

On 20 CFR part 655, subpart G, and 29 CFR part 506, subpart G, contact Solomon Sugarman, Wage and Hour Division, Employment Standards Administration, Department of Labor, room S-3502, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 523-7605 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On May 30, 1991, the Department of Labor (DOL) published an interim final rule adding, at 20 CFR part 655, subparts F and G, and at 29 CFR part 506, subparts F and G, regulations for filing and enforcement of attestations by employers seeking to use certain alien crewmembers to perform longshore work at U.S. ports, pursuant to section 258 of the Immigration and Nationality Act. 56 FR 24648 (May 30, 1991); see 8 U.S.C. 1288. Public comments were invited through July 29, 1991, and the interim final rule was effective from May 28, 1991 through December 31, 1991. The expiration date later was extended through March 31, 1992, 57 FR 182 (January 3, 1992). It was further extended through June 30, 1992, 57 FR 10989 (April 1, 1992), and later extended through July 10, 1992, 57 FR 29203 (July 1, 1992). It was thereafter extended through September 8, 1992, 57 FR 30640 (July 10, 1992).

Need for Correction

Due to inadvertence, the three extension documents, which were published on April 1, 1992, July 1, 1992, and July 10, 1992, contained partial errors in that the words "29 CFR part 507" were used in certain places. The correct words are "29 CFR part 506". This document corrects that error.

Correction of Publications

A. Accordingly, the publication on April 1, 1992, of FR Doc. 92-7616, extending the expiration date of the interim final rule through June 30, 1992, is corrected as follows:

Paragraph 1. On page 10989, in the second column, in the heading of the document, the words "29 CFR part 507" are corrected to read "29 CFR part 506".

Paragraph 2. On page 10989, in the third column, in the first sentence of the category for "SUPPLEMENTARY INFORMATION," which is on line 5 of that category, the words "29 CFR part 507" are corrected to read "29 CFR part 506".

B. Accordingly, the publication on July 1, 1992, of FR Doc. 92-15522, extending the expiration date of the interim final rule through July 10, 1992, is corrected to read as follows:

Paragraph 1. On page 29203, in the third column, in the heading of the document, the words "29 CFR part 507" are corrected to read "29 CFR part 506".

Paragraph 2. On page 29204, in the first column, in the first sentence of the category for "SUPPLEMENTARY INFORMATION," which is on line 5 of that category, the words "29 CFR part 507" are corrected to read "29 CFR part 506".

C. Accordingly, the publication on July 10, 1992, of FR Doc. 92-16317, extending the expiration date of the interim final rule through September 8, 1992, is corrected as follows:

Paragraph 1. On page 30640, in the third column, in the heading of the document, the words "29 CFR part 507" are corrected to read "29 CFR part 506".

Paragraph 2. On page 30640, in the third column, in the first sentence of the category for "SUPPLEMENTARY INFORMATION," which is on line 5 of that category, the words "29 CFR part 507" are corrected to read "29 CFR part 506".

Signed at Washington, D.C. this 16th day of July, 1992.

Lynn Martin,
Secretary of Labor.

[FR Doc. 92-17543 Filed 7-23-92; 8:45 am]

BILLING CODE 4510-30-M 4510-27-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 540

Penicillin Antibiotic Drugs for Animal Use; Sterile Penicillin G Procaine Suspension

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 Norbrook Laboratories, Ltd. The NADA provides for the use of sterile penicillin G procaine suspension in cattle, sheep, swine, and horses for the treatment of bacterial infections due to penicillin susceptible microorganisms. The supplement provides for reduction of the milk withholding period from 72 hours to 48 hours.

EFFECTIVE DATE: July 24, 1992.

FOR FURTHER INFORMATION CONTACT: Naba K. Das, Center for Veterinary Medicine (HFV-133), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-295-8659.

