

List of Subjects in 9 CFR Part 113

Animal biologics, Exports, Imports, and Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR part 113 as follows:

PART 113—STANDARD REQUIREMENTS

1. The authority citation for part 113 continues to read as follows:

Authority: 21 U.S.C. 151-159; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 113.46, paragraph (b)(2) is revised to read as follows:

§ 113.46 Detection of cytopathogenic and/or hemadsorbing agents.

* * * * *

(b) * * *

(2) Add an appropriate volume of a 0.2 percent red blood cell suspension to uniformly cover the surface of the monolayer of cultured cells. Suspensions of washed guinea pig and chicken red blood cells shall be used. These suspensions may be mixed before addition to the monolayer or they may be added separately to individual monolayers.

* * * * *

Done in Washington, DC, this 21st day of September 1993.

Patricia Jensen,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93-23625 Filed 9-24-93; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 93-ANE-59; Amendment 39-8696; AD 93-19-03]

Airworthiness Directives; Pratt & Whitney Canada JT15D-5A Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule, request for comments.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) that is applicable to Pratt & Whitney Canada (PWC) JT15D-5A turbofan engines. This action supersedes priority letter AD 92-22-15, which currently requires modification of the flow divider start valve to close off the spill valve housing vent hole in the valve body. This action requires modification of an additional

model flow divider start valve. This amendment is prompted by the need to provide corrective action for all flow divider start valves of a similar design. The actions specified by this AD are intended to prevent deterioration of the flow divider start valve diaphragm due to high temperature that can cause an uncommanded inflight engine shutdown with the inability to restart the engine.

DATES: Effective October 12, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 12, 1993.

Comments for inclusion in the Rules Docket must be received on or before November 26, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93-ANE-59, 12 New England Executive Park, Burlington, MA 01803-5299.

The applicable service information may be obtained from Pratt & Whitney Canada, 1000 Marie-Victorin, Longueuil, Quebec, Canada J4G 1A1. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Richard Woldan, Project Manager, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7136; fax (617) 238-7199.

SUPPLEMENTARY INFORMATION: On October 21, 1992, the Federal Aviation Administration (FAA) issued priority letter AD 92-22-15, applicable to Pratt & Whitney Canada (PWC) JT15D-5A turbofan engines, which requires modification of the flow divider start valve to close off the spill valve housing vent hole in the valve body. That action was prompted by reports of two uncommanded inflight engine shutdowns with the inability to restart the engine. Investigation reveals that these failures were due to fuel starvation resulting from deterioration of the flow divider start valve diaphragm. When the diaphragm deteriorates, fuel may recirculate back to the pump instead of being delivered to the fuel nozzles. The design of certain flow divider start valves on JT15D-5A engines allows compressor bleed air to flow through the valve, which exposes the diaphragm to

higher temperatures and possible deterioration. That condition, if not corrected, could result in deterioration of the flow divider start valve diaphragm due to high temperature that can cause an uncommanded inflight engine shutdown with the inability to restart the engine.

Pratt & Whitney Canada has issued Service Bulletin No. JT15D-72-7371, dated October 14, 1992, that specifies closing off the spill valve housing vent hole in the valve body as a temporary modification to the flow divider start valve diaphragm until an improved valve is available. Transport Canada, which is the airworthiness authority of Canada, classified this service bulletin as mandatory and issued Canadian Emergency AD CF-92-19 in order to assure the airworthiness of these engines in Canada.

This engine model is manufactured in Canada and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, Transport Canada has kept the FAA informed of the situation described above. The FAA has examined the findings of Transport Canada, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since the unsafe condition described is likely to exist or develop on other engines of the same type design, this AD supersedes priority letter AD 92-22-15 to require modification of an additional model flow divider start valve, PWC Part Number (P/N) 3037076, due to its similar design to flow divider start valve, PWC P/N 3038429. This modification is accomplished by closing off the spill valve housing vent hole in the valve body. In the present system a limited amount of compressor discharge air flows through the valve and out through this vent hole. Closing the hole will stop this flow and decrease diaphragm temperature, and thereby extend the life of the diaphragm until an improved valve is installed. This modification can be accomplished without having to remove the valve from the aircraft. The flow divider start valve with a spill valve housing vent hole is only installed on the PWC JT15D-5A models. The actions are required to be accomplished in accordance with the service bulletin described previously.

