

significant economic impact on a substantial number of small entities because it is only a procedural rule revising the makeup of the Department's Multifamily Participation Review Committee.

This rule was not listed in the Department's Semiannual Agenda of Regulation published on April 22, 1991 (56 FR 17360) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule will not have federalism implications and, thus, are not subject to review under the Order.

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this rule does not have potentially significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. The rule has no relationship to family-related issues.

#### List of Subjects in 24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Loan programs: Housing and community development, Mortgage insurance, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Minimum property standards, Incorporation by reference.

Accordingly, HUD amends 24 CFR part 200 as follows:

#### PART 200—INTRODUCTION

1. The authority citation for part 200 continues to read as follows:

**Authority:** Titles I and II of the National Housing Act (12 U.S.C. 1701 through 1715a-18); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. Section 200.93(a) is revised to read as follows:

#### § 200.93 Multifamily participation review committee.

(a) **Members.** (1) The Director, Office of Lender Activities and Land Sales Registration serves as Chairman and does not vote. The Committee is composed of the following voting members of their designees representing the Assistant Secretary for Housing—Federal Housing Commissioner: the Director of the Office of Insured Multifamily Housing Development; the Director of the Office of the Elderly and Assisted Housing; the Director of the Office of Multifamily Housing

Management; the Director of the Office of Multifamily Preservation and Property Disposition; the Director of the Previous Participation and Compliance Division; and a designee of the Director of the Office of Lender Activities and Land Sales Registration. The following voting members of their designees shall represent the Assistant Secretary for Public and Indian Housing: the Director of the Office of Construction, Rehabilitation and Maintenance; and the Director of the Office of Indian Housing.

(2) The Committee also includes, as non-voting members, the General Counsel or his or her designee, who provides legal counsel, and the Participation Control Officer in the Office of Lender Activities and Land Sales Registration. The Participation Control Officer is the Executive Secretary to the Committee and is empowered to issue and sign all notices, orders, letters and directives on behalf of the committee, to keep minutes, and to perform other duties assigned by the Chairman or directed by the Committee.

\* \* \* \* \*

Dated: July 31, 1991.

Arthur J. Hill,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 91-20225 Filed 8-22-91; 8:45 am]

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#### Office of the Assistant Secretary for Housing—Federal Housing Commissioner

#### 24 CFR Part 235

[Docket No. R-91-1561; FR-3126-F-01]

#### Mortgage Insurance—Changes in Interest Rates

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

**ACTION:** Final rule.

**SUMMARY:** This change in the regulations decreases the maximum allowable interest rate on Section 235 (Homeownership for Lower Income Families) insured loans. This final rule is intended to bring the maximum permissible financing charges for this program into line with competitive market rates.

**EFFECTIVE DATE:** August 12, 1991.

**FOR FURTHER INFORMATION CONTACT:** James B. Mitchell, Director, Financial Services Division, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC

20410. Telephone (202) 708-4325. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** The following amendments to 24 CFR chapter II have been made to decrease the maximum interest rate which may be charged on loans insured by this Department under section 235 of the National Housing Act. The maximum interest rate on the HUD/FHA Section 235 insurance programs has been reduced from 9.5 percent to 9.0 percent.

Until recently, HUD regulated interest rates not only for the Section 235 Program, but also for fire safety equipment loans insured under section 232 of the National Housing Act. However, section 429(e)(2) of the Housing and Community Development Act of 1987 (Pub. L. 100-242, approved February 5, 1988) amended the National Housing Act to provide that interest on fire safety equipment loans under section 232(j) of the Act will be "at such rate as may be agreed upon by the mortgagor and the mortgagee." Accordingly, these loans, like most other National Housing Act-authorized loans, now have their interest rates determined by negotiation. Accordingly, this announcement of a change in interest rate ceilings for FHA-insured mortgages is limited to the Section 235 Program. The Secretary has determined that this change is immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change.