SUPPLEMENTARY INFORMATION:

Norbrook Laboratories, Ltd., Station Works, Newry BT35 6JP, Northern Ireland, has filed a supplement to NADA 65-010. The NADA provides for the use of penicillin G procaine suspension in cattle, sheep, swine, and horses for the treatment of bacterial infections due to penicillin susceptible microorganisms, specifically for intramuscular use for cattle and sheep for the treatment of bacterial pneumonia caused by *Pasteurella multocida*, swine for erysipelas caused by *Erysipelothrix insidiosa*, and horses for strangles caused by *Streptococcus equi*. The supplement provides for reduction of the milk withholding period from 72 hours (6 milkings) to 48 hours. The supplemental NADA is approved as of July 16, 1992, and the regulations are amended in 21 CFR 540.274b 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 marketing exclusivity because no new clinical or field investigations (other than bioequivalence or residue studies) and no new human food safety studies (other than bioequivalence or residue studies) were essential to the approval and conducted or sponsored by the applicant.

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 human food safety data and information submitted to support approval of this supplement may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

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 540

Animal drugs, Antibiotics.

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 540 is amended as follows:

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

1. The authority citation for 21 CFR part 540 continues to read as follows:

Authority: Secs. 507, 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357, 360b).

§ 540.274b [Amended]

2. Section 540.274b *Procaine penicillin G aqueous suspension* is amended in paragraph (c)(3)(iv)(c) by removing the phrase "72 hours (six milkings)" and adding in its place the phrase "48 hours".

Dated: July 16, 1992.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 92-17499 Filed 7-23-92; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF STATE

Office of the Legal Adviser

22 CFR Part 172

[Public Notice 1658]

Litigation: Service of Process; Production of Official Information and Testimony of Department of State Employees as Witnesses

AGENCY: Office of the Legal Adviser, State.

ACTION: Final rule.

SUMMARY: This final rule establishes and clarifies policies, practices, responsibilities, and procedures for the service of legal process upon the Department of State (DOS), its officers, and employees and the production of official DOS information and the appearance of and testimony by DOS employees as witnesses in connection with litigation. This rule is procedural in nature.

EFFECTIVE DATE: This rule is effective July 24, 1992.

ADDRESSES: Office of the Legal Adviser, U.S. Department of State, Washington, DC 20520-6310.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Hergen, Assistant Legal Adviser for East Asian and Pacific Affairs, Office of the Legal Adviser, U.S. Department of State, telephone (202) 647-3044.

SUPPLEMENTARY INFORMATION: This final rule was published as a proposed rule for public comment in 57 FR 20656 (May 14, 1992). No public comments were made with respect to the proposed rule.

List of Subjects in 22 CFR Part 172

Administrative practice and procedure, Courts, Government employees, Investigations.

Accordingly, 22 CFR chapter I is amended by adding a new part 172 to read as follows:

PART 172—SERVICE OF PROCESS; PRODUCTION OR DISCLOSURE OF OFFICIAL INFORMATION IN RESPONSE TO COURT ORDERS, SUBPOENAS, NOTICES OF DEPOSITIONS, REQUESTS FOR ADMISSIONS, INTERROGATORIES, OR SIMILAR REQUESTS OR DEMANDS IN CONNECTION WITH FEDERAL OR STATE LITIGATION; EXPERT TESTIMONY

Sec.

- 172.1 Purpose and scope; definitions.
- 172.2 Service of summonses and complaints.
- 172.3 Service of subpoenas, court orders, and other demands or requests for official information or action.
- 172.4 Testimony and production of documents prohibited unless approved by appropriate Department officials.
- 172.5 Procedure when testimony or production of documents is sought; general.
- 172.6 Procedure when response to demand is required prior to receiving instructions.
- 172.7 Procedure in the event of an adverse ruling.
- 172.8 Considerations in determining whether the Department will comply with a demand or request.
- 172.9 Prohibition on providing expert or opinion testimony.

Authority: 5 U.S.C. 301; 8 U.S.C. 1202(f); 22 U.S.C. 2658, 2664, 3926.

§ 172.1 Purpose and scope; definitions.

