(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia 30349. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta Aircraft Certification Office.

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to the Piper Aircraft Corporation, 2926 Piper Drive, Vero Beach, Florida 32960; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(e) This amendment (39–8762) becomes effective on January 28, 1994.

Issued in Kansas City, Missouri, on December 6, 1993.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–30312 Filed 12–10–93; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF STATE

Bureau of Economic and Business Affairs

[Public Notice 1915]

22 CFR Part 89

Foreign Prohibitions on Longshore Work by U.S. Nationals

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: In accordance with the Immigration and Nationality Act of 1952, the Department of State is updating the list of countries in which longshore work by crewmembers aboard U.S. vessels is prohibited with regard to particular activities.

DATES: Effective date: December 13, 1993.

ADDRESSES: Office of Maritime and Land Transport (EB/TRA/MA), room 5828, Department of State, Washington, DC 20520–5816.

FOR FURTHER INFORMATION CONTACT: Stephen M. Miller, Office of Maritime and Land Transport, Department of State, (202) 647–6961.

SUPPLEMENTARY INFORMATION: Section 258(d) of the Immigration and Nationality Act of 1952, 8 U.S.C. 1288, as added by the Immigration Act of 1990, Public Law 101–649, requires the Secretary of State (hereinafter, "the Secretary") to compile and annually maintain a list, of longshore work by particular activity, of countries that prohibit longshore work by crewmembers of U.S. vessels. The Department of State (hereinafter, "the Department") published such a list as a final rule on December 27, 1991 (56 FR 66970), corrected on January 14, 1992 (57 FR 1384) (hereinafter, "the list").

The Department gave notice that it was updating the list on November 4, 1992 (57 FR 52600). In response, the Department received two sets of comments, one from counsel representing the International Longshoremen's and Warehousemen's Union, AFL–CIO (hereinafter, "ILWU"), and the other from counsel representing five Japanese shipping companies that carry seafood caught and processed by U.S. companies in Alaska and Japan. The Department also queried U.S. diplomatic posts abroad to update information concerning relevant laws, regulations and practices of their host countries.

The updated list contains thirteen additional countries and amended listings for four others.

U.S. diplomatic posts have identified restrictions in the following countries not on the present list, in part based upon information provided by the ILWU. Those countries are Bulgaria, Dominica, Ethiopia, Ghana, Jordan, Korea, Kuwait, Mauritius, Nicaragua, Qatar, St. Vincent and the Grenadines, Saudi Arabia, and Sudan. These countries have been placed on the updated list.

Reports from the diplomatic posts in the following countries contain further detail about the exceptions to the restrictions on longshore work by U.S. mariners: France, Kenya, Tunisia and Uruguay. The entries in the updated list for those countries have been changed accordingly.

ILWU Comments

Standards for Reciprocity

The ILWU reiterates its disagreement with the Department's interpretation of the reciprocity exception. The ILWU submits that the Department's interpretation of the term "in practice" misconstrues the purpose and scope of the reciprocity exception. The Union believes that the reciprocal exception in section 258(d) was only intended for vessels registered in and owned by nationals of countries where crewmen aboard U.S. vessels may perform longshore activities. In the opinion of the ILWU, the use of the term "in practice" was intended to bar reciprocity to countries where "United States crewmen are prevented from performing particular longshore activities, *regardless* of the reason for the practice, and irrespective of whether the foreign government has prompted, adopted or approved the practice." (Emphasis added by the ILWU.) The ILWU argues that the provision, by its construction, should encompass private collective bargaining agreements and local customs generally prevailing in the country, as well as government laws and regulations.

The Department explained the basis for its interpretation in detail in the final rule of December 27, 1991 (56 FR 66970). In its Advance Notice of Proposed Rulemaking published on November 4, 1992, the Department advised that it "intends to apply the definition of longshore work and the standards for reciprocity exception set forth in the final rule published on December 27, 1991." Accordingly, the Department is following the interpretation of the term "in practice" established in the rulemaking of December 1991 for this Final Rule. As part of the upcoming rulemaking to maintain the list annually, the Department intends to reexamine standards for the reciprocity exception. In the Notice of Proposed Rulemaking for that annual update, which the Department expects to publish in the near future, the Department will seek public comment on this issue.

International Labor Organization Convention 137

The ILWU has invited the Department's attention to the International Labor Organization (ILO) Convention 137, to which some 21 countries (not including the United States) are party. As observed by counsel for the ILWU, Article 2 of Convention 137 provides that "It shall be national policy to encourage all concerned to provide permanent or regular employment for dockworkers insofar as practicable." The ILWU submits that this clause requires contracting parties to preserve existing work for local longshore workers, so that being party to the Convention is itself sufficient cause for including a country on the list. In the Department's view, nothing in Convention 137, in fact, requires contracting parties to restrict longshore work by the crews of foreign vessels in order to satisfy the very general obligations of the

Convention. It is a party's actions in implementing the Convention, rather than the Convention itself, that are relevant to determining whether the restrictions of Section 258(d) of the Act apply in respect of that country. The Department therefore examined the situation in each of the contracting parties to determine whether the crews of U.S. ships may perform these activities.

Status of Individual Countries

In its comments, counsel for the ILWU implies that practices in the following countries preclude U.S. crewmen from performing longshore work, without providing any further information: Canada, Denmark, Ecuador, Ethiopia, Liberia, New Zealand, and Panama.

Canada: On the basis of investigations by the U.S. Embassy in Ottawa and consular posts in Montreal, Toronto, and Vancouver, the Department concluded that the Canadian Government does not impose or approve restrictions on longshore work by U.S. mariners. In comments submitted to the Department's Notice of Proposed Rulemaking of February 27, 1991, U.S.-flag carriers reported that Canadian laws, regulations and practices do not prohibit their crews from performing longshore work. In the absence of specific information to the contrary, Canada will not be placed on the updated list.

Denmark: The U.S. Embassy in Copenhagen reported that the Danish Government does not have any laws, regulations or practices prohibiting longshore work by U.S. mariners. At the Department's request, the Embassy confirmed this finding after the Department received additional reports from interested members of the public alleging restrictions in Denmark. In the absence of specific information to the contrary, Denmark will not be placed on the updated list.

Ecuador: Longshore activities are governed by collective bargaining agreements between the National Association of Shipping Agents (ASONAVE) and the Federation of Maritime and Port Workers (FEMAPOR). Neither organization is government affiliated and the Ecuadorian Government does not require or approve of nationality restrictions. In the absence of specific information to the contrary, Ecuador will not be placed on the updated list.

Ethiopia: Reports received from the U.S. Embassy in Addis Ababa indicate that Ethiopian law and regulation prohibit U.S. Mariners from performing longshore work. Ethiopia is being placed on the updated list.

Liberia: The Department did not include Liberia on the initial list because no U.S. ships had called in Liberian ports during the previous year and consequently had not been subject to any restrictions on longshore work. In its 1992 update, the U.S. Embassy in Monrovia reports that the ports are controlled by competing political administrations and that there is not any law, regulation or government practice restricting crews of U.S. vessels from performing any type of longshore activity normally performed in the country. Liberia is therefore not being placed on the updated list.

New Zealand: Collective bargaining agreements with the two waterside unions do not permit any crewmembers to perform longshore work. These restrictions, however, are not approved or imposed by the New Zealand Government. In the absence of specific information to the contrary, New Zealand is not being placed on the updated list.

Panama: After extensive discussions with the Panamanian Bureau of Maritime and Consular Affairs and the Panamanian Port Authority, the U.S. Embassy in Panama advises that there are no rules, regulations, or practices that prohibit U.S. mariners from performing longshore work in Panama. In the absence of specific information to the contrary, Panama is not being placed on the updated list.

In its comments, counsel for the ILWU also refers to reports filed in 1991 by U.S. diplomatic posts about restrictive laws or regulations in the following countries, which were not included in the initial list: Bulgaria, Cyprus, Ghana, Mexico, Nicaragua, Norway, Saudi Arabia and Sudan. After reviewing those reports and updated information from U.S. diplomatic missions and the comments of counsel for the ILWU, the Department has placed Bulgaria, Ghana, Nicaragua, Saudi Arabia and Sudan on the updated list.

As noted by the comments submitted on behalf of the ILWU, the early reports from the U.S. Embassy left some doubt about Mexico's status. Accordingly, the Department contacted U.S. carriers engaged in the trade with Mexico. These carriers report that the Mexican Government does not have any rules, regulations or practices that prohibit their crews from doing longshore work. Mexico is not being placed on the updated list.

In regard to Cyprus and Norway, counsel for the ILWU contests the Department's conclusion that rules and regulations prohibiting longshore work by foreign mariners should not disqualify these countries for reciprocal exceptions because their governments do not apply these restrictions in practice. The ILWU compares this situation to the Department's treatment of private practices restricting the longshore work of U.S. mariners. The Department remains of the opinion that a country should not be denied a reciprocal exception if it does not in fact prohibit U.S. mariners from performing longshore work, notwithstanding laws or regulations to the contrary.

Counsel for ILWU further questions the reciprocal exceptions for Bangladesh, Barbados, Finland, Haiti and Ireland because "government agencies" in those countries are parties to collective bargaining agreements which prohibit U.S. mariners from doing longshore work. The government agencies in question are port authorities. The Department, in consultation with U.S. diplomatic missions, examined the degree of control exercised by each of the countries' central governments over their respective port authorities, including, for example, whether the port authority had a distinct corporate entity. The Department has determined that the port authorities in these countries operate independently from the central government in these matters and that the central governments do not require collective bargaining agreements to contain such restrictions or require submission of the agreements for their approval. Consequently, these countries have not been placed on the updated list.