No further action is required for engines incorporating flow divider start valves modified to a new configuration

that has an improved diaphragm and no vent hole in accordance with PWC SB No. JT15D-72-7372, Revision 1, dated November 20, 1992. At the present time, installation of this new design flow divider start valve is optional, but the FAA may require its installation in future rulemaking.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment thereon are impracticable, and good cause exists to make this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption ADDRESSES. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93-ANE-59." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in

accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

93-19-03 Pratt & Whitney Canada: Amendment 39-8696. Docket 93-ANE-59.

Applicability: Pratt & Whitney Canada (PWC) JT15D-5A turbofan engines installed on but not limited to Cessna Model 560 (Citation V) aircraft.

Compliance: Required as indicated, unless accomplished previously.

To prevent deterioration of the flow divider start valve diaphragm due to high temperature that can result in uncommanded engine shutdowns with the inability to restart the engine, accomplish the following:

(a) Modify flow divider start valves, PWC Part Numbers 3037076 and 3038429, in accordance with the Accomplishment

Instructions of PWC Service Bulletin (SB) No. JT15D-72-7371, dated October 14, 1992, before accumulating more than 50 hours time in service after the effective date of this AD, or prior to 40 days after the effective date of this AD, whichever occurs first.

(b) No further action is required for engines that incorporate improved flow divider start valves in accordance with PWC SB No. JT15D-72-7372, Revision 1, dated November 20, 1992.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

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

(e) The modification shall be done in accordance with the following service bulletin:

Document No.	Pages	Date
PWC SB No. JT15D-72-7371.	1-5	October 14, 1992.
Total pages: 5		

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pratt & Whitney Canada, 1000 Marie-Victorin, Longueuil, Quebec, Canada J4G 1A1. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(f) This amendment supersedes priority letter AD 92-22-15, issued October 21, 1992.

(g) This amendment becomes effective on October 12, 1993.

Issued in Burlington, Massachusetts, on September 17, 1993.

Mark C. Fulmer,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 93-23514 Filed 9-24-93; 8:45 am]

BILLING CODE 4010-13-P

14 CFR Part 71

[Airspace Docket No. 91-ANE-32]

Modification to Class D Airspace; Hyannis, MA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Class D airspace at Hyannis, MA, by deleting the southwest extension due to the decommissioning and relocation of the Hyannis VORTAC. This will update the Hyannis Class D airspace to keep operationally current the area of controlled airspace intended to contain aircraft operating under instrument flight rules to and from the Hyannis, Barnstable Municipal Airport-Boardman/Polando Field.

EFFECTIVE DATE: 0901 UTC, October 27, 1993.

FOR FURTHER INFORMATION CONTACT: Charles M. Taylor, Airspace Specialist, System Management Branch, ANE-530, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 270-2428; fax (617) 273-4345 or (617) 272-0395.

SUPPLEMENTARY INFORMATION:**History**

On October 11, 1991, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the Hyannis, MA Control Zone by deleting the southwest extension. (56 FR 51353) on April 8 1992, the FAA extended the comment period for the proposed amendment due to a delay in the decommission and relocation of the Hyannis VORTAC. (57 FR 11929)

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. The FAA received no comments to the proposed rule.

Airspace Reclassification, which becomes effective September 16, 1993, will discontinue the use of the term "control zone" and replace it with the designation "Class D airspace" for current control zones with operating control towers. Other than that change in terminology, and the following other minor changes, this amendment is the same as that proposed in the notice. The longitude and latitude coordinates used in the proposed rule were based on North American Datum 27 (NAD 27). These coordinates have been updated to North American Datum 83 (NAD 83). In addition, since the FAA issued the proposed rule, the Hyannis, MA Control Zone was modified by the Terminal Airspace Reconfiguration final rule (57 FR 38962), which converted the lateral unit of measurement from statute to nautical miles, redesignated the area intended to contain aircraft operations under instrument flight rules (IFR), and