As a matter of policy, the Department submits most of its rulemaking to public comment, either before or after effectiveness of the action. In this instance, however, the Secretary has determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this final rule effective immediately. HUD regulations published at 47 FR 56266 (1982), amending 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, contain categorical exclusions from their requirements for the actions, activities, and programs specified in § 50.20. Since the amendments made by this rule fall within the categorical exclusions set forth in a paragraph (1) of § 50.20, the preparation of an Environmental Impact Statement or Finding of No Significant Impact is not required for this rule. This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of \$100 million or more; (2)

cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local governmental agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. In accordance with the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule provides for a small adjustment in the mortgage interest rate in programs of limited applicability, and thus of minimal effect on small entities. This rule was not listed in the Department's Semiannual Agenda of Regulations published on October 24, 1990, (53 FR 41974) pursuant to Executive Order 12291 and the Regulatory Flexibility Act. The Catalog of Federal Domestic Assistance Program numbers are 14.108, 14.117, and 14.120.

#### List of Subjects in 24 CFR Part 235

Condominiums, Cooperatives, Low- and moderate-income housing, Mortgage insurance, Homeownership, Grant programs: housing and community development.

Accordingly, the Department amends 24 CFR part 235 as follows:

#### PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOMEOWNERSHIP AND PROJECT REHABILITATION

1. The authority citation for 24 CFR part 235 continues to read as follows:

**Authority:** Sections 211, 235, National Housing Act (12 U.S.C. 1715b, 1715z); section 7(d), Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)).

2. In § 235.9, paragraph (a) is revised to read as follows:

##### § 235.9 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9.0 percent per annum with respect to mortgages insured on or after August 12, 1991.

\* \* \* \* \*

3. In § 235.540, paragraph (a) is revised to read as follows:

##### § 235.540 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed on by the mortgagee and the mortgagor, which rate shall not

exceed 9.0 percent per annum with respect to mortgages insured after August 12, 1991.

\* \* \* \* \*

Dated: August 12, 1991.

Arthur J. Hill,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 91-20226 Filed 8-22-91; 8:45 am]

BILLING CODE 4210-27-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Parts 1 and 602

[T.D. 8353]

RIN 1545-A009

#### Information With Respect to Certain Foreign-Owned Corporations; Correction

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Correction to final regulations.

**SUMMARY:** This document contains corrections to the final regulations (T.D. 8353), which were published Wednesday, June 19, 1991, (56 FR 28056). The regulations relate to information that must be reported and records that must be maintained under section 6038A of the Internal Revenue Code.

**EFFECTIVE DATE:** These regulations are effective for taxable years beginning after July 10, 1989, except as follows:

§ 1.6038A-1 (a), (b), (e)(2), (g) through (n)—December 10, 1990

§ 1.6038A-3—March 20, 1990

§ 1.6038A-6—November 5, 1990

§ 1.6038A-7—December 10, 1990

**FOR FURTHER INFORMATION CONTACT:** Carol P. Tello (202-377-9493) or Grace Perez-Navarro (202-287-4851), (not a toll-free call).

#### SUPPLEMENTARY INFORMATION:

##### Background

The final regulations that are the subject of these corrections are necessary to provide appropriate guidance for affected reporting corporations and related parties. The regulations affect any reporting corporation (that is, certain domestic corporations and foreign corporations) as well as certain related parties of the reporting corporation.

##### Need for Correction

As published, the final regulations

contain errors which may prove to be misleading and are in need of clarification.

#### Correction of Publication

Accordingly, the publication of the final regulations (T.D. 8353), which were the subject of FR Doc. 91-14459, is corrected as follows:

**Par. 1.** On page 28057, column two, fifth full paragraph, second line from bottom of that paragraph, the phrase "§ § 1.6038A-3 and 1.6038-5 has been" is corrected to read "§ § 1.6038A-3 and 1.6038A-5 has been".

**Par. 2.** On page 28058, column one, under the heading "Record Maintenance", paragraph three, line seven, the abbreviation "U.S." is corrected to read "U.S.".

**Par. 3.** On page 28061, column three, in § 1.6038A-1, paragraph (c)(4), line seven, the following sentences are added after the word "corporation.":

An examination may be reopened if the statute of limitations period for that taxable year has not expired. A taxable year may not be reopened under section 6038A for examination purposes if the taxable year is open under section 6511 only for purposes of the carryback of net operating losses or net capital losses.

**Par. 4.** On page 28066, column two, in § 1.6038A-3, paragraph (a)(3), *Example 3*, line 19, the phrase "are not subject to the maintenance" is corrected to read "are not subject to the record maintenance".

**Par. 5.** On page 28069, column three, in § 1.6038A-3, paragraph (c)(7)(i), line one, the phrase "U.S. connected products or" is corrected to read "U.S.-connected products or".