Finally, the ILWU forwarded a report from the Korean Federation of Port and Transport Workers' Union that the Korean Port Transportation Law only allows companies holding a license from the Chief of Port Administration to perform longshore work. The Department confirmed this report through the U.S. Embassy in Seoul and is consequently placing Korea on the updated list.

Japanese Carriers: Status of Japan

Counsel representing five Japanese shipping companies that carry seafood caught and processed by U.S. companies in Alaska to Japan ("the Carriers") have requested deletion of Japan from the list or alternatively, that the Department find that Japanese law, regulation, and practice do not prohibit crews of U.S. vessels in small Japanese ports from performing longshore activities aboard their own vessels under conditions that correspond to those in small, remote Alaskan ports.

The Carriers report that their crews have traditionally carried out longshore work because their loading operations occur offshore from Alaska or in remote parts of the state where U.S. longshore labor is unavailable. According to the Carriers, the addition of Japan to the list forced them to make use of the prevailing practice exception under section 258(c) of the Act in order to avoid disruption of their export services for U.S. processors. The Carriers underscore the cost and unpredictability in filing the required attestations.

The Carriers note that the Department's finding on Japan is based on the Japanese Port Transportation Business Law of May 29, 1951, Law No. 161 (hereinafter "the Port Law"). The Carriers believe that the Port Law merely establishes a requirement for a license to engage in port transport business or related business in a covered port. They submit that the Port Law does not impose any nationality requirement on applicants and is neutral regarding the country of registry or ownership of vessels.

The Carriers maintain that the Port Law does not constitute general practice prevailing throughout Japan. They state that the law applies to 96 specifically designated ports and is silent on longshore activities in other Japanese ports or outside designated boundaries of the 96 affected ports. The Carriers cite Japanese laws which they believe demonstrate that foreign ships may call on a large number of ports not covered by the Port Law. They point to cases where foreign crewmen have carried out longshore activities in Japanese ports, and refer to cases where foreign crews have engaged in unloading activities in ports covered by the Port Law, with the prior consent of licensed Japanese stevedoring companies.

In the event that the Department concludes that Japanese vessels are not entitled to the reciprocity exception, the Carriers propose modifying the listing for Japan to create an exception for small ports. The Carriers relate comments from the Japanese Ministry of Transport that the Port Law is intended to maintain fair competition and to protect smaller stevedoring companies. The Carriers report that the Japanese Ministry of Transport, in designating ports covered by the Port Law, takes into account the volume of cargo, number of stevedoring companies and other factors. According to the Carriers, local governments, industry groups or businesses propose particular ports for designation. The real presence of port transportation companies is a condition for designation by the Ministry of Transport. Drawing a parallel to the situation in Alaska, the Carriers observe that there are few ports in the state with regular stevedoring services. Consequently, they recommend revising the listing to provide an exception for ports "where bona fide contract stevedoring companies do not provide the services of sufficient numbers of qualified U.S. longshore workers."

The information supplied by the Carriers does not, in the Department's opinion, establish a case that U.S. mariners may perform longshore activities in Japan. As observed in the final rule of December 1991, the conference report establishes "general practice" as a test for reciprocity exception. The Department is listing countries where restrictions on U.S. mariners generally prevail throughout the country. The Port Law as presently applied in Japan meets this condition. The 96 designated ports which account for a vast majority of the cargoes shipped into and out of Japan are not confined to a particular region of the country. Though the Port Law does not apply beyond the boundaries of designated ports, this exception does not have any practical effect on allowing U.S. mariners to perform any longshore work in Japan. With respect to the Carriers' proposed "small ports" exception, in the Department's view such an exception, even if technically supportable, would be inconsistent with the "general practice" criteria applied to other nations' practices.

The Department understands that foreign crewmembers may unload cargoes of live fish, with the prior approval of licensed Japanese stevedores, or transfer cargoes between ships outside of the limits of ports designated for the purposes of the Port Law. The Department notes that the prevailing practice exception in section 258(c) of the Act offers foreign crewmembers a similar opportunity to carry out longshore activities with the approval of U.S. longshore workers. The merits of the attestation process for obtaining a prevailing practice exception fall outside of the scope of this rule.

List of Subjects in 22 CFR Part 89

Aliens, Crewmembers, Immigration, Labor, Longshore work.

For the reasons set out in the preamble, 22 CFR chapter I is amended as follows.

PART 89—PROHIBITIONS ON LONGSHORE WORK BY U.S. NATIONALS

1. The authority for part 89 is revised to read as follows:

Authority: 8 U.S.C. 1288, Public Law 101-649, 104 Stat. 4878.

2. Part 89 is amended by revising § 89.1 to read as follows:

§ 89.1 Prohibitions on Longshore work by U.S. nationals; listing by country.

The Secretary of State has determined that, in the following countries, longshore work by crewmembers aboard United States vessels is prohibited by law, regulation, or in practice, with respect to the particular activities noted:

Algeria

(a) All longshore activities.

Argentina

(a) Loading and discharge of cargo.

Australia

(a) Handling of cargo or ballast in connection with the loading or discharge of a ship, including rigging of ship's gear, unless there is insufficient shore labor.

(b) Exceptions: Operation of self discharging equipment and other automatic loading/unloading mechanisms.

Belgium

(a) Cargo loading and discharge.

(b) Exception: operation of cargo-related machinery on board the ship.

Belize

(a) Loading and unloading cargo vessels and handling of containers.

(b) Exception: operation of shipboard cranes.

Brazil

(a) Movement of cargo.

(b) Lashing of unlashing of containers.

(c) Operation of cargo related equipment, whether or not on board the ship.

(d) Activities performed by cargo checkers, tally clerks, watchmen, and coopers.

Bulgaria

(a) All longshore activities.

Burma

(a) Loading and discharge of cargo from and in any sea-going vessels coming to any dock, wharf, quay, stage, jetty or pier.

(b) Handling of mooring lines.

(c) Exceptions: Shipboard activities including opening hatches and rigging ship's gear; loading or discharge of cargo when the equipment or cargoes special handling; and loading or discharge of other cargoes, by special agreement with port authorities.

Chile

(a) Any and all functions relating to the loading and unloading of cargo and other tasks appropriate to a port, whether on board boats and ships in the port or in the dock area, including the operation of cargo-related equipment, whether or not integral to the vessel, including hatches and rigging of ship's gear.

(b) Exceptions: (1) Placement and removal of mooring ropes from dock bitts and operation of the capstans abroad the vessels, when under the control of the harbor pilot; and

(2) Doing a vessel's mess and purveying alongside the ship with the provisions, loading and placement of the provisions in the ship's larder or stores.

China, Peoples Republic of

(a) All longshore activities.

Colombia

(a) All activities related to the loading and discharge of cargo, including operation of cargo-related equipment integral to the vessel.

Congo

(a) All longshore activities.

Costa Rica

(a) Operation of loading and unloading equipment affixed to the pier.

Cote d'Ivoire

(a) All longshore activities.

Dominica

(a) All longshore activities.

Egypt

(a) Cargo loading and unloading activities not on board the ship.

El Salvador

(a) Port operations, including the loading and discharge of cargo, the operation of equipment, whether on the ship or not, and the handling of lines.

Ethiopia

(a) All longshore activities.

France

(a) All loading and unloading of ocean-going ships.

(b) Exceptions:

(1) Movement of personal belongings and machinery belonging to the ship.

(2) Loading or discharge of ship's own supplies or provisions by the ship's equipment,

(3) Operations associated with shipbuilding and repair, and

(4) Offloading fish.

Germany

(a) All longshore activities on shore without a labor permit.

Ghana

(a) All longshore activities.

(b) Exceptions, with permission in writing from the port authority:

(1) Cargo requiring specialized handling which the Port and Harbor Authority cannot perform, and

(2) Cargo handling with the vessel's crew and equipment, if turnaround time is lessened.

Guatemala

(a) All port operations except for the opening of hatches and entrances to ship storage areas.

Guinea

(a) All longshore activities.

Honduras

(a) All longshore activities, including loading and discharge of cargo, handling of containers, operation of cranes, hoisting machinery and roll-on/roll-off equipment.

(b) Exception: handling of toxic or hazardous materials, with clearances obtained through the national port authority prior to entry into port.

India

(a) All on-board activities relating to loading and discharge of cargo and operation of cargo-related equipment, including rigging of derricks, and opening and closing of hatches.

(b) All movement of cargo on shore.

(c) Berthing vessels and handling of mooring lines on dock when the vessel is made fast or let go.

Indonesia

(a) All longshore activities, including opening of hatches, rigging of ship's gear and line handling, as long as there are Indonesian longshoremen available.

(b) Exceptions: activities for which local workers lack the requisite skills; in an emergency situation, duties ordinarily performed by longshoremen; and loading and discharge of hazardous chemicals at industrial ports if no Indonesian workers are available for the job.

Israel

(a) All longshore activities, including loading and unloading of cargo, operation of cargo-related equipment, and handling of mooring lines.

(b) Exception: jobs related to the maintenance of the ship itself.

Italy

(a) All longshore activities, including operation of onboard equipment and the loading and discharge of new automobiles.

(b) Exceptions: (1) Operation of automated loading and discharge equipment on board the vessel and associated manual activities, including loading and discharging containers from container vessels manually or with automatic or semi-automatic spreaders,

(2) Operation and movement of fixed or mobile mechanical equipment owned or leased by port companies and used for operations,

(3) Ancillary activities connected with documenting goods,

(4) Restoration of packaging,

(5) All activities, including moving goods, carried out within areas operated under a concession granted by the port authority,

(6) Activities strictly connected with the operation and security of navigation, or otherwise within the competence of the crew,

(7) Handling of the lifts on ferries,

(8) Preparation of onboard derricks, winches and cranes,

(9) Opening and closing of hatches,

(10) Loading and discharge operations related to barges from LASH vessels,

(11) Installation of bulkheads to secure cargo,

(12) Lashing and unlashing operations, and

(13) Securing of cargo.