made editorial changes from the proposed rule that do not change the scope or intent of the rule. Class D airspace designations are published in Paragraph 5000 of FAA Order 7400.9A dated June 17, 1993, and effective September 16 1993, which is incorporated by reference in 14 CFR 71.1 in effect as of September 16, 1993. The Class D airspace designation listed in the document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations modifies Class D airspace at Hyannis, MA and is prompted by the decommissioning and anticipated relocation of the Hyannis VORTAC. This action is intended to keep operationally current the controlled airspace intended to contain aircraft operating under instrument flight rules while transitioning between the terminal and en route environments at the Hyannis, Barnstable Municipal Airport, Boardman/Polando Field.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep these regulations operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated economic cost will be so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, the FAA certifies that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 in effect as of September 16, 1993, as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963, Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 5000 Class D Airspace

* * * * *

ANE MA D Hyannis, MA [Revised]
Hyannis, Barnstable Municipal
Airport-Boardman/Polando Field
(lat. 41°40'09"N, long. 70°16'51"W)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4.2-mile radius of the Hyannis, Barnstable Municipal Airport-Boardman/Polando Field. This Class D airspace is effective during the specific dates and times established in advance by a Notice to Airmen (NOTAM). The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Burlington, Massachusetts, on June 3, 1993.

Francis J. Johns,
Manager, Air Traffic Division, New England Region.

[FR Doc. 93-19517 Filed 9-24-93; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 93-ANE-15]

Revocation of Class D Airspace; Fort Devens, MA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This action revokes the Class D airspace at Fort Devens, MA. This action was prompted by the closing of the air traffic control tower (ATCT) at Moore AAF, and is necessary because weather observation reports are no longer available from the ATCT at Moore AAF.

EFFECTIVE DATE: 0901 UTC, October 27, 1993.

FOR FURTHER INFORMATION CONTACT: Charles M. Taylor, Airspace Specialist, System Management Branch, ANE-530, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 270-2428; fax (617) 273-4345 or (617) 272-0395.

SUPPLEMENTARY INFORMATION:**History**

On March 3, 1993, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revoke

the Fort Devens, MA Control Zone. (58 FR 14190). This action is necessary because after the air traffic control tower (ATCT) at Moore AAF closed, weather observation reports were no longer available from the field.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. The FAA received no comments to the proposal.

Airspace Reclassification, which becomes effective September 16, 1993, will discontinue the use of the term "control zone" and replace it with the designation "Class D airspace" for current control zones with operating control towers. Other than that change in terminology this amendment is the same as that proposed in the notice. Class D airspace designations are published in Paragraph 5000 of FAA Order 7400.9 dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 in effect as of September 16, 1993. The Class D airspace designation listed in the document will be removed subsequently from the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations to revoke the Class D airspace at Fort Devens, MA, is necessary because after the ATCT at Moore AAF closed, weather observation reports were no longer available from the field.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated economic cost will be so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, the FAA certifies that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 in effect as of September 16, 1993, as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963, Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 5000 Class D Airspace

ANE MA D Fort Devens, MA [Removed]

Issued in Burlington, Massachusetts, on June 3, 1993.

Francis J. Johns,

Manager, Air Traffic Division, New England Region.

[FR Doc. 93–19518 Filed 9–24–93; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 93–78]

Vessels in Foreign and Domestic Trades; Conforming Amendments

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document makes various conforming amendments to the Customs Regulations, in accordance with current statutory law, primarily involving, among other things, changes in the documentation issued to vessels engaged in the foreign, coastwise or Great Lakes trade, or to vessels engaged in recreational use or in the fisheries.

Also, the Customs Regulations are amended to follow U.S. Coast Guard regulations adopted pursuant to statutory law, under which U.S. citizenship requirements for vessel documentation are eased for vessels used to clean up, recover and transport oil discharged into the navigable waters of the United States and the Exclusive Economic Zone.

EFFECTIVE DATE: September 27, 1993.

FOR FURTHER INFORMATION CONTACT: Barbara E. Whiting, Carrier Rulings Branch, (202–482–6940).

SUPPLEMENTARY INFORMATION:

Background

As part of a continuing program to keep its regulations current, the Customs Service has determined that various legislative actions necessitate conforming amendments to part 4 of the Customs Regulations (19 CFR part 4), dealing with vessels engaged in foreign, coastwise, and Great Lakes trades, as well as with vessels engaged in recreational use and in the fisheries. Following is a summary of these changes.