(a) This part sets forth the procedures to be followed with respect to:

(1) Service of summonses and complaints or other requests or demands directed to the Department of State (Department) or to any Department employee or former employee in connection with federal or state litigation arising out of or involving the performance of official activities of the Department; and

(2) The oral or written disclosure, in response to subpoenas, orders, or other requests or demands of federal or state judicial or quasi-judicial authority (collectively, "demands"), whether civil or criminal in nature, or in response to requests for depositions, affidavits, admissions, responses to interrogatories, document production, or other litigation-related matters, pursuant to the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, or applicable state rules (collectively, "requests"), of any material contained in the files of the Department, any

information relating to material contained in the files of the Department, or any information acquired while the subject of the demand or request is or was an employee of the Department as part of the performance of that person's duties or by virtue of that person's official status.

(b) For purposes of this part, and except as the Department may otherwise determine in a particular case, the term "employee" includes the Secretary and former Secretaries of State, and all employees and former employees of the Department of State or other federal agencies who are or were appointed by, or subject to the supervision, jurisdiction, or control of the Secretary of State or his Chiefs of Mission, whether residing or working in the United States or abroad, including United States nationals, foreign nationals, and contractors.

(c) For purposes of this part, the term "litigation" encompasses all pre-trial, trial, and post-trial stages of all judicial or administrative actions, hearings, investigations, or similar proceedings before courts, commissions, boards (including the Board of Appellate Review), or other judicial or quasi-judicial bodies or tribunals, whether criminal, civil, or administrative in nature. This part governs, *inter alia*, responses to discovery requests, depositions, and other pre-trial, trial, or post-trial proceedings, as well as responses to informal requests by attorneys or others in situations involving litigation. However, this part shall not apply to any claims by Department of State employees (present or former), or applicants for Department employment, for which jurisdiction resides with the U.S. Equal Employment Opportunity Commission; the U.S. Merit Systems Protection Board; the Office of Special Counsel; the Federal Labor Relations Authority; the Foreign Service Labor Relations Board; the Foreign Service Grievance Board; or a labor arbitrator operating under a collective bargaining agreement between the Department and a labor organization representing Department employees; or their successor agencies or entities.

(d) For purposes of this part, "official information" means all information of any kind, however stored, that is in the custody and control of the Department, relates to information in the custody and control of the Department, or was acquired by Department employees as part of their official duties or because of their official status within the Department while such individuals were employed by or served on behalf of the Department.

(e) Nothing in this Part affects disclosure of information under the Freedom of Information Act (FOIA), 5 U.S.C. 552, the Privacy Act, 5 U.S.C. 552a, Executive Order 12356 on national security information (3 CFR, 1982 Comp., p. 166), the Government in the Sunshine Act, 5 U.S.C. 552b, the Department's implementing regulations in 22 CFR part 171 or pursuant to congressional subpoena. Nothing in this part otherwise permits disclosure of information by the Department or its employees except as provided by statute or other applicable law.

(f) This part is intended only to inform the public about Department procedures concerning the service of process and responses to demands or requests and is not intended to and does not create, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by a party against the Department or the United States.

(g) Nothing in this part affects:

(1) The disclosure of information during the course of legal proceedings in non-United States courts, commissions, boards, or other judicial or quasi-judicial bodies or tribunals; or

(2) The rules and procedures, under applicable U.S. law and international conventions, governing diplomatic and consular immunity.

(h) Nothing in this part affects the disclosure of official information to other federal agencies or Department of Justice attorneys in connection with litigation conducted on behalf or in defense of the United States, its agencies, officers, and employees, or to federal, state, local, or foreign prosecuting and law enforcement authorities in conjunction with criminal law enforcement investigations, prosecutions, or other proceedings, *e.g.*, extradition, deportation.

§ 172.2 Service of summonses and complaints.

(a) Only the Executive Office of the Office of the Legal Adviser (L/EX) is authorized to receive and accept summonses or complaints sought to be served upon the Department or Department employees. All such documents should be delivered or addressed to The Executive Office, Office of the Legal Adviser, room 5519, United States Department of State, 2201 C Street, NW., Washington, DC 20520-6310.

(b) In the event any summons or complaint described in § 172.1(a) is delivered to an employee of the Department other than in the manner specified in this part, such attempted service shall be ineffective, and the

recipient thereof shall either decline to accept the proffered service or return such document under cover of a written communication which directs the person attempting to make service to the procedures set forth herein.