Jamaica

(a) Activities normally carried out by stevedores, linesmen, gangmen or longshoremen, including:

(1) All on-shore activities dealing with the handling and placement of cargo;

(2) All movement of cargo from or onto ships whether by gangplank or crane;

(3) All stacking and slinging of pallets within the ship's cargo holds;

(4) Mooring and unmooring of ships, including handling of mooring lines aboard ships; and

(5) Any other activity involving the discharge of cargo into Jamaica.

(b) All activities associated with the discharge of grain and loading of grain products, with the exception of handling of on-board machinery to keep the ship righted.

(c) Exception: Direction of supervisors by the ship's officers only insofar as necessary to identify which cargo is to be palletized, shifted, or off-loaded.

Japan

(a) All longshore activities.

Jordan

(a) All longshore activities.

Kenya

(a) All longshore activities.

(b) Exceptions: (1) Emergencies declared by the Port Authority, and

(2) Transfer of cargo between ships.

Korea

(a) All longshore activities.

Kuwait

(a) All longshore activities.

Madagascar

(a) All longshore activities.

Mauritania

(a) All longshore activities.

(b) Exception: Supervision by the vessel's master or loadmaster.

Mauritius

(a) All longshore activities.

Morocco

(a) Handling of any product, crates, boxes, bales or containers destined for unloading.

(b) Exception: Any shipboard activities not relating to loading or discharge operations and not having any commercial character, including opening hatches, rigging of ship's gear and line handling.

Mozambique

(a) All longshore activities.

Namibia

(a) Port services and cargo loading and discharge.

(b) Exception: Handling of cargo only while it remains on the vessel.

Nicaragua

(a) All longshore activities.

Oman

(a) Longshore work without a labor permit, including loading or discharge of cargo, handling of containers or any other activity not related to a crewman's job on the ship or to basic ship repair.

(b) Exceptions: Opening of hatches, rigging of the ship's gear and handling of lines aboard ship.

Pakistan

(a) All longshore activities.

(b) Exceptions: Shipboard activities other than opening of hatches; with prior approval from Ministry of Communications officials, loading or discharge of special cargoes with on-board equipment in cases where dockside equipment operated by longshoremen cannot safely move the cargoes.

Philippines

(a) All longshore activities.

Portugal

(a) All operations associated with loading or unloading cargo and complementary operations within the port area, including lashing.

(b) Exceptions: (1) Opening and closing of hatches;

(2) Rigging of ship's gear;

(3) Handling of lines;

(4) Military vessels or the operation of military material in areas under military jurisdiction;

(5) The supply of bulk operating fuels and lubricating oils to a ship;

(6) The movement of spare parts, supplies, ship's stores, fuels and lubricants when the quantities to be moved are less than three tons per vessel;

(7) The loading, unloading and transfer of fuels and bulk liquid petroleum products;

(8) The loading, unloading and transfer of chemical products whose characteristics require special handling;

(9) The loading, unloading and packing of fresh, refrigerated or frozen fish from a fishing vessel, except when such cargo is listed on manifest; and

(10) the movement of goods and materials within naval construction and repair yards or petroleum terminals.

Quatar

(a) All longshore activities.

Romania

(a) All longshore activities not on board the ship.

St. Lucia

(a) All longshore activities.

St. Vincent and the Grenadines

(a) All longshore activities.

Saudi Arabia

(a) All longshore activities.

Sierra Leone

(a) All longshore activities on shore.

South Africa

(a) Cargo handling without a license issued by the port authority.

Spain

(a) Longshore operations, including any loading, offloading, stowage and transfer of goods within port intended for maritime transport by ship.

(b) Exceptions include: (1) Handling of goods, material, and machinery belonging to the port authorities;

(2) Material of the Ministry of Defense unless operations are carried out by a stowage company;

(3) Mail loading and offloading;

(4) Private vehicles offloaded by owners or drivers and complementary grip tasks carried out by ship's crew;

(5) Offloading, transport to storage and complementary work of fresh fish from ships of less than 100 gross tons capacity or those above this size under special contract when carried out by the crew;

(6) Operations carried out within the port directly related to processing plants, industrial zones or canning factories, as long as they are not carried out by a stowage company;

(7) Handling of personal belongings of passengers and crewmembers;

(8) Loading and offloading of maintenance goods as long as it does not require hiring additional personnel or operations carried out by pipelines;

(9) The use of cranes and tractor devices not assigned to port operations as long as they are used by their regular personnel; and

(10) Driving, coupling and coupling tractor devices to load and unload trailers as long as transport is carried out without interruption from outside of the port area until their loading, or from the ship to the outside of the port area.

Sri Lanka

(a) All longshore activities.

(b) Exceptions: With a waiver granted by the Minister of Ports and Shipping upon application through the ports authority, handling of long lines of ships awaiting unloading and other activities under exceptional circumstances.

Sudan

(a) All longshore activities.

Taiwan

(a) Loading and discharge activities, including opening of hatches and rigging of ship's gear.

(b) Handling of mooring lines on the dock for all vessels.

(c) Exceptions: landing and discharge of cargo if the longshoremen cannot handle the cranes of a particular ship; and operation of automatic hatch opening equipment that longshoremen are unable to operate.

Thailand

(a) All longshore activities, including opening of hatches, rigging ship's gear and line handling once the ship has berthed.

(b) Exception: operation of onboard cargo machinery integral to the ship.

Togo

(a) Handling of mooring lines on the dock.

Trinidad and Tobago

(a) All longshore activities, including loading and discharge of cargo; lashing and unlashing of containers; operation of cargo-related equipment, unless the required skill is unavailable at port; and activities normally performed by cargo checkers, tally clerks and watchmen.

Tunisia

(a) All longshore or dock activities on public facilities, including the operation of on-board hoists.

(b) Exception: operation of onboard equipment which local dock workers do not know how to operate.

Turkey

(a) Work done on the pier, including mooring, cargo handling, crane operations and ground vehicle transportation.

(b) Exceptions: activities on board vessels to assist in loading and discharge of cargo.

Uruguay

(a) Stowing, unstowing, loading, unloading and related activities on board ships alongside docks, wharfs, outer harbors and bays of commercial ports.

(b) All activities involving handling of package cargo on their docks and piers directly related to the activities listed in section (a).

(c) Exceptions: (1) Fuels and other bulk liquid products,

(2) Provisions and supplies for ships when provided by the Port Authority or suppliers of such specific provisions,

(3) Operations with explosives carried out in the bay,

(4) Operations, which due to their handling method, automation or mechanization characteristics do not require the use of port workers,

(5) Activities usually performed by the ship's crew,

(6) Activities carried out within port warehouses,

(7) Operation of machinery on board or on shore which belong to the National Port Administration or to any third party,

(8) Stowing and unstowing on board ships of refrigerated and frozen uncontainerized meat products,

(9) Loading and discharge of mail,

(10) Lashing and unlashing of goods and containers,

(11) Loading and unloading of live animals when using a ramp or similar,

(12) Cleaning or preparing of holds, tanks and bilges, and

(13) Force majeure.

Yemen

(a) All longshore activities.

(8 U.S.C. 1288, Pub. L. 010–649, 104 Stat. 4878)

November 10, 1993.

Daniel K. Tarullo,

Assistant Secretary, Economic and Business Affairs, Department of State.

[FR Doc. 93–30252 Filed 12–10–93; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-351; Re: Notice No. 777, T.D. ATF-295, 92F-080P]

RIN AA07

Realignment of the Northern Boundary of the Mt. Veeder Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule revises the northern boundary of the Mt. Veeder viticultural area to include vineyard land that is similar to land in the current Mt. Veeder viticultural area which was established on February 20, 1990, by the issuance of Treasury Decision ATF-295 [55 FR 5842]. The boundary revision adds approximately 360 acres, of which 30 acres are being planted to vineyards. The addition to the Mt. Veeder viticultural area is located northwest of the city of Napa in Napa County, on the eastern slope of the Mayacamas Mountains, adjacent to the current northern boundary of the viticultural area.

EFFECTIVE DATE: January 12, 1994.

FOR FURTHER INFORMATION CONTACT: David W. Brokaw, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Ave., NW., Washington, DC 20226 (202) 927-8230.

SUPPLEMENTARY INFORMATION:

Background

On October 2, 1979, ATF published Treasury Decision ATF-60 [44 FR 56692] which added a new part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin. Section 4.25a(e)(l), title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features, the boundaries of which have been delineated in subpart C of part 9.

Section 4.25a(e)(2), title 27, CFR, outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale, and;

(e) A copy (or copies) of the appropriate U.S.G.S. map(s) with the proposed boundaries prominently marked.

Petition

ATF received a petition from Mr. Robin Williams for a revision of the northern boundary of the Mt. Veeder viticultural area to include vineyard land that was not included when the viticultural area was established by Treasury Decision ATF-295 on February 20, 1990.

The petitioner stated that the vineyards located in the extension area were planted after the viticultural area was established, and he believes the omission of this area was an oversight. As evidence, the petitioner presented documentation supporting the boundary revision from the original petitioner for the Mt. Veeder viticultural area, the present Chairperson of the Mt. Veeder Appellation Council, and the same experts in soil and climate who reviewed the original petition.

The addition to the Mt. Veeder viticultural area is located in Napa County, California, on the eastern slope of the Mayacamas Mountains that separate Napa Valley and Sonoma Valley. Situated contiguous to the northernmost boundary of the current viticultural area, the addition contains approximately 360 acres, of which 30 acres are being planted to vineyards, a project that began in 1990.