Discussion of Changes

1. Federal documentation of vessels serves as a type of national registry, establishing a vessel's qualification for certain uses. Endorsements on a Certificate of Documentation specify how a vessel may be employed. The U.S. Coast Guard has authority to regulate and issue Certificates of Documentation and endorsements to qualified vessels.

Section 4.0(c), Customs Regulations (19 CFR 4.0(c)), states in part that a Certificate of Documentation issued for a vessel by the U.S. Coast Guard may, upon proper application, be endorsed either for registry, or for a coastwise license, a Great Lakes license, a fisheries license, or a pleasure license, if the vessel is so qualified. In brief, documentation involving a registry, or the use of a vessel either in the coastwise trade, trade on the Great Lakes, the fisheries, or for pleasure, is governed, respectively, by 46 U.S.C. 12105, 12106, 12107, 12108 and 12109.

In 1989, Public Law 101–225 amended the vessel documentation laws by making certain changes in the terminology used in vessel documentation. Specifically, § 12105 was amended by substituting "registry endorsement" for "registry"; § 12106 was amended by substituting "coastwise endorsement" for "coastwise license"; § 12107 was amended by substituting "Great Lakes endorsement" for "Great Lakes license"; § 12108 was amended by substituting "fishery endorsement" for "fishery license"; and § 12109 was amended by substituting "recreational endorsement" for "recreational license". In this latter regard, in 1985, Public Law 99–36 had amended § 12109 by substituting "recreational" for "pleasure".

In 1988, Public Law 100–239 amended 46 U.S.C. 12106 and 12107, by removing the provisions relating to the use of U.S. vessels in the fisheries, which were otherwise documented specifically for the coastwise trade, or for trade on the Great Lakes,

respectively. Furthermore, in 1986, Public Law 99-659, largely in conformance with Presidential Proclamation Number 5030, established and defined an "Exclusive Economic Zone", which superseded the "Fishery Conservation Zone", under the Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

Accordingly, paragraphs (c)(1) to (c)(5) of § 4.0 are hereby amended by including these changes in the terminology used for vessel documentation. In recognition of the fact that terminology inconsistent with the changes being made in this document regarding the documentation of vessels is used throughout part 4, Customs is also stating in § 4.0 that any other terminology used elsewhere in part 4 shall be read as synonymous with the applicable terminology contained in § 4.0. Customs is not conforming all of part 4 to the correct terminology at this time because it anticipates doing so in a complete revision of part 4 in the near future.

In any event, § 4.0 is further amended by removing any reference to the fisheries from paragraphs (c)(2) and (c)(3) with respect to vessels authorized for the coastwise trade or for trade on the Great Lakes, and by replacing "Fishery Conservation Zone" with "Exclusive Economic Zone" in paragraph (c)(4) concerning vessels employed in the fisheries. In addition, paragraph (c)(1) of § 4.0 pertaining to vessels endorsed with a registry endorsement is amended, pursuant to 46 U.S.C. 12105(b), to include reference to the island of Wake.

2. Generally speaking, under 46 U.S.C. 12102(a), a vessel is eligible for documentation, if, among other things, it is owned by: an individual who is a citizen of the United States; an association, trust, joint venture, or other entity, all of whose members are citizens, and which is lawfully able to hold title to a vessel; a partnership whose general partners are citizens, and the controlling interest of which is owned by citizens; a domestic corporation, whose president or other chief executive officer and chairman of its board of directors are citizens, and no more of its directors are noncitizens than a minority of the number necessary to constitute a quorum; the U.S. Government; or the government of a State.

On August 18, 1990, Public Law 101-380 amended 46 U.S.C. 12106, to add a new paragraph (d), which basically relaxed U.S. citizenship requirements for vessels authorized to engage in oil spill cleanup operations in the

navigable waters of the United States and the Exclusive Economic Zone.

Specifically, under 46 U.S.C. 12106(d), a vessel owned by a not-for-profit oil spill response cooperative or by a member or members of such a cooperative (and dedicated to the cooperative) may be issued a Certificate of Documentation with a coastwise endorsement if the vessel is at least 50 percent owned by persons or entities which meet the usual citizenship requirements established under 46 U.S.C. 12102(a). However, the use of a vessel so endorsed is restricted to training for oil spill cleanup; deploying equipment, supplies and personnel for cleanup operations; and recovering and transporting oil discharged in a spill.