(c) Except as otherwise provided §§ 172.2(d) and 173.3(c), the Department is not an authorized agent for service of process with respect to civil litigation against Department employees purely in their personal, non-official capacity. Copies of summonses or complaints directed to Department employees in connection with legal proceedings arising out of the performance of official duties may, however, be served upon L/EX.

(d) Although the Department is not an agent for the service of process upon its employees with respect to purely personal, non-official litigation, the Department recognizes that its employees stationed overseas should not use their official positions to evade their personal obligations and will, therefore, counsel and encourage Department employees to accept service of process in appropriate cases, and will waive applicable diplomatic or consular privileges and immunities when the Department determines that it is in the interest of the United States to do so.

(e) Documents for which L/EX accepts service in official capacity only shall be stamped "Service Accepted in Official Capacity Only". Acceptance of service shall not constitute an admission or waiver with respect to jurisdiction, propriety of service, improper venue, or any other defense in law or equity available under the laws of rules applicable for the service of process.

§ 172.3 Service of subpoenas, court orders, and other demands or requests for official information or action.

(a) Except in cases in which the Department is represented by legal counsel who have entered an appearance or otherwise given notice of their representation, only L/EX is authorized to receive and accept subpoenas, or other demands or requests directed to the Department, or any component thereof, or its employees, or former employees, whether civil or criminal nature, for

(1) Material, including documents, contained in the files of the Department;

(2) Information, including testimony, affidavits, declarations, admissions, responses to interrogatories, or informal statements, relating to material contained in the files of the Department or which any Department employee acquired in the course and scope of the performance of his official duties;

(3) Garnishment or attachment of compensation of current or former employees; or

(4) The performance or non-performance of any official Department duty.

(b) In the event that any subpoena, demand, or request is sought to be delivered to a Department employee (including former employees) other than in the manner prescribed in paragraph (a) of this section, such attempted service shall be ineffective. Such employee shall, after consultation with the Office of the Legal Adviser, decline to accept the subpoena, demand or request or shall return them to the server under cover of a written communication referring to the procedures prescribed in this part.

(c) Except as otherwise provided in this part, the Department is not an agent for service, or otherwise authorized to accept on behalf of its employees any subpoenas, show-cause orders, or similar compulsory process of federal or state courts, or requests from private individuals or attorneys, which are not related to the employees' official duties except upon the express, written authorization of the individual Department employee to whom such demand or request is directed.

(d) Acceptance of such documents by L/EX does not constitute a waiver of any defenses that might otherwise exist with respect to service under the Federal Rules of Civil or Criminal Procedure or other applicable rules.

§ 172.4 Testimony and production of documents prohibited unless approved by appropriate Department officials.

(a) No employee of the Department shall, in response to a demand or request in connection with any litigation, whether criminal or civil, provide oral or written testimony by deposition, declaration, affidavit, or otherwise concerning any information acquired while such person is or was an employee of the Department as part of the performance of that person's official duties or by virtue of that person's official status, unless authorized to do so by the Director General of the Foreign Service and Director of Personnel (M/DGP) or the Legal Adviser (L), or delegates of either, following consultation between the two bureaus, or as authorized in § 172.4(b).

(b) With respect to the official functions of the Passport Office, the Visa Office, and the Office of Citizens Services, the Assistant Secretary of State for Consular Affairs or delegate thereof may, subject to concurrence by the Office of the Legal Adviser,

authorize employees to provide oral or written testimony.

(c) No employee shall, in response to a demand or request in connection with any litigation, produce for use at such proceedings any document or any material acquired as part of the performance of that employee's duties or by virtue of that employee's official status, unless authorized to do so by the Director General of the Foreign Service and Director of Personnel, the Legal Adviser, or the Assistant Secretary of State for Consular Affairs, or the delegates thereof, as appropriate, following consultations between the concerned bureaus.

§ 172.5 Procedure when testimony or production of documents is sought; general.