As far as can be ascertained, no vineyards are situated or planned north of the proposed boundary on the eastern slope of the Mayacamas Mountains for a distance of four miles, and the likelihood of new vineyards immediately north of the new boundary is remote, due to the extreme ruggedness of terrain, the difficulty of access, and a lack of appropriate soils.

Notice of Proposed Rulemaking

In response to the petition, ATF published Notice No. 777 in the **Federal Register** on August 19, 1993 [58 FR 44152], proposing to revise the northern boundary of the Mt. Veeder viticultural area to include vineyard land that is similar to land in the current Mt. Veeder viticultural area which was established on February 20, 1990, by the issuance of Treasury Decision ATF-295. This notice requested comments from all interested persons. Written comments were to be received on or before October 4, 1993. No comments were received in response to Notice No. 777.

Evidence That the Name of the Area Is Locally or Nationally Known

The derivation of the name "Mt. Veeder," as well as evidence of the region's local and national renown, were detailed in the Mt. Veeder viticultural area petition submitted to the Bureau of Alcohol, Tobacco and Firearms in January of 1988, and summarized in the Treasury decision for the Mt. Veeder viticultural area, published in the **Federal Register** on February 20, 1990.

A statement from long-time resident Duane Wall indicates that Wall Road in its entirety (including the northern portion that extends into the addition) is recognized as being part of Mt. Veeder by those who live there and the statement indicates that such recognition existed as early as the 1920's.

An article which appeared in The Napa Daily Register of March 26, 1880, tends to support Mr. Wall's statement. The article states, "At the distance of ten or eleven miles an elevated point is reached where the views of mountain masses and ridges near at hand, and of Napa Valley with the bay and Mt. Diablo in the distance, are most charming. The wooded plateau of Howell Mountain to the northeast of Napa Valley and the great mass of Mt. Veeder with its rocky and partially wooded crest and summit and its finely varied slopes descending eastward down to Dry Creek, will particularly attract the eye."

Additional name evidence submitted by the petitioner shows that the Mt. Veeder area does not extend beyond Dry Creek. The LaJoya quicksilver mine (originally called the Summit mine), which operated sporadically from 1865 to 1942, is located approximately $^{6}/_{10}$ mile north of Dry Creek, yet has never been associated with the Mount Veeder region in print.

An article published in the California Journal of Mines and Geology of January, 1949, entitled, "Quicksilver Deposits of the Oakville District, Napa County, California," clearly identifies this mine with Mount St. John, not Mt. Veeder. The article states that, "The old 1,000 by 2,400-foot Summit claim was located March 27, 1865 by M. S. Whitton, C. I. Whitton, R. I. Whitton, I. M. Whitton, W.T. Whitton, W.H. Whitton, and F.I. (?) Corning of Yountville, apparently on the summit of the mountain ridge that extends northwest from Mount St. John." Moreover, the earthquake fault that runs east/west along the southern slope of Mount St. John north of the proposed boundary is known as the Mount St. John's Fault. The use of Mount St. John as both a landmark and the name source for features immediately north of the proposed Dry Creek boundary indicates that the Mt. Veeder viticultural area does not extend north of Dry Creek.

Historical or Current Evidence That the Boundaries of the Viticultural Area Are as Specified in the Petition

Primary access to the addition is from the Mt. Veeder viticultural area by way of Wall Road. The statement from Mr. Duane Wall shows that the northern terminus of Wall Road, which the revised boundary incorporates into the Mt. Veeder viticultural area, is served by two local organizations that encompass virtually all of Mt. Veeder: The Dry Creek—Lokoya Fire District, and the Hill and Dale Club (a local social club). That these two local organizations should independently include the full length of Wall Road in their activities and memberships indicates that the addition is within the area known as Mt. Veeder.

The expansion of the Mt. Veeder viticultural area is supported by vintners and growers currently within the viticultural area. The petition contains a letter from Mr. Donald Hess and Mr. Clement Firko of The Hess Collection, the winery that led the effort to establish the Mt. Veeder viticultural area in 1988, and Ms. Ariel Rubissow, chairperson of the Mt. Veeder Appellation Council. These letters reflect the general support that this proposed boundary revision has received from within the Mt. Veeder viticultural community.

Evidence Relating to the Geographical Features (Climate, Soil, Elevation, Physical Features, etc.) Which Distinguish Viticultural Features of the Proposed Area From Surrounding Areas

The addition to the Mt. Veeder viticultural area contains the same geographical features that distinguish the viticultural area as currently established. The geographical elements of soil, climate, elevation and exposure found in the addition to the Mt. Veeder viticultural area are detailed and compared to those in the current viticultural area in two reports submitted with the petition and discussed below. Both reports were prepared by the same experts who studied and reported on Mt. Veeder in the initial rulemaking. As such, the experts are already familiar with the geographic features of the present viticultural area and have the best possible background to compare and contrast the addition.

The soil report on the addition to the Mt. Veeder viticultural area was prepared by Eugene L. Begg. Mr. Begg has been a member of the California Soil Survey Committee since 1974 and has reviewed new and revised soil series descriptions for the National Cooperative Soil Survey since 1970. Mr. Begg's writings on soil and vegetation have been widely published. He has served as an expert consultant on a variety of soil matters in both regulatory hearings and legal cases.

The climatic overview of the viticultural area addition was prepared by Michael Pechner. Since 1968, Mr. Pechner has headed Golden West Meteorology of Fairfield, California. In that capacity, he has served as staff meteorologist for KCBS Radio in San Francisco, weather consultant for KTW Television in Oakland, and consulting meteorologist for Associated Press in San Francisco.

Soils

The northern extension boundary is a line of demarcation between different soil compositions and of aspect (*i.e.*, direction of the slope) and slope. A review of the supplementary information in T.D. ATF–295, indicates that the soil discussion basically focused on two points. First, it focused on the differences between the soils of the Napa Valley and the Mt. Veeder viticultural area. Second, it discussed in detail the soil differences between the northeast slope towards Napa County and the southwestern slope towards Sonoma County. None of the soil discussion in the supplementary information directly applied to the northern boundary. The background information supporting the original petition does state:

> The soils of the proposed viticultural area are much different from the deep, alluvial soils of Napa Valley proper and the Los Carneros region and are equally differentiated from the soils in Sonoma Valley and to the north by geology and composition.

(Page 18 of original petition.)

However, as noted, this reference to the "north" was not carried over into the supplementary information. Additionally, this reference to the north was included in the "Conclusion" portion of the original petition and the more lengthy soil portion of the original petition does not clearly draw this distinction (pages 11–14 of original petition). Thus, the following soil evidence for the proposed addition is not in direct conflict with the substantive soil information in the original petition or the description in the supplementary information in T.D. ATF–295.

The soils in the addition are residual upland soils from Pliocene volcanic rocks (andesite and rhyolite) and Cretaceous sedimentary rocks (sandstone and shales). All the soils in the addition are mapped in the Mt. Veeder viticultural area. These soils are: Boomer-Forward-Felta complexes, from andesite and rhyolite; Hambright-Rock Outcrop, from basic volcanic rocks; and Bressa-Dibble complexes and Maymen-Los Gatos complexes, from sandstone and shales. The Boomer-Forward-Felta and Maymen-Los Gatos extend from the original viticultural area into the addition.

Because the soils in the addition are also mapped in the Mt. Veeder viticultural area, locations appropriate to grapes have the soils with the same moderate depth to bedrock (30 to 60 inches) and the same limited available water holding capacity (four to ten inches) as those in the current viticultural area.

In the area beyond the boundary of the addition to the north and northeast, a greater degree of dissection and downcutting has entirely removed the volcanic capping of andesites and rhyolites to expose a large area of serpentine and older sandstone and shales of the Franciscan formation. The soils formed from serpentine are Henneke, while those from sandstone and shales are Bressa, Dibble, Felton, Lodo, Los Gatos, Maymem and Millsholm. The soils from sedimentary rocks are also mapped in the Mt. Veeder viticultural area and the addition, but in these areas, they are formed from younger sandstone and shales of the Cretaceous formation. With the exception of one small pocket of Henneke soils located near its southwestern boundary, no serpentine soils are mapped in the current Mt. Veeder viticultural area.

Aspect and Slope

In addition to geologic differences, the current Mt. Veeder viticultural area and the addition contrast sharply from land to the north and northeast in matters of aspect and slope. The aspect of the Mt. Veeder viticultural area proper and the addition is generally east-tonortheasterly, far different from the generally southerly aspect of the land beyond the revised boundary. The slopes to the north of the revised boundary are also significantly steeper (30 percent to more than 70 percent) than those found in the current Mt. Veeder viticultural area or its addition, a difference which increases the speed of runoff and associated erosion. The differences in aspect and slope in the land north of the revised boundary are reflected in soils that are shallower and drier, with very different associated vegetation.

Climate

The addition's upland location on the eastern slope of the Mayacamas Mountains and range of elevations within the addition area are consistent with the current Mt. Veeder viticultural area. Both areas share the same characteristic cool, moist winters and warm, dry summers. Due to the similarity in location and relief, both areas also experience the same natural temperature inversion where the minimum temperature is higher than that on the floor of the Napa Valley during the summer and winter. This inversion keeps the addition, as well as the currently approved Mt. Veeder viticultural area, relatively frost free during the spring, when grape vines emerge from dormancy.

The location and elevation also give the addition the same rainfall profile as the current Mt. Veeder viticultural area. In describing the climate of the current Mt. Veeder viticultural area, T.D. ATF–295 states, "The region receives more rainfall than the land east, south and north of it due to the terrain forcing the moist air masses of winter storms upward as they move inland along a southeasterly path from the coast, causing condensation." This is the only climatic statement expressly concerning the northern boundary. A review of the background material in the rulemaking file on T.D. ATF–295, suggests that this comment is a very general comment about the rainfall in the Mt. Veeder viticultural area and was not intended to mean that the proposed northern boundary was a specific demarcation point for a change in the rainfall pattern (pages 15–17 of original petition).

