Blanket certificates for small producers (codified at 18 CFR 381.201)..... \$770

¹ 18 CFR 375.313(a) (1990).

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

2. Producer certificates of public convenience and necessity (18 CFR 381.202)..... 1,890
3. Changes in producer rate schedules (18 CFR 381.203)..... 530

Fees Applicable to Natural Gas Pipeline Rate Matters³

1. Pipeline tariff filings for general changes in rates and for changes other than in rates (18 CFR 381.204(a))..... \$4,940
 - Categorical reduction for other than major natural gas companies (18 CFR 381.204(b))..... 1,970
2. Pipeline tariff filings that track certain costs:
 - (a) Annual filing under § 154.305 (18 CFR 381.205(a)(1))..... 6,780
 - Categorical reduction for other than major natural gas companies (18 CFR 381.205(b)(1))..... 2,710
 - (b) Quarterly filing under § 154.308 (18 CFR 381.205(a)(2))..... 1,770
 - Categorical reduction for other than major natural gas companies (18 CFR 381.205(b)(2))..... 700
 - (c) Interim adjustment filing under § 154.309 (18 CFR 381.205(a)(3))..... 580
 - Categorical reduction for other than major natural gas companies (18 CFR 381.205(b)(3))..... 220
 - (d) Any other tariff filing that tracks costs (18 CFR 381.205(a)(4))..... 1,190
 - Categorical reduction for other than major natural gas companies (18 CFR 381.205(b)(4))..... 470

Fees Applicable to the Natural Gas Policy Act

1. Adjustments under section 502(c) of the Natural Gas Policy Act (18 CFR 381.401)..... \$3,940
2. Review of jurisdictional agency determinations (18 CFR 381.402)..... 85
3. Petitions for rate approval pursuant to § 284.123(b)(2) (18 CFR 381.403)..... 3,420
4. Initial or extension reports for title III transactions (18 CFR 381.404)..... 160

Fees Applicable to General Activities

1. Request for interpretation by the Office of the Chief Accountant (18 CFR 381.301)..... \$360

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

2. Petition for issuance of a declaratory order (except under part I of the Federal Power Act) (18 CFR 381.302)..... 9,300
3. Review of a Department of Energy remedial order:

Amount in controversy

- | | |
|---|--------|
| \$0-9,999 (18 CFR 381.303(b))..... | 100 |
| \$10,000-29,999 (18 CFR 381.303(b))..... | 800 |
| \$30,000 or more (18 CFR 381.303(a))..... | 10,060 |
4. Review of a Department of Energy denial of adjustment:

Amount in controversy

- | | |
|---|-------|
| \$0-9,999 (18 CFR 281.304(b))..... | 100 |
| \$10,000-29,999 (18 CFR 381.304(b))..... | 800 |
| \$30,000 or more (18 CFR 381.304(a))..... | 5,780 |
5. Written legal interpretations by the Office of the General Counsel (18 CFR 381.305(a))..... 2,120

Fees Applicable to Natural Gas Pipelines

1. Pipeline certificate applications (18 CFR 381.207(b))..... \$34,550
2. Requests under the blanket certificate notice and protest procedures (18 CFR 381.208(a))..... 590
3. Curtailment filings (18 CFR 381.209(b))..... 9,240

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

1. Rate schedule filings under sections 205 and 206 of the Federal Power Act (18 CFR 381.502(a)):
 - (a) Class I: Filings that involve only decreases or that have no effect on the rate the utility charges (18 CFR 381.502(b)(2))..... \$0
 - (b) Class II: Filings that have an effect on the rate the utility charges but do not involve rate decreases or rate increases (18 CFR 381.502(c)(2)(i))..... 2,970
 - For transactions involving fewer than 10 megawatts of capacity or 10 megawatts per hour of energy for periods of six months or less (18 CFR 381.502(c)(2)(ii))..... 1,180
 - Categorical reduction for utilities other than major utilities (18 CFR 281.502(c)(2)(iii))..... 1,180
 - (c) Class III: Rate increase filings that qualify for the abbreviated cost-of-service information filing requirements as defined in 535.13(a)(2) of the Commission's regulations (18 CFR 381.502(d)(2)(i))..... 4,360