(a) If official Department information is sought, through testimony or otherwise, by a request or demand, the party seeking such release or testimony must (except as otherwise required by federal law or authorized by the Office of the Legal Adviser) set forth in writing, and with as much specificity as possible, the nature and relevance of the official information sought. Where documents or other materials are sought, the party should provide a description using the types of identifying information suggested in 22 CFR 171.10(a) and 171.31. Subject to § 172.7, Department employees may only produce, disclose, release, comment upon, or testify concerning those matters which were specified in writing and properly approved by the appropriate Department official designated in § 172.4. See *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951). The Office of the Legal Adviser may waive this requirement in appropriate circumstances.

(b) To the extent it deems necessary or appropriate, the Department may also require from the party seeking such testimony or documents a plan of all reasonably foreseeable demands, including but not limited to the names of all employees and former employees from whom discovery will be sought, areas of inquiry, expected duration of proceedings requiring oral testimony, and identification of potentially relevant documents.

(c) The appropriate Department official designated in § 172.2 will notify the Department employee and such other persons as circumstances may warrant of its decision regarding compliance with the request or demand.

(d) The Office of the Legal Adviser will consult with the Department of Justice regarding legal representation for

Department employees in appropriate cases.

§ 172.6 Procedure when response to demand is required prior to receiving instructions.

(a) If a response to a demand is required before the appropriate Department official designated in section 172.4 renders a decision, the Department will request that either a Department of Justice attorney or a Department attorney designated for the purpose:

(1) Appear with the employee upon whom the demand has been made;

(2) Furnish the court or other authority with a copy of the regulations contained in this Part;

(3) Inform the court or other authority that the demand has been, or is being, as the case may be, referred for the prompt consideration of the appropriate Department official; and

(4) Respectively request the court or authority to stay the demand pending receipt of the requested instructions.

(b) In the event that an immediate demand for production or disclosure is made in circumstances which would preclude the proper designation or appearance of a Department of Justice or Department attorney on the employee's behalf, the employee shall respectfully request the demanding court or authority for a reasonable stay of proceedings for the purpose of obtaining instructions from the Department.

§ 172.7 Procedure in the event of an adverse ruling.

If the court or other judicial or quasi-judicial authority declines to stay the effect of the demand in response to a request made pursuant to § 172.6, or if the court or other authority rules that the demand must be complied with irrespective of the Department's instructions not to produce the material or disclose the information sought, the employee upon whom the demand has been made shall respectfully decline to comply with the demand, citing this part and *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951).

§ 172.8 Considerations in determining whether the Department will comply with a demand or request.

(a) In deciding whether to comply with a demand or request, Department officials and attorneys shall consider, among others:

(1) Whether such compliance would be unduly burdensome or otherwise inappropriate under the applicable rules of discovery or the rules of procedure governing the case or matter in which the demand arose;

(2) Whether compliance is appropriate under the relevant substantive law concerning privilege or disclosure of information;

(3) The public interest;

(4) The need to conserve the time of Department employees for the conduct of official business;

(5) The need to avoid spending the time and money of the United States for private purposes;

(6) The need to maintain impartiality between private litigants in cases where a substantial government interest is not implicated;

(7) Whether compliance would have an adverse effect on performance by the Department of its mission and duties; and

(8) The need to avoid involving the Department in controversial issues not related to its mission.

(b) Among those demands and requests in response to which compliance will not ordinarily be authorized are those with respect to which, *inter alia*, any of the following factors exist:

(1) Compliance would violate a statute or a rule of procedure;

(2) Compliance would violate a specific regulation or executive order;

(3) Compliance would reveal information properly classified in the interest of national security;

(4) Compliance would reveal confidential commercial or financial information or trade secrets without the owner's consent;

(5) Compliance would reveal the internal deliberative processes of the Executive Branch; or

(6) Compliance would potentially impede or prejudice an on-going law enforcement investigation.

§ 172.9 Prohibition on providing expert or opinion testimony.

(a) Except as provided in this section, and subject to 5 CFR 2635.805, Department employees shall not provide opinion or expert testimony based upon information which they acquired in the scope and performance of their official Department duties, except on behalf of the United States or a party represented by the Department of Justice.