The amount of rainfall throughout the current Mt. Veeder viticultural area varies significantly (that is, 25–65 inches of winter rainfall), so rainfall was not a major distinguishing factor in drawing the original boundaries of the area. Based on isohetal maps of Napa Valley, rainfall in the addition averages roughly 40 inches per year, well within the range of average annual rainfall found within the current Mt. Veeder viticultural area. Thus, the boundary extension does not conflict with the previous climate data.

The predominantly eastern and northeastern exposures within the addition are similar to those in the current Mt. Veeder viticultural area. Such exposures enable the addition area to support the same mixed hardwood (oak, madrone, and laurels) and conifer (douglas fir and redwood) forest found in the current Mt. Veeder viticultural area at similar elevations.

In sharp contrast to the land in the addition, the region immediately north of the revised boundary, on the slopes Mount St. John and the ridge extending northeast from Mount St. John to the main crest of the Mayacamas Mountains, has primarily southern exposures. The microclimate created by this southern exposure, distinguished by warmer temperatures and lower humidities than those found in the current Mt. Veeder viticultural area or the addition, has resulted in quite different vegetation, dominated by brush and digger pine.

Summary of Geographic Features

In summary, the residual upland soils in the addition are the same sedimentary and volcanic types found in the current Mt. Veeder viticultural area. The soils are characterized by their moderate depth to bedrock and limited water holding capacity. The soils in the current viticultural area and the addition are differentiated from soils found to the north of the proposed boundary by geology, composition, depth and vegetation.

The climate in the addition is consistent with that in the current Mt. Veeder viticultural area, with the same cool, moist winters and warm, dry summers. Due to the similarity of location and relief, the addition experiences the same natural inversion as the current viticultural area, which keeps both relatively frost free during the spring, when grape vines emerge from dormancy and set their crop. The average annual rainfall in the addition is likewise within the range found in the current Mt. Veeder viticultural area.

The current Mt. Veeder viticultural area and the addition both have predominantly eastern and northeastern exposures, which support a mixed hardwood and conifer forest. In contrast, the land to the north of the addition has a predominantly southern exposure, with a microclimate of warm temperatures and low humidities that is reflected in very different vegetation, primarily brush and digger pine.

Miscellaneous

ATF does not wish to give the impression by approving the northern extension to the Mt. Veeder viticultural area that it is approving or indorsing the quality of the wine from this area. ATF is approving this area as being distinct from surrounding areas, not better than other areas. By approving this area, ATF will allow wine producers to claim a distinction on labels and advertisements as to origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of Mt. Veeder wines.

Regulatory Flexibility Act

It is hereby certified that this document will not have a significant economic impact on a substantial number of small entities. Any benefit derived by a small proprietor from the new options provided in this rule will be the result of the proprietor's own promotional efforts and consumer acceptance of the specific product. No new reporting, recordkeeping or other administrative requirements are imposed by this rule. Accordingly, a regulatory flexibility analysis is not required.

Executive Order 12866

It has been determined that this rule is not a significant regulatory action, because: (1) It will not have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, or user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Public Law 96–511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Drafting Information

The principal author of this document is David W. Brokaw, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List Of Subjects In 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority and Issuance

Title 27, Code of Federal Regulations Part 9, American Viticultural Areas, is amended as follows:

PART 9—[AMENDED]

Paragraph 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. Section 9.123 is amended by revising paragraphs (c)(1) and (c)(9) through (c)(11) and adding new paragraph (c)(12) to read as follows:

§ 9.123 Mt. Veeder.

* * * * *

(c) * * *

(1) Beginning at unnamed peak, elevation 1,820, on the common boundary between Napa County and Sonoma County in section 23, Township 7 North, Range 6 West, Mount Diablo Base and Meridian on the Rutherford, Calif. U.S.G.S. map;

* * * * *

(9) Thence northwesterly along Dry Creek through Sections 3 and 4 of Township 6 North, Range 5 West, and Sections 32 and 31 of Township 7 North, Range 5 West, to the fork of Dry Creek near the center of Section 25 of Township 7 North, Range 6 West;

(10) Continuing along the northern fork of Dry Creek through Sections 25 and 24 of Township 7 North, Range 6 West, to the point at which the main channel of Dry Creek ends and divides into three tributaries;

(11) Thence following the middle tributary of Dry Creek through Sections 24 and 23 of Township 7 North, Range 6 West, to its source at the intersection with a trail indicated on the map;

(12) Thence following a straight line west approximately 1/10 mile to the top of unnamed peak, elevation 1,820, the beginning point.

Signed: November 10, 1993.

Daniel R. Black,

Acting Director.

Approved: November 29, 1993.

John P. Simpson,

Deputy Assistant Secretary, Regulatory, Tariff and Trade Enforcement.

[FR Doc. 93-30320 Filed 12-10-93; 8:45 am]

BILLING CODE 4810-31-U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 424

[BPO-114-FC]

RIN 0938-AG16

Medicare Program; Intermediary and Carrier Checks That Are Lost, Stolen, Defaced, Mutilated, Destroyed or Paid on Forged Endorsements

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule with comment period.

SUMMARY: This rule revises the Medicare regulations governing the procedures for replacing checks issued by our fiscal intermediaries and carriers that are lost, stolen, defaced, mutilated, destroyed, or paid on forged endorsements.

Each State already has an established legal process for pursuing a claim for recovery of the amount of a check paid on a forged endorsement, and it is inefficient and ineffective to provide duplicative Federal requirements. These regulations stipulate that any replacement or reclamation proceedings will be carried out in accordance with the applicable State law and that a replacement check will not be issued until Medicare has made recovery on the proceeds of the original check. However, we will continue to reissue checks that have not been negotiated.

DATES: Effective date: These regulations are effective on January 12, 1994.

Comment date: Written comments will be considered if we receive them at the appropriate address, as provided below, no later than 5 p.m. on February 11, 1994.

ADDRESSES: Mail written comments (an original and 3 copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: BPO-114-FC, P.O. Box 26676, Baltimore, MD 21207.

If you prefer, you may deliver your written comments (an original and 3 copies) to one of the following addresses:

Room 309-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or

Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, MD 21207.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code BPO-114-FC. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in room 309-G of the Department's offices at 200 Independence Avenue, SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: (202) 690-7890).

FOR FURTHER INFORMATION CONTACT: Sam Guida, (410) 966-7495.

SUPPLEMENTARY INFORMATION:

I. Background

Under sections 1816(a) and 1842(a) of the Social Security Act (the Act), public or private organizations and agencies may participate in the administration of the Medicare program under agreements or contracts entered into with the Secretary. These Medicare contractors are known as fiscal intermediaries (section 1816(a) of the Act) and carriers (section 1842(a) of the Act). Intermediaries perform bill processing and benefit payment functions for Part A of the program (Hospital Insurance) and carriers perform claims processing and benefit payment functions for Part B of the program (Supplementary Medical Insurance). When bills or claims are submitted, intermediaries and carriers are responsible for making appropriate benefit payments to the proper party.

Intermediaries and carriers, under the terms of their contracts with HCFA (acting for the Secretary), execute agreements for the processing of payments they issue and for the drawing of funds to cover those checks with commercial banks. The bank must be a member of the Federal Reserve System or insured by the Federal Deposit Insurance Corporation. These bank agreements, to which HCFA is also a party, provide for the establishment of a special account within the bank known as the Federal Health Insurance Benefits Account (the Account). Intermediaries and carriers may use the funds in the Account only for the purpose of making Medicare payments.

When a benefit check issued by the intermediary or carrier on the Account is presented to the bank, the bank processes the payment (pays the check). At the end of each business day, the bank presents a voucher to the Federal Reserve Bank in the amount of all checks drawn against the Account that day for credit to the Account. Intermediaries and carriers must submit monthly statements to HCFA showing the disbursements made from the Account.

Occasionally, payments to beneficiaries, physicians, providers and suppliers of services entitled to payment are lost or misplaced, and the payee is unaware that the claim was processed and payment issued. To ensure that claimants receive payments to which they are entitled, and to better estimate monthly expenditures and payments from the Account, current HCFA manual instructions require intermediaries and carriers to establish written policies, procedures, and controls (consistent with local banking procedures) for contacting payees when checks have been outstanding over 6 months. Based on general commercial banking practice, our existing manual instructions require intermediaries and carriers to cancel (void) any check not presented for payment within 1 year from the date of issue. (Detailed requirements regarding Medicare checks are in section 4412 of the Medicare Carriers Manual, Part I, Fiscal Administration and section 1412 of the Medicare Intermediary Manual, Part I, Fiscal Administration.)

II. Current Regulations

On occasion, intermediaries and carriers are notified, either directly by the payee or during the routine contacts on outstanding checks, that a benefit check has been lost, stolen, defaced, mutilated, destroyed, or paid on a forged endorsement. Regulations regarding the replacement and reclamation of intermediary and carrier checks that are lost, stolen, defaced, mutilated, destroyed or paid on forged endorsements are located at 42 CFR 424.352 and 424.354. The Medicare statutes do not contain requirements regarding replacement and reclamation of Medicare payments. Our regulations were intended as an administrative mechanism to protect the beneficiary from incurring any loss resulting from a lost, stolen, or forged check.