—For transactions involving fewer than 10 megawatts of capacity or 10 megawatts per hour of energy for periods of six months or less (18 CFR 381.502(d)(2)(ii)).....	1,740
—Categorical reduction for utilities other than major utilities (18 CFR 381.502(d)(2)(iii)).....	1,740
(d) Class IV: Rate increase filings that qualify for the submission of only Period I cost-of-service information (or Period I and abbreviated cost-of-service information) as defined in § 35.13(d)(1) of the Commission's regulations (18 CFR 381.502(e)(2)(i)).....	4,360
—Categorical reduction for utilities other than major utilities (18 CFR 381.502(e)(2)(ii)).....	1,740
(e) Class V: Rate increase filings that require the submission of Period II cost-of-service information (either alone or in conjunction with either Period I or abbreviated cost-of-service information) as defined in § 35.13(d)(2) of the Commission's regulations (18 CFR 381.502(f)(2)(i)).....	23,930
—Categorical reduction for utilities other than major utilities (18 CFR 381.502(f)(2)(ii)).....	9,570
2. Certification of qualifying status as a small power production facility (18 CFR 381.505(a)).....	6,730
3. Certification of qualifying status as a cogeneration facility (18 CFR 381.505(a)).....	8,170
4. Extension of equipment testing periods (18 CFR 381.506).....	960
5. Applications to assume obligation or liability as guarantor or for the negotiated placement of securities (18 CFR 381.507).....	3,650
6. Authorization to issue equity or debt securities (18 CFR 381.508).....	1,880
7. Corporate applications involving one or more jurisdictional utilities (18 CFR 381.509).....	14,530
8. Applications to hold interlocking positions (18 CFR 381.510).....	3,780

Fees Applicable to the Public Utility Regulatory Policies Act of 1978

1. 5 Megawatt exemption application (18 CFR 381.601).....	\$16,730
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List of Subjects in 18 CFR Part 381

Natural gas, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission amends part 381, chapter I,

title 18, Code of Federal Regulations, as set forth below.

George Pratt,
Executive Director.

PART 381—FEES

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

Authority: 42 U.S.C. 7101-7352; E.O. 12006, 3 CFR, 1978 Comp., p. 142; 31 U.S.C. 9701; 15 U.S.C. 717-717w; 16 U.S.C. 791-828c; 18 U.S.C. 2601-2645; 49 U.S.C. 1-27; Pub. L. 99-509, Title III, Subtitle E, sec. 3401, 100 Stat. 1890.

§ 381.201 [Amended]

2. Section 381.201 is amended by removing "\$650" and inserting "\$770" in its place.

§ 381.202 [Amended]

3. Section 381.202 is amended by removing "\$1,810" and inserting "\$1,890" in its place.

§ 381.203 [Amended]

4. Section 381.203 is amended by removing "\$500" and inserting "\$530" in its place.

§ 381.204 [Amended]

5. In § 381.204, paragraph (a) is amended by removing "\$4,710" and inserting "\$4,940" in its place and paragraph (b) is amended by removing "\$1,880" and inserting "\$1,970" in its place.

§ 381.205 [Amended]

6. In § 381.205, paragraph (a)(1) is amended by removing "\$6,600" and inserting "\$6,780" in its place; paragraph (a)(2) is amended by removing "\$1,720" and inserting "\$1,770" in its place; paragraph (a)(3) is amended by removing "\$650" and inserting "\$560" in its place; and paragraph (a)(4) is amended by removing "\$1,030" and inserting "\$1,190" in its place.

§ 381.205 [Amended]

7. In § 381.205, paragraph (b)(1) is amended by removing "\$2,640" and inserting "\$2,710" in its place; paragraph (b)(2) is amended by removing "\$680" and inserting "\$700" in its place; paragraph (b)(3) is amended by removing "\$280" and inserting "\$220" in its place; and paragraph (b)(4) is amended by removing "\$410" and inserting "\$470" in its place.

§ 381.207 [Amended]

8. In § 381.207, paragraph (b) is amended by removing "\$26,260" and inserting "\$34,550" in its place.

§ 381.208 [Amended]

9. In § 381.208, paragraph (a) is amended by removing "\$760" and inserting "\$590" in its place.

§ 381.209 [Amended]

10. In § 381.209, paragraph (b) is amended by removing "\$6,270" and inserting "\$9,240" in its place.

§ 381.301 [Amended]

11. Section 381.301 is amended by removing "\$290" and inserting "\$360" in its place.

§ 381.302 [Amended]

12. In § 381.302, paragraph (a) is amended by removing "\$10,720" and inserting "\$9,300" in its place.

§ 381.303 [Amended]

13. In § 381.303, paragraph (a) is amended by removing "\$10,000" and inserting "\$10,060" in its place.

§ 381.305 [Amended]

14. In § 381.305, paragraph (a) is amended by removing "\$2,170" and inserting "\$2,120" in its place.

§ 381.401 [Amended]

15. Section 381.401 is amended by removing "\$3,180" and inserting "\$3,940" in its place.

§ 381.402 [Amended]

16. Section 381.402 is amended by removing "\$80" and inserting "\$85" in its place.

§ 381.403 [Amended]

17. Section 381.403 is amended by removing "\$3,150" and inserting "\$3,420" in its place.

§ 381.404 [Amended]

18. Section 381.404 is amended by removing "\$270" and inserting "\$160" in its place.

§ 381.505 [Amended]

19. In § 381.505, paragraph (a) is amended by removing "\$6,070" and inserting "\$6,730" in its place and by removing "\$7,140" and inserting "\$8,170" in its place.

§ 381.506 [Amended]

20. Section 381.506 is amended by removing "\$1,030" and inserting "\$960" in its place.

§ 381.507 [Amended]

21. Section 381.507 is amended by removing "\$4,180" and inserting "\$3,650" in its place.

§ 381.508 [Amended]

22. Section 381.508 is amended by removing "\$1,980" and inserting "\$1,880" in its place.

§ 381.509 [Amended]

23. Section 381.509 is amended by removing "\$9,790" and inserting "\$14,530" in its place.

§ 381.510 [Amended]

24. Section 381.510 is amended by removing "\$2,890" and inserting "\$3,780" in its place.

§ 381.601 [Amended]

25. Section 381.601 is amended by removing "\$15,850" and inserting "\$16,730" in its place.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Decoquinat

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Rhone-Poulenc, Inc. Approval of the original NADA provided for the use of decoquinat for the prevention of coccidiosis in ruminating calves and cattle. The supplemental NADA

provides for the same use of decoquinat in nonruminating calves.

EFFECTIVE DATE: April 17, 1991.

FOR FURTHER INFORMATION CONTACT: Dianne T. McRae, Center for Veterinary Medicine (HFC-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: Rhone-Poulenc, Inc., P.O. Box 125, Black Horse Lane, Monmouth Junction, NJ 08852, is the sponsor of NADA 039-417, which provides for the use of a Type A medicated article containing 6 percent decoquinat to manufacture Type B or Type C medicated feeds for the prevention of coccidiosis caused by *Eimeria bovis* and *E. zurnii* in ruminating calves and cattle. Rhone-Poulenc has filed a supplemental NADA containing data that support the use of the medicated feed in nonruminating calves for the same use.

The supplement is approved as of April 12, 1991 and the regulations are amended in 21 CFR 558.195(d) to reflect the approval. The basis for approval is discussed in the freedom of information summary.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval does not qualify for exclusivity because neither new clinical or field investigations nor human food safety studies (other than bioequivalence or residue studies) were essential to the approval.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug

Administration, room 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Decoquinat is a new animal drug used in a Type A medicated article to make a Type C medicated feed. Decoquinat is a Category I drug which, as provided in 21 CFR 558.4(e), does not require an approved Form FDA 1900 for making a Type C medicated feed as in NADA 039-417 and in 21 CFR 558.195 as amended by this publication.

The agency has determined under 21 CFR 25.24(d)(1)(i), that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR 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 part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. 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).

2. Section 558.195 is amended in the table in paragraph (d), in the second entry, by revising the item under the "Indications for use" column to read as follows:

§ 558.195 Decoquinat.

(d) * * *

Decoquinat in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
22.7 mg per 100 lb. * * *	* * *	Cattle; for the prevention of coccidiosis in ruminating and nonruminating calves and cattle caused by <i>Eimeria bovis</i> and <i>E. zurnii</i> .	* * *	* * *