**Par. 6.** On page 28071, column one, in § 1.6038A-3, paragraph (e)(2)(iii), *Example*, line seven, the phrase "paragraph 3(c)(5) of this section, Segment 1" is corrected to read "paragraph (c)(5) of this section, Segment 1".

**Par. 7.** On page 28074, column one, in § 1.6038A-5, paragraph (b)(1), under the heading "AUTHORIZATION OF AGENT", under the first mention of the word "(Date)", line two, the phrase "fiduciary on behalf of foreign related party: I", is corrected to read "fiduciary on behalf of a foreign related party: I".

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 91-20170 Filed 8-22-91; 8:45 am]

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## DEPARTMENT OF LABOR

## Occupational Safety and Health Administration

29 CFR Part 1926

RIN 1218-AA57

[Docket No. S-207]

## Safety Standards for Stairways and Ladders Used in the Construction Industry

**AGENCY:** Occupational Safety and Health Administration (OSHA), Department of Labor.

**ACTION:** Final rule; technical amendments.

**SUMMARY:** This rule amends the Standard for Stairways and Ladders Used in the Construction Industry, which was recently revised and published in the *Federal Register* on November 14, 1990 (55 FR 47660). These changes clarify some inadvertent errors in the requirements for stairrails and handrails and in the requirements for spacing ladder rungs.

**EFFECTIVE DATE:** August 23, 1991.

**FOR FURTHER INFORMATION CONTACT:** Mr. James F. Foster, Occupational Safety and Health Administration, Office of Information and Public Affairs, room N-3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, Telephone: (202) 523-8151.

**SUPPLEMENTARY INFORMATION:** This document contains amendments to correct the revised standard for stairways and ladders used in the construction industry, which was published on November 14, 1990 (55 FR 47660). Two errors were introduced into the final rule during the process of editing the document for publication. In the first instance, in § 1926.1052(c)(1), OSHA inadvertently blurred the distinction between the stairrail and handrail requirements, leaving out the requirement for at least one handrail for stairways which had been contained in the proposal. (The proposal was published on November 25, 1986 at 51 FR 42750.) In the second instance, in § 1926.1053(a)(3), a method of measuring the rung spacing for individual rung ladders was inadvertently omitted from the final rule when OSHA consolidated two measuring methods contained in the proposal into one paragraph in the final rule.

## Amendment to 29 CFR 1926.1052(c)(1)

Proposed § 1926.1052(c)(1) required employers with stairways having four or more risers to equip those stairways

with at least one handrail (paragraph (c)(1)(i)). The proposal also required one stairrail system along each unprotected stairway side or edge (paragraph (c)(1)(ii)). Proposed paragraph (c)(1) also contained a note that stated stairrails which satisfied proposed § 1926.1052(c)(7) could also serve as handrails. No commenters objected to the provisions of proposed paragraph (c)(1).

Based on input from the Advisory Committee on Construction Safety and Health and on the Agency's field experience, OSHA decided to revise proposed paragraph (c)(1) in the final rule, so that the stairrail and handrail requirements would apply when stairways have four or more risers or rise more than 30 inches, whichever is less. The Agency made some other revisions to the proposed paragraph that were intended to be editorial in nature. In particular, OSHA consolidated the requirements of proposed paragraphs (c)(1)(i) and (c)(1)(ii) into a single sentence and incorporated the note from the proposal as the second sentence of the provision.

As revised, paragraph (c)(1) read as follows: "Stairways having four or more risers or rising more than 30 inches (76 cm), whichever is less, shall be equipped with at least one handrail and one stairrail system along each unprotected side or edge. However, when the top edge of a stairrail system also serves as a handrail, paragraph (c)(7) of this paragraph applies." On November 14, 1990, OSHA promulgated revised paragraph (c)(1) as part of the final rule for the subpart X rulemaking.

The Agency has determined that paragraph (c)(1) of the final rule does not accurately reflect the requirements OSHA both proposed and intended to promulgate as a final rule for stairrails and handrails. The final rule incorrectly indicates that employers are required to provide handrails on stairways only where there is an unprotected side or edge. Handrails are used to protect employees from slipping while climbing stairways, rather than to protect them from falling off the edge or side of a stairway. Therefore, at least one handrail is needed on each stairway covered by paragraph (c)(1), whether or not it has an unprotected side or edge. On the other hand, the Agency has consistently considered the presence of an unprotected side or edge to be the basis for requiring a stairrail system, because a stairrail system is used to protect employees from falling off the side or edge of a stairway. OSHA inadvertently blurred the distinction between the stairrail and handrail requirements when the Agency

combined the proposed requirements in a single provision of the final rule. The error does not appear in the preamble to the final rule, which states (55 FR at 47667) that " \* \* \* stairways having four or more risers or rising more than 30 inches (76 cm), whichever is less, \* \* \* (shall) \* \* \* be equipped with one stairrail system along each unprotected side or edge, and with at least one handrail."

To correct the error, OSHA is returning to the language of the proposed rule, setting out the handrail and stairrail requirements separately. In this way, the Agency will clearly state that all stairways regulated under § 1926.1052(c)(1) must have at least one handrail.

In addition, OSHA is redesignating the sentence of paragraph (c)(1) of the final rule which covers stairrail systems that also serve as handrail systems to be a note to paragraph (c)(1).

## Amendment to 29 CFR 1926.1053(a)(3)

Proposed § 1926.1053(a)(3) set rung, cleat and step spacing requirements for ladders. Proposed paragraph (a)(3)(i) required that rungs, cleats and steps of portable and fixed ladders be spaced not less than six inches apart, nor more than 12 inches apart, as measured along the ladder siderails. Proposed paragraph (a)(3)(ii) required that rungs, cleats and steps of individual step or rung ladders be spaced not less than six inches apart, nor more than sixteen and a half inches apart, as measured between centerlines of the rungs, cleats and steps.

OSHA decided, based on the record developed in the subpart X rulemaking, including comments received and the pertinent consensus standards, to revise the proposed rung, cleat and step spacing requirements. In particular, the Agency decided to delete proposed paragraph (a)(3)(ii) and to require that rungs, cleats and steps on all fixed ladders (including individual step or rung ladders) be spaced not less than 10 inches apart, nor more than 14 inches apart. OSHA consolidated the requirements for fixed ladders in paragraph (a)(3)(i). In addition, the Agency decided that it was appropriate to revise proposed paragraph (a)(3) by adding separate spacing requirements for step stools (paragraph (a)(3)(ii)) and extension trestle ladders (paragraph (a)(3)(iii)).

As published on November 14, 1990, paragraph (a)(3) reads as follows:

(i) Rungs, cleats, and steps of portable ladders (except as provided below) and fixed ladders shall be spaced not less than 10 inches (25 cm) apart, nor more than 14 inches

(36 cm) apart, as measured along the ladder's side rails.

(ii) Rungs, cleats, and steps of step stools shall not be not less than 8 inches (20 cm) apart, nor more than 12 inches (31 cm) apart, as measured between center lines of the rungs, cleats, and steps.

(iii) Rungs, cleats, and steps of the base section of extension trestle ladders shall not be less than 8 inches (20 cm) nor more than 18 inches (46 cm) apart, as measured between center lines of the rungs, cleats, and steps. The rung spacing on the extension section of the extension trestle ladder shall be not less than 6 inches (15 cm) nor more than 12 inches (31 cm).

OSHA has determined that paragraph (a)(3)(i) does not accurately reflect the requirements that the Agency both proposed and intended to promulgate for "individual-rung/step ladders" (as defined in § 1926.1050 of the final rule). In particular, the final rule was intended to require that the spacing for all fixed ladders, including individual-rung/step ladders, be measured in the same way (along the side rails), even though individual-rung/step ladders do not have side rails. The Agency notes that proposed paragraph (a)(3)(ii) took this circumstance into account appropriately, by requiring that the spacing be measured between the center lines of the rungs, cleats, and steps.

To correct the error, OSHA is revising paragraph (a)(3)(i) of the final rule to require that the spacing for all fixed ladders be measured between the center lines of the rungs, cleats, and steps. In this way, the Agency will provide proper guidance to employers who use individual-rung/step ladders, without substantively changing the requirements for other fixed ladders. In addition, OSHA is adding language to paragraph (a)(3)(i) of the final rule to indicate clearly that individual-rung/step ladders are covered by that provision.

As set out above, paragraph (a)(3)(iii) of the final rule indicates how the spacing of rungs, cleats, and steps of the base section of extension trestle ladders is to be measured, but does not indicate how the spacing of the extension section is to be measured. OSHA had intended that the required spacing in the extension section, like that in the base section, be measured between the center lines of the rungs, cleats, and steps. To correct this oversight, the Agency is adding language to paragraph (a)(3)(iii) of the final rule that requires spacing to be measured accordingly.

#### List of Subjects in 29 CFR Part 1926

Construction safety; Construction industry; Ladders and scaffolds; Occupational safety and health; Protective equipment; Safety.

**Authority:** This document was prepared under the direction of Gerard F. Scannell, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Accordingly, pursuant to sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333), Secretary of Labor's Order No. 1-90 (55 FR 9033), and 29 CFR part 1911, subpart X of 29 CFR part 1026 is amended as set forth below.

Signed at Washington, DC, this 17th day of July, 1991.

Gerard F. Scannell,  
Assistant Secretary of Labor.

#### PART 1926—[AMENDED]

1. The authority citation for subpart X of part 1926 continues to read as follows:

**Authority:** Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); Secs. 4, 6, and 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); Secretary of Labor's Order No. 1-90 (55 FR 9033); and 29 CFR part 1911.

2. Subpart X is amended as follows:

#### § 1926.1052 [AMENDED]

The text of paragraph (c)(1) of § 1926.1052 is revised to read as follows:

(c)(1) Stairways having four or more risers or rising more than 30 inches (76 cm), whichever is less, shall be equipped with:

- (i) At least one handrail; and
- (ii) One stairrail system along each unprotected side or edge.

**Note:** When the top edge of a stairrail system also serves as a handrail, paragraph (c)(7) of this section applies.

#### § 1926.1053 [AMENDED]

The text of paragraph (a)(3) of § 1926.1053 is revised to read as follows:

(a) \* \* \*  
(3)(i) Rungs, cleats, and steps of portable ladders (except as provided below) and fixed ladders (including individual-rung/step ladders) shall be spaced not less than 10 inches (25 cm) apart, nor more than 14 inches (36 cm) apart, as measured between center lines of the rungs, cleats, and steps.

(ii) Rungs, cleats, and steps of step stools shall be not less than 8 inches (20 cm) apart, nor more than 12 inches (31 cm) apart, as measured between center lines of the rungs, cleats, and steps.

(iii) Rungs, cleats, and steps of the base section of extension trestle ladders

shall not be less than 8 inches (20 cm) nor more than 18 inches (46 cm) apart, as measured between center lines of the rungs, cleats, and steps. The rung spacing on the extension section of the extension trestle ladder shall be not less than 6 inches (15 cm) nor more than 12 inches (31 cm), as measured between center lines of the rungs, cleats, and steps.

[FR Doc. 91-17460 Filed 8-22-91; 8:45 am]

BILLING CODE 4510-26-M

#### DEPARTMENT OF THE INTERIOR

#### 30 CFR Part 901

#### Alabama Regulatory Program; Regulatory Reform; Correction

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Final rule; correction.

**SUMMARY:** OSM is correcting two errors in the final rule notice approving Alabama Program Amendment Number AL-005B published on Wednesday, July 3, 1991 (56 FR 30502). Alabama's proposed revision at section 880-X-9C-.03(7) of the Alabama Surface Mining Commission Rules (ASMCR) is approved. The required amendment to include certain definitions relating to terms and conditions of bonds is removed as these definitions are addressed at section 880-X-2A-.06 of the ASMCR. Alabama's proposed revision at section 880-X-10D-.17 of the ASMCR is approved. The required amendment to address the treatment of point-source discharge of water is removed as this provision is addressed at section 880-X-10D-.13(1)(a) of the ASMCR.

**FOR FURTHER INFORMATION CONTACT:** Jesse Jackson, Jr., Director, Birmingham Field Office, 135 Gemini Circle, suite 215, Birmingham, Alabama 35209; Telephone: (205) 290-7282.

**SUPPLEMENTARY INFORMATION:** On page 30507, second column, § 901.16, paragraphs (l) and (m) are removed.

Dated: August 15, 1991.

Jeffrey Jarrett,  
Acting Assistant Director, Eastern Support Center.

[FR Doc. 91-20231 Filed 8-22-91; 8:45 am]

BILLING CODE 4310-05-M