Under current regulations at 42 CFR 424.352, we are responsible for coordinating the investigation and settlement of claims in connection with intermediary and carrier checks, including the determination that a check has been forged. If a check issued by an intermediary or carrier is lost or stolen and has not been paid, the intermediary or carrier must stop payment on the check and issue another check. If the check has been defaced, mutilated, or destroyed, the intermediary or carrier must recover any available remains of the check and issue a substitute check. In a case that involves a possible forged endorsement, we are responsible for analyzing the check to determine the authenticity of the endorsement, granting an independent administrative review to any payee dissatisfied with the determination, and forwarding a report to the appropriate intermediary or carrier. When we determine that a check has been paid on a forged endorsement, we instruct the intermediary or carrier to make settlement in favor of the payee if—(1) The facts show that the payee did not participate, directly or indirectly, in the proceeds of the payment; and (2) the payee, or the payee's authorized representative, after examining the check or a copy of the check, states in writing that to the best of his or her knowledge or belief, the endorsement is not the payee's. Under current § 424.352(d), the replacement check is issued before the intermediary or carrier pursues recovery of the amount of the check. Section 424.354 states that since checks issued by intermediaries and carriers are drawn on commercial banks, the intermediaries and carriers must take appropriate action to recover the amount of the check paid on a forged endorsement in accordance with applicable State law.

III. Program Experience

Our current regulations were developed to protect beneficiaries from loss when Medicare benefit checks were lost, stolen, defaced, mutilated, destroyed, or paid on forged endorsements. The regulations were not intended to override existing State law governing the negotiation and processing of commercial checks. Our previously cited manual instructions stipulate that all policies, procedures, and controls developed by the intermediaries and carriers should be consistent with local banking procedures.

Recently, some providers and suppliers of Medicare services have begun asking intermediaries and carriers to cover losses incurred as a result of checks paid on an endorsement executed by an employee or agent of the provider or supplier in the course of the provider's or supplier's business. These providers and suppliers argue that the language of § 424.352(d) obligates Medicare to make settlement in their favor, since they did not personally sign the check.

Replacement of checks in cases of larceny after trust, conversion, embezzlement, and other similar situations are beyond the intended scope of the regulations. To view the regulations as an alternative pathway for providers and suppliers to recover their business losses without seeking restitution through the appropriate State law incorrectly interjects HCFA into existing State processes for investigating criminal behavior and fixing liability for checks paid on forged endorsements. The final determination that a forgery has occurred is more appropriately decided in accordance with the individual State laws. This includes any Federal laws and regulations governing the banking process that may be applicable to any such State proceeding. Reclamation proceedings, though they are State mechanisms, must of course acknowledge any Federal oversight of the banking process as it affects those proceedings.

Accordingly, we have determined that certain procedures currently set forth in 42 CFR 424.352 and 424.354 are unnecessary, overly broad, and need to be clarified because they duplicate services already provided to payees under State law. Checks issued by Medicare intermediaries and carriers are drawn on commercial banks and are under the jurisdiction of applicable State banking laws and procedures. They are not checks issued by the U.S. Treasury Department and are therefore not subject to the overriding Federal laws or Treasury Department regulations that govern Treasury checks. State law governing and affecting commercial transactions is adequate to determine the legal issues, rights and objections of the parties involved in the final disposition of claims resulting from intermediary and carrier checks that are lost, stolen, defaced, mutilated, destroyed, or paid on a forged endorsement. A well-developed system for the fixing of liability on commercial paper already exists in title 3, part 4, of the Uniform Commercial Code (UCC) or successor provisions. Virtually all States have adopted similar versions of the UCC. The fixing of liability for a forged check under the UCC is dependent upon the circumstances of each case. Generally, liability could be fixed upon three entities: The forger, the entity that made payment to the forger (usually a bank, called the bank of first presentment or first deposit), or the bank in which the payor's funds are kept (the drawee or issuing bank).

We believe checks issued by Medicare intermediaries and carriers should be negotiated and processed in accordance with the State laws and banking procedures which regulate other checks drawn on commercial banks. Neither HCFA nor the intermediaries and carriers should be required to duplicate services (required by State law) already provided to all payees. We are, therefore, amending the procedures relating to replacement and reclamation of checks paid on forged endorsements as specified in 42 CFR 424.350, 424.352 and 424.354 to state that recovery claims should be pursued in accordance with the appropriate State laws and banking regulations, including any Federal laws and regulations governing the banking process that may affect the appropriate State proceeding. Once the bank of first deposit or presentment settles on the forged check, the intermediary or carrier will reissue a check to the payee. A more detailed explanation follows.

IV. Provisions of the Regulations

Section 424.350, Replacement of U.S. Government checks that are lost, stolen, defaced, mutilated, destroyed, or paid on forged endorsements, is revised to redesignate the current language relating to replacement of U.S. Government checks as paragraph (a), and to add a new paragraph (b) relating to checks issued by intermediaries and carriers. This paragraph explains that because checks issued by intermediaries and carriers are not subject to the Federal laws and Treasury Department regulations governing Treasury checks, replacement procedures are carried out in accordance with § 424.352 under applicable State law. This language was previously found in § 424.354, Reclamation proceedings: Checks issued by carriers or intermediaries. This section, describing the reclamation proceedings intermediaries and carriers follow when HCFA determines that a check has been paid on a forged endorsement, is being removed. Under the regulation as revised, reclamation proceedings are not being eliminated, but will instead be provided solely under the jurisdiction and established procedures of the applicable State law.

We are amending our regulations at 42 CFR 424.352, Replacement of intermediary and carrier checks that are lost, stolen, defaced, mutilated, destroyed, or paid on forged endorsement. The revised regulation provides that when the payee alleges that a check issued by an intermediary or carrier has been lost, stolen, defaced, mutilated, destroyed, or paid on a forged endorsement, the intermediary or carrier will contact its designated commercial bank and determine whether the check has been negotiated.

If the check has been negotiated, the intermediary or carrier will not initially replace the check but will provide the legitimate payee, upon request, a copy of the check and other pertinent information (a claim form, affidavit or questionnaire to be completed by the payee) required to pursue his or her claim and recovery rights in accordance with State law and commercial banking regulations. However, claims must be filed within 1 year or such longer period as may be provided in applicable State law.

To pursue a claim, the payee (or authorized representative) must examine the check, complete the claim form, and state in writing that the endorsement is not the payee's.The claim form and other pertinent information is sent to the intermediary or carrier for review and processing of the claim. The intermediary or carrier reviews the claim form and if it determines that the claim appears to be valid, it will forward the claim form along with a copy of the check to the issuing bank.

The proceedings that follow will be conducted in accordance with State law and bank regulations. The role of the Medicare intermediary or carrier in these proceedings will be fixed by such State law. Throughout the process, the Medicare intermediary or carrier will be expected to track the status of claims and be responsive to questions from payees, particularly beneficiary payees. While this process may differ somewhat across States, we are providing, for informational purposes, a general description of how these claims are resolved.

The issuing bank generally sends the forgery documents via certified mail to the bank of first deposit. The bank of first deposit will generally conduct an investigation before it settles on the forged endorsement and in some cases could refuse to settle on the forged check. For example, the bank of first deposit might discover that the particular check was credited to the beneficiary's or provider's account at that bank or the beneficiary had endorsed the check over to his or her doctor, etc.

In some cases the bank of first deposit may request that the payee file a police report and certify that the endorsement is a forgery before the bank makes restitution. The payee may also need to certify that the check was not cashed by an agent of the payee.

In most instances, the bank of first deposit will make settlement in favor of the payee and send a cashier's check to the issuing (Medicare) bank. Upon receipt of the cashier's check, the issuing bank will credit the Federal Health Insurance Benefits Account for the intermediary or carrier. If settlement is made with the bank of first deposit, an advice (notice) of deposit will be sent to the intermediary or carrier. This notification will reflect both the amount and date of the deposit into the Federal Health Insurance Benefits Account. Our revised regulations provide that once the bank of first deposit settles on the forged check, the intermediary or carrier will reissue the check to the payee.

In those cases where the payee's agent commits the forgery, or in other instances where the bank of first deposit refuses to settle the original check because it determines, in accordance with State law, that there is good cause to believe that the endorsement was not improper, the intermediary or carrier will reject the payee's claim for a replacement check.

A replacement check will not be issued until recovery is made on the original check. This will assure that no duplicate payments are made to the same payee.

If the check has not been negotiated, the intermediary or carrier will ask the bank to stop payment and will reissue the check. Consistent with local banking practice and our current manual instructions to intermediaries and carriers, the revised regulation also requires that, in general, any claim for a replacement check must be received by the intermediary or carrier no later than 1 year from the date of issuance of the original check or such longer period as may be provided in applicable State law. Intermediaries and carriers will not reissue a check to a payee who makes a claim after this deadline has passed.

V. Waiver of Notice of Proposed Rulemaking

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite prior public comment on a proposed rule. The rule includes a reference to the legal authority under which it is proposed, and the terms and substance of the proposed rule or a description of the subjects and issues involved. However, this procedure can be waived when an agency finds good cause that a notice-and-comment procedure is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and its reasons in the rule issued. This final rule clarifies that State law procedural requirements are to be followed by a payee when a check issued by a Medicare intermediary or carrier is lost, stolen, defaced, mutilated, destroyed, or paid on a forged endorsement. This rule continues to ensure quick replacement of funds when a check has not been endorsed, but provides that the recovery and reclamation activities of endorsed checks will be carried out in accordance with applicable State law.

It is not in the public interest to commit Federal funds as an alternative manner of satisfying a claim that should be pursued under State law or as a substitute for readily available remedies under State law. Moreover, Medicare intermediaries and carriers are removed from the facts in these matters and less able to investigate and resolve forgeries than are those directly involved. The applicability of State law is clear and no useful purpose would be served by publishing a proposed rule. Therefore, we conclude that it would be impracticable, unnecessary, and contrary to the public interest to publish a proposed rule and solicit comments. We, therefore, find good cause to waive notice of proposed rulemaking.