By a document published in the Federal Register on March 3, 1992 (57 FR 7640), the Coast Guard adopted final regulations in 46 CFR subpart 68.05, in implementation of 46 U.S.C. 12106(d). Customs has determined that these requirements should also be reflected in the Customs Regulations. Accordingly, § 4.80, Customs Regulations (19 CFR 4.80), is amended to add a new paragraph to this effect.

Inapplicability of Public Notice and Comment and Delayed Effective Date Requirements, the Regulatory Flexibility Act, and Executive Order 12291

Inasmuch as these amendments merely conform the Customs Regulations to existing law as noted above, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary and pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required. Since this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). These amendments do not meet the criteria for a "major rule" as defined in E.O. 12291; therefore, a regulatory impact analysis is not required thereunder.

Drafting Information

The principal author of this document was Russell Berger, Regulations Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 4

Customs duties and inspection, Exports, Freight, Harbors, Maritime carriers, Oil pollution, Reporting and recordkeeping requirements, Vessels.

Amendments to the Regulations

Part 4, Customs Regulations (19 CFR part 4), is amended as set forth below.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. The general authority citation for part 4 continues to read as follows, and the specific sectional authority for § 4.80 is revised to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1624; 46 U.S.C. App. 3.

§ 4.80 also issued under 46 U.S.C. 12106, 46 U.S.C. App. 251, 289, 319, 802, 808, 883, 883-1;

2. Section 4.0(c) is amended by revising the second and third sentences, and adding a new sentence immediately after the second sentence, to read as follows:

§ 4.0 General definitions.

(c) * * * Upon qualification and proper application to the appropriate Coast Guard office, the Certificate of Documentation may be endorsed with a: (1) Registry endorsement (generally, available to a vessel to be employed in foreign trade, trade with Guam, American Samoa, Wake, Midway, or Kingman Reef, and other employments for which another endorsement is not required), (2) coastwise endorsement (generally, entitles a vessel to employment in the coastwise trade, and other employments for which another endorsement is not required), (3) Great Lakes endorsement (generally, entitles a vessel to engage in the coastwise trade on the Great Lakes and their tributary and connecting waters, in trade with Canada, and in other employments for which another endorsement is not required), (4) fishery endorsement (generally, subject to federal and state laws regulating the fisheries, entitles a vessel to fish within the Exclusive Economic Zone (16 U.S.C. 1811) and landward of that zone and to land its catch) or (5) recreational endorsement (entitles a vessel to recreational use only). Any other terminology used elsewhere in this part to describe the particular documentation of a vessel shall be read as synonymous with the applicable terminology contained in this paragraph. Generally, any vessel of at least 5 net tons and wholly owned by a United States citizen or citizens is eligible for documentation except that for a coastwise, Great Lakes, or fisheries endorsement a vessel must also be built in the United States. * * *

4. Section 4.80 is amended by redesignating paragraph (h) as paragraph (i), and by adding a new paragraph (h) to read as follows:

§ 4.80 Vessels entitled to engage in coastwise trade.

(h) A vessel which is at least 50 percent owned by a citizen as defined in 46 CFR subpart 68.05, and which, except for citizenship requirements, is otherwise entitled to be documented with a coastwise endorsement, may be documented with a limited coastwise endorsement, provided the vessel is owned by a not-for-profit oil spill response cooperative or by one or more members of such a cooperative who dedicate the vessel to the use of the cooperative (46 U.S.C. 12106(d)). Notwithstanding 46 U.S.C. App. 883, a vessel may be documented with such a limited endorsement even if formerly owned by a not-for-profit oil spill response cooperative or by one or more members thereof, as long as the citizenship criteria of 46 CFR subpart 68.05 are met. A vessel so documented may operate on the navigable waters of the United States or in the Exclusive Economic Zone only for the purpose of training for oil spill cleanup operations; deploying equipment, supplies and personnel for cleanup operations; and recovering and/or transporting oil discharged in a spill. Such vessel may also engage in any other employment for which a registry, fishery, or Great Lakes endorsement is not required, and may qualify to operate for other purposes by meeting the applicable requirements of 46 CFR part 67.

Michael H. Lane,

Acting Commissioner of Customs.

Approved: September 10, 1993.

Ronald K. Noble,

Assistant Secretary of the Treasury.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

North Dakota Abandoned Mine Land Reclamation Program

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

ACTION: Final rule, approval of amendment.

SUMMARY: OSM is announcing the approval of a proposed amendment to the North Dakota Abandoned Mine Land Reclamation Program (the North Dakota AMLR Program), as administered by the North Dakota Public Service Commission, Abandoned Mine Lands Division, under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. section 1231 *et seq.* The amendment implements a State-administered Abandoned Mine Land Emergency Program in accordance with section 410 of SMCRA; adds a provision that funds in the set-aside trust account may not be expended prior to September 30, 2004, and may not be used on non-coal projects; and specifies that lands and water eligible for reclamation expenditures are those that were abandoned or left in an inadequate reclamation status prior to the date of the enactment of SMCRA (August 3, 1977).

EFFECTIVE DATE: September 27, 1993.

FOR FURTHER INFORMATION CONTACT: Guy V. Padgett, Telephone: (307) 261-5776.

SUPPLEMENTARY INFORMATION:

I. Background on the North Dakota Program

The Secretary of the Interior approved the North Dakota AMLR Plan on December 23, 1981. General background information on the North Dakota AMLR plan, including the Secretary's findings and the disposition of comments, can be found in the December 23, 1981, *Federal Register* (46 FR 62253). Subsequent actions concerning the North Dakota Plan and amendments to the Plan can be found at 30 CFR 934.20 and 934.25.

II. Submission of Amendment

By letter dated May 25, 1993, North Dakota submitted a proposed amendment to its AMLR program to OSM (Administrative Record No. ND-R-01). The proposed amendment would allow North Dakota to assume responsibility for an emergency response reclamation program in the state. The amendment describes the procedures that North Dakota will follow in the investigation, reclamation and documentation of emergency reclamation activities in the state. The document includes specific guidelines for the administration of the emergency program, and submission of an AML Emergency Investigation Report Format.

Additionally, North Dakota changed the earliest date that funds from its set-aside trust account could be expended to September 30, 2004, rather than September 30, 1995. It also clarified that

those funds may not be used to reclaim non-coal projects. This clarification satisfies a concern raised by OSM in the July 27, 1992, *Federal Register* (57 FR 33115) that as submitted, the proposed provision would have allowed set-aside trust account funds to be used for both coal and non-coal reclamation projects. Another concern raised by OSM in the July 27, 1992, rulemaking was that the State used the July 1, 1979, date that their legislation was passed implementing their AML Program, rather than the date of the enactment of SMCRA (August 3, 1977) to determine the eligibility of lands and water for reclamation or drainage abatement expenditures. In response, the State changed the date to reflect that lands are eligible if they were abandoned or inadequately reclaimed prior to the August 3, 1977, enactment of SMCRA.

OSM announced receipt of the proposed amendment in the July 12, 1993, *Federal Register* (58 FR 37449), and invited public comment on the adequacy of the proposed amendment (Administrative Record No. ND-R-11). The public comment period ended August 11, 1993. The public hearing scheduled for August 6, 1993, was not held because no one requested an opportunity to testify.

III. Director's Findings

The Director finds, in accordance with section 405 of SMCRA, that the proposed amendment to the North Dakota AMLR program submitted on May 25, 1993, is consistent with SMCRA and the North Dakota AMLR program. Further, the Director has determined, pursuant to 30 CFR 884.14, that:

1. The public has been given adequate notice and opportunity to comment, and the record does not reflect any unresolved controversies.
2. Views of other Federal agencies have been solicited and considered.
3. North Dakota has the legal authority, and policies and administrative structures necessary to implement the emergency response reclamation program in the state.
4. The program amendment meets all requirements of OSM's AMLR program provisions.
5. North Dakota has a Surface Mining Regulatory program approved in accordance with section 503 of SMCRA.
6. The program amendment is in compliance with all applicable State and Federal laws and regulations.