(b) Upon a showing by the requestor of exceptional need or unique circumstances and that the anticipated testimony will not be adverse to the interests of the United States, the appropriate Department official designated in § 172.4 may, consistent with 5 CFR 2635.805, in their discretion and with the concurrence of the Office of the Legal Adviser, grant special, written authorization for Department

employees to appear and testify as expert witnesses at no expense to the United States.

(c) If, despite the final determination of the appropriate Department official designated in § 172.4, a court of competent jurisdiction or other appropriate authority orders the appearance and expert or opinion testimony of a Department employee, such employee shall immediately inform the Office of the Legal Adviser of such order. If the Office of the Legal Adviser determines that no further legal review of or challenge to the court's order will be made, the Department employee shall comply with the order. If so directed by the Office of the Legal Adviser, however, the employee shall respectfully decline to testify. See *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951).

Dated: June 15, 1992.

Edwin D. Williamson,
Legal Adviser.

[FR Doc. 92-16941 Filed 7-23-92; 8:45 am]

BILLING CODE 4710-08-M

POSTAL SERVICE

39 CFR Part 111

Indemnity Claims

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service is amending its regulations to extend the waiting period from 45 days to 60 before a claim for loss of a COD article may be filed. In addition, regulations are changed to allow a claim for loss of an insured article to be filed only by the mailer. This change is consistent with filing procedures for insured, registered, COD, and Express Mail, and the provision of the Domestic Mail Classification Schedule. Since loss claims will be filed only by the mailer, the procedures for addressee filing in 149.333 are eliminated.

EFFECTIVE DATE: The final rule is effective with Domestic Mail Manual (DMM) Issue 44 (September 20, 1992).

FOR FURTHER INFORMATION CONTACT: Mary Bronson, (202) 268-5181.

SUPPLEMENTARY INFORMATION: A recent Postal Inspection Service audit found that the 45-day waiting period before a claim for loss of a COD article may be filed is insufficient. Claims are filed for COD articles that are in the process of being returned to the sender because they are unclaimed by the addressee during the 30-day holding period at the delivery post office. The increased

waiting period to 60 days will allow time to transport the article to its destination, return it to the sender if unclaimed, and accommodate the required holding period if the post office is unable to deliver the article after the first attempt.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001-3011, 3201-3219, 3403-3406, 3621, 5001.

2. Amend 149.21, 149.222, 149.312, 149.333, and 914.18 of the Domestic Mail Manual to read as follows:

149 INDEMNITY CLAIMS

149.2 General Instructions for Filing Claims on Insured, COD, and Registered Mail

149.21 Who May File

A claim for complete loss (wrapper and contents) of an insured, COD, or registered article may be filed only by the mailer. All claims for loss of contents, partial loss, or damage may be filed by the mailer or addressee.

149.22 When to File

149.222 Loss Claims

b. COD. For COD articles, a claim may not be filed until 60 days after the date of mailing, except as specified in 149.222c.

c. Exceptions. Claims for insured and COD articles originating at or addressed to post offices outside the contiguous United States (including insured articles to APO and FPO addresses) may not be filed: (1) until 60 days after the date of mailing for articles sent by First-Class, SAM or PAL mail; and (2) until 75 days after the date of mailing for parcels sent by surface ocean transportation.

149.3 Insured and COD Claims

149.31 How to File

149.312 Evidence of Loss or Damage

[Delete 149.312b and renumber 149.312c and 149.312d as 149.312b and 149.312c, respectively.]

149.33 Processing Form 3812

149.333 Forwarding Claims

[Delete 149.333b and renumber 149.333c, 149.333d, and 149.333e as 149.333b, 149.333c, and 149.333d, respectively.]

914 COLLECT ON DELIVERY (COD) MAIL

914.1 Description

914.18 Delays in Remittance

[Revise the first two sentences as follows:]

"Mailers are encouraged to report instances in which there has been undue delay in receiving money orders or recipient's checks in payment for COD articles. The mailer should normally receive payment within 60 days of the date of mailing (75 days for parcels sent by surface ocean transportation)."

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the Federal Register as provided by 39 CFR 111.3.

Stanley F. Mires,

Assistant General Counsel Legislative Division.

[FR Doc. 92-17568 Filed 7-23-92; 8:45 am]

BILLING CODE 7710-12-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are