VI. Response to Comments

Because of the large number of items of correspondence we normally receive on a final rule with comment, we are not able to acknowledge or respond to them individually. However, we will consider all comments that we receive by the date and time specified in the "Dates" section of this preamble, and if we conclude that revision of this final rule is necessary, we will respond to the comments in a subsequent **Federal Register** publication.

VII. Collection of Information Requirements

This final rule contains no information collection requirements. Consequently, this rule need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

VIII. Regulatory Impact Statement

We generally prepare a regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612) unless the Secretary certifies that a final rule will not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, providers and suppliers are considered to be small entities. However, all States, individuals, intermediaries and carriers are not considered to be small entities.

Also, section 1102(b) of the Act requires the Secretary to prepare a regulatory impact analysis if a final rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 50 beds.

This final rule with comment revises the regulations governing the replacement of carrier or intermediary checks that are lost, stolen, defaced, mutilated, destroyed or paid on forged endorsements. This final rule will not affect any claims pending on the date of publication.

We do not believe that this final rule with comment period will significantly impact either the workload, costs, or responsibilities of the States or commercial banks. The States already bear prime responsibility for the regulation of commercial banking transactions and prosecution of cases involving forged checks. The issue of forged endorsements on Medicare checks arises in only a relatively small number of cases. Medicare intermediaries and carriers have no direct knowledge of the facts in these situations and must rely on parties that are directly involved to provide the necessary evidence for effective reclamation. Further, the banks already conduct the type of investigative work required in these cases.

As a result of this final rule, HCFA and the Medicare intermediaries and carriers will have somewhat fewer responsibilities with respect to endorsed checks. The Medicare contractor will continue to reissue checks to payees in cases where the original check has not been negotiated once a stop payment order has been executed. This duplicates current practice.

This rule also requires that the claim for a replacement check be received by the Medicare intermediary or carrier within 1 year (or such longer period as may be provided in applicable State law) from the date of issuance of the original check. This new limitation on a claim for a replacement check is in accordance with current commercial banking practice and also reflects the Treasury Department's practice with respect to U.S. Government checks. It is also consistent with the current Medicare contractor practice of voiding any check not presented for payment within 1 year from the date of issuance. This rule will not require any revision in intermediary or carrier contracts with Medicare.

When an intermediary or carrier check has been negotiated, Medicare beneficiaries, providers and suppliers will experience a procedural change; that is, Medicare contractors will not automatically reissue a check prior to pursuing recovery of the alleged improperly negotiated funds. Instead, the payee must review the check and complete a claim form or affidavit furnished by the Medicare contractor, which will be used as evidence in recovering the proceeds of the check with the servicing bank or other responsible party in accordance with applicable State law and regulations. We do not believe that this change will significantly disadvantage legitimate payees, since it conforms to general banking and Treasury Department practice which is to first recover the funds before issuing a replacement check in cases of alleged forgery. Most forgery cases are settled quickly. After recovery of the funds by the issuing bank which has the Medicare account, the intermediary or carrier reissues the check to the payee. If the bank of presentment refuses to settle (for good cause), then the payee must pursue the claim on his or her own. In this situation, a replacement check will not be issued by Medicare to the payee.

We are not preparing analyses for either the RFA or section 1102(b) of the Act since we have determined, and the Secretary certifies, that this final rule with comment period will not result in a significant economic impact on a substantial number of small entities and will not have a significant economic impact on the operations of a substantial number of small rural hospitals.

List of Subjects in 42 CFR Part 424

Emergency medical services, Health facilities, Health professions, Medicare.

42 CFR part 424 is amended as set forth below:

PART 424—CONDITIONS FOR MEDICARE PAYMENT

1. The authority citation for part 424 continues to read as follows:

Authority: Secs. 216(j), 1102, 1814, 1815(c), 1835, 1842(b), 1861, 1866(d), 1870 (e) and (f), 1871 and 1872 of the Social Security Act (42 U.S.C. 416(j), 1302, 1395f, 1395g(c), 1395n, 1395u(b), 1395x, 1395cc(d), 1395gg (e) and (f), 1395hh and 1395ii).

Subpart M—Replacement and Reclamation of Medicare Payments

2. Section 424.350 is revised to read as follows:

§ 424.350 Replacement of checks that are lost, stolen, defaced, mutilated, destroyed, or paid on forged endorsements.

(a) *U.S. Government checks*—(1) *Responsibility*. The Treasury Department is responsible for the investigation and settlement of claims in connection with Treasury checks issued on behalf of HCFA.

(2) *Action by HCFA*. HCFA forwards reports of lost, stolen, defaced, mutilated, destroyed, or forged Treasury checks to the Treasury Department disbursing center responsible for issuing checks.

(3) *Action by the Treasury Department*. The Treasury Department will replace and begin reclamation of Treasury checks in accordance with Treasury Department regulations (31 CFR parts 235, 240, and 245).

(b) *Intermediary and carrier benefit checks.* Checks issued by intermediaries and carriers are drawn on commercial banks and are not subject to the Federal laws and Treasury Department regulations that govern Treasury checks. Replacement procedures are carried out in accordance with § 424.352 under applicable State law (including any Federal banking laws or regulations that may affect the relevant State proceedings).

3. Section 424.352 is revised to read as follows:

§ 424.352 Intermediary and carrier checks that are lost, stolen, defaced, mutilated, destroyed or paid on forged endorsements.

(a) When an intermediary or carrier is notified by a payee that a check has been lost, stolen, defaced, mutilated, destroyed, or paid on forged endorsement, the intermediary or carrier contacts the commercial bank on whose paper the check was drawn and determines whether the check has been negotiated.

(b) If the check has been negotiated—

(1) The intermediary or carrier provides the payee with a copy of the check and other pertinent information (such as a claim form, affidavit or questionnaire to be completed by the payee) required to pursue his or her claim in accordance with State law and commercial banking regulations.

(2) To pursue the claim, the payee must examine the check and certify (by completing the claim form, questionnaire or affidavit) that the endorsement is not the payee's.

(3) The claim form and other pertinent information is sent to the intermediary or carrier for review and processing of the claim.

(4) The intermediary or carrier reviews the payee's claim. If the intermediary or carrier determines that the claim appears to be valid, it forwards the claim and a copy of the check to the issuing bank. The intermediary or carrier takes further action to recover the proceeds of the check in accordance with the State law and regulations.

(5) Once the intermediary or carrier recovers the proceeds of the initial check, the intermediary or carrier issues a replacement check to the payee.

(6) If the bank of first deposit refuses to settle on the check for good cause, the payee must pursue the claim on his or her own and the intermediary or carrier will not reissue the check to the payee.

(c) If the check has not been negotiated—

(1) The intermediary or carrier arranges with the bank to stop payment on the check; and

(2) Except as provided in paragraph (d), the intermediary or carrier reissues the check to the payee.

(d) No check may be reissued under (c)(2) unless the claim for a replacement check is received by the intermediary or carrier no later than 1 year from the date of issuance of the original check, unless State law (including any applicable Federal banking laws or regulations that may affect the relevant State proceeding) provides a longer period which will control.

§ 424.354 [Removed]

4. Section 424.354 is removed.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: June 11, 1993.

Bruce Vladeck,

Administrator, Health Care Financing Administration.

Dated: August 31, 1993.

Donna E. Shalala,

Secretary.

[FR Doc. 93-30088 Filed 12-10-93; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7021

[AK-932-4210-06; J-010160]

Partial Revocation of Public Land Order No. 1731 for Selection of Land by the State of Alaska; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order insofar as it affects 75.67 acres of National Forest System land withdrawn for use by the Forest Service, Department of Agriculture, for the Upper Trail Lake Recreation Area. The land is no longer needed for the purpose for which it was withdrawn. This action also opens the land for selection by the State of Alaska, if such land is otherwise available. Any land described herein that is not conveyed to the State will be subject to the terms and conditions of the national forest reservation and any other withdrawal of record.

EFFECTIVE DATE: December 13, 1993.

FOR FURTHER INFORMATION CONTACT: Sandra C. Thomas, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513-7599, 907-271-5477.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Public Land Order No. 1731, which withdrew lands for use by the Forest Service, is hereby revoked insofar as it affects the following described land:

Seward Meridian

Chugach National Forest

Located within T. 5 N., R. 1 W., more particularly describe as: Lot 3, U.S. Survey No. 7371.

The area described contains 75.67 acres.

2. Subject to valid existing rights, the land described above is hereby opened for selection by the State of Alaska under the Alaska Statehood Act of July 7, 1958, 48 U.S.C. note prec. 21 (1988).

3. The State of Alaska application for selection made under Section 6(a) of the Alaska Statehood Act of July 7, 1958, and under Section 906(e) of the Alaska National Interest Lands Conservation Act, 43 U.S.C. 1635(e)(1988), becomes effective without further action by the State upon publication of this public land order in the **Federal Register**, if such land is otherwise available. Land not conveyed to the State will be subject to the terms and conditions of the Chugach National Forest reservation and any other withdrawal of record.

Dated: November 30, 1993.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 93-30291 Filed 12-10-93; 8:45 am]

BILLING CODE 4310-JA-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 1 and 67

[CGD 89-007; CGD 89-007a]

RIN 2115-AD60

Documentation of Vessels; Recording of Instruments; Fees

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the final rule that was published Monday, November 15, 1993 (58 FR 60256). The rules related to recording practices and procedures for the documentation of vessels, and user fees for vessel documentation services.

EFFECTIVE DATE: December 13, 1993.

FOR FURTHER INFORMATION CONTACT: Mrs. Patricia J. Williams, Chief, Vessel Documentation Section, Vessel

Documentation and Tonnage Survey Branch at (202) 267–1492.

SUPPLEMENTARY INFORMATION: The final rule that this document corrects amended 46 CFR part 1 and revised 46 CFR part 67. The final rule established new recording practices to fully implement the provisions of the codification of the Ship Mortgage Act, 1920; revised existing user fees and established new fees for vessel documentation services; and simplified and streamlined the vessel documentation process. As published, the final rule contains several errors which this document corrects.

Correction

In rule document 93–27840 beginning on page 60256 in the issue of Monday, November 15, 1993, make the following corrections:

1. On page 60256, in the 2nd column, in the last paragraph, in the 8th line from the end, "U.S.C. 2210." is corrected to read "U.S.C. 2110."

2. On page 60258, in the 1st column, in the last paragraph, in the 11th and 12th lines from the end, the parenthetical "First Proviso" and "Second Provison")" is corrected to read "(First Proviso" and "Second Proviso")".

3. On page 60258, in the 1st column, in the last paragraph, in the 5th line from the end, "Both Coast" is corrected to read "Both the Coast".

4. On page 60258, in the 2nd column, in the first full paragraph, in line 4, "which as the subject" is corrected to read "which was the subject".

5. On page 60259, in the 1st column, in line 4 from the top, "an presumptions" is corrected to read "any presumptions".

6. On page 60259, in the 1st column, in the 1st full paragraph, the next to last line of the paragraph, "citizenship requirements of 2 of the" is corrected to read "citizenship requirements of section 2 of the".

7. On page 60259, in the 1st column, in the 2nd full paragraph, in the 12th line, "U.S.C. 121102(a)(4)," is corrected to read "U.S.C. 12102(a)(4),".

8. On page 60259, in the 2nd column, in the 1st full paragraph, in the 19th and 20th lines, "Also as noted the NPRM" is corrected to read "Also as noted in the NPRM".

9. On page 60260, in the 1st column, in the 3rd full paragraph, in the 12th and 13th lines, "issuance of duplicate Builder's Certification." is corrected to read "issuance of duplicate Builder's Certifications."

10. On page 60260, in the 1st column, in the 3rd full paragraph, in the 22nd line, "central registry of" is corrected to read "central registry or".

11. On page 60260, in the 1st column, in the 4th full paragraph, in the last line, "will rarely, if even" is corrected to read "will rarely, if ever".

12. On page 60260, in the 2nd column, in the 1st full paragraph, in the 5th line, "Subpart of" is corrected to read "Subpart G of".

13. On page 60260, in the 2nd column, in the 2nd full paragraph, in the 27th line, "jurisdiction as a foreclosure action." is corrected to read "jurisdiction in a foreclosure action."

14. On page 60261, in the 2nd column, in the last full paragraph, in the 19th line, "Certificate of Documentations." is corrected to read "Certificate of Documentation."

15. On page 60261, in the 3rd column, in the last paragraph, in the 8th line from the bottom, "30-day grade period" is corrected to read "30-day grace period".

16. On page 60264, in the 1st column, in the last paragraph, in the 6th line, "restrictions attached" is corrected to read "restrictions attach".

§ 67.19 [Corrected]

17–18. On page 60269, in the 3rd column, in § 67.19(c)(2), "vessel" is corrected to read "vessels".

§ 67.43 [Corrected]

19. On page 60270, in the 3rd column, in § 67.43, "Application for Initial Issue, Exchange, or Replacement Certificate of Documentation; or Redocumentation" is corrected to read "Application for Initial Issue, Exchange, or Replacement of Certificate of Documentation; or Redocumentation".

§ 67.111 [Corrected]

20. On page 60274, in the 1st column, in § 67.111(a) introductory text, "Application for Initial Issue, Exchange, or Replacement Certificate of Documentation; or Redocumentation" is corrected to read "Application for Initial Issue, Exchange, or Replacement of Certificate of Documentation; or Redocumentation".

§ 67.113 [Corrected]

21. On page 60274, in the 1st column, in the introductory text of § 67.113, "Application for Documentation, Exchange or Replacement of Document; or Redocumentation" is corrected to read "Application for Initial Issue, Exchange, or Replacement of Certificate of Documentation; or Redocumentation".

§ 67.117 [Corrected]

22. On page 60274, in the 3rd column, in § 67.117(a) introductory text, "Application for Initial Issue, Exchange, or Replacement Certificate of Documentation; or Redocumentation" is corrected to read "Application for Initial Issue, Exchange, or Replacement of Certificate of Documentation; or Redocumentation."

§ 67.141 [Corrected]

23. On page 60276, in the 1st column, in § 67.141(a)(1), "Application for Initial Issue, Exchange, or Replacement Certificate of Documentation; or Redocumentation" is corrected to read "Application for Initial Issue, Exchange, or Replacement of Certificate of Documentation; or Redocumentation."

§ 67.143 [Corrected]

24. On page 60276, in the 1st column, in § 67.143, "Consent of Mortgagee to Exchange of Certificate of Documentation or Withdrawal of Application for Documentation" is corrected to read "Application, Consent, and Approval for Withdrawal of Application for Documentation or Exchange of Certificate of Documentation".

§ 67.145 [Corrected]

25. On page 60276, in the 2nd column, in § 67.145(d), "Abstract of Title" is corrected to read "General Index or Abstract of Title".

§ 67.165 [Corrected]

26. On page 60277, in the 1st column, in § 67.165(a), "paragraph § 67.9(c)" is corrected to read "paragraph (c) of § 67.9".

§ 67.173 [Corrected]

27. On page 60278, in the 2nd column, in the first sentence of § 67.173, the cross-reference to § 67.167 is corrected to refer to § 67.161.

§ 67.217 [Corrected]

28. On page 60279, in the 3rd column, in § 67.217(a)(3), "replacement" is corrected to read "Replacement".

§ 67.217 [Corrected]

29. On page 60280, in the 1st column, in § 67.217(a)(4), "Application, Consent and Approval" is corrected to read "Application, Consent, and Approval."

Subpart Y—[Corrected]

30. On page 60282, in the 3rd column, "Subpart Y—[Reserved]" is corrected to read "Subpart Y—Fees".

§ 67.500 [Corrected]

31. On page 60282, in the 3rd column, in § 67.500(a), "specifics" is corrected to read "specifies".

Appendix A to Part 67—[Corrected]

32. On page 60284, in Appendix A to Part 67—Ports of Documentation, in the entry for Houston, TX, the line under CG district served which reads "Eighth District: Texas and Mexico only." is corrected to read "Eighth District: Texas and New Mexico only.".

Dated: December 6, 1993.

R.C. North,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 93-30386 Filed 12-10-93; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90-162; DA 93-1462]

Broadcast Service; Financial Interest and Syndication Rule

AGENCY: Federal Communications Commission.

ACTION: Final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date for amendments to § 73.661, concerning financial interest and syndication reporting rules which were published at 58 FR 62547, November 29, 1993.

EFFECTIVE DATE: The regulations are effective December 29, 1993.

FOR FURTHER INFORMATION CONTACT: David E. Horowitz, Policy and Rules Division, Mass Media Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

December 6, 1993.

Financial Interest and Syndication Rule Reporting Requirements Effective December 29, 1993

On September 23, 1993, the Commission adopted a*Memorandum Opinion and Order (MO&O)* in MM Docket No. 90-162, FCC 93-458 (released Oct. 22, 1993), 58 FR 62547 (Nov. 29, 1993). This *MO&O*, inter alia, amended § 73.661 of the Commission's Rules (the financial interest and syndication rule reporting requirements). In the *MO&O*, we stated that the amendments to § 73.661 would become effective 30 days after publication in the **Federal Register** or upon approval by the Office of Management and Budget (OMB), whichever is later. OMB approved the amendments on November 22, 1993 (OMB Control No. 3060-0479). The *MO&O* was published thereafter in the **Federal Register** on November 29, 1993. Accordingly, the amendments to Section 73.661, as promulgated in the *MO&O*, will become effective on December 29, 1993.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93-30286 Filed 12-10-93; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 93-205; RM-8270]

Radio Broadcasting Services; Donalsonville, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 271A to Donalsonville, Georgia, as that community's second local FM service, at the request of Seminole-Decatur Radio Company. See 58 FR 39494, July 23, 1993. Channel 271A can be allotted to Donalsonville in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.2 kilometers (4.5 miles) northwest, in order to avoid short-spacings to a construction permit for Station WWSG(FM), Channel 271A, Sylvester, Georgia, and the licensed site of Station WPHK(FM), Channel 272A, Blountstown, Florida. The coordinates for Channel 271A at Donalsonville are North Latitude 31-05-32 and West Longitude 84-55-55. With this action, this proceeding is terminated.

DATES: Effective January 24, 1994. The window period for filing applications for Channel 271A at Donalsonville, Georgia, will open on January 25, 1994 and close on February 24, 1994.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 93-205, adopted November 3, 1993, and released December 8, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 1919 M Street, NW., room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by adding Donalsonville, Channel 271A.

Federal Communications Commission.

Victoria M. McCauley,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93-30324 Filed 12-10-93; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 93-138; RM-8225]

Radio Broadcasting Services; Lahoma, OK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Donald W. McCoy, substitutes Channel 239C3 for Channel 239A at Lahoma, Oklahoma, and modifies Station KMKZ's construction permit to specify operation on the higher class channel. Channel 239C3 can be allotted to Lahoma in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.8 kilometers (3 miles) northeast, at coordinates North Latitude 36-25-00 and West Longitude 98-03-00, to accommodate petitioner's desired transmitter site. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 24, 1994.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 93-138, adopted November 4, 1993, and released December 8, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows: