11301.22 Separate registration for revising paragraph (b)(6) as follows:

§1301.22 Separate registration for independent activities.

(b) * * *

(6) A person registered to dispense controlled substances in Schedules II through V shall be authorized to conduct research and to conduct instructional activities with those substances, except that a mid-level practitioner, as defined in §1304.02(f), may conduct research coincident to his/her practitioner registration only to the extent expressly authorized by state statute.

3. Section 1301.24 is amended by revising paragraphs (b) and (c) introductory text to read as follows:

§1301.24. Exemption of agents and employees; affiliated practitioners.

(b) An individual practitioner, as defined in §1304.02 of this chapter (other than an intern, resident, foreign-trained physician, or physician on the staff of a Veterans Administration facility or physician who is an agent or employee of the Health Bureau of the Canal Zone Government), who is an agent or employee of another practitioner (other than a mid-level practitioner) registered to dispense controlled substances may, when acting in the usual course of his/her employment, administer and dispense controlled substances if and to the extent that such individual practitioner is authorized or permitted to do so by the jurisdiction in which he/she practices, under the registration of the employer or principal practitioner in lieu of being registered him/herself. Provided that:

1. The authority citation for part 1304 continues to read as follows:

2. Section 1304.02 is amended by redesignating the current paragraphs (f) through (i) as paragraphs (g) through (j) and adding a new paragraph (f) to read as follows:

§1304.02. Definitions.

(f) The term mid-level practitioner means an individual practitioner (as defined in §1304.02(d)), other than a physician, dentist, veterinarian, or podiatrist, who is licensed, registered, or otherwise permitted by the United States or the jurisdiction in which he/she practices, to dispense a controlled substance in the course of professional practice. Examples of mid-level practitioners include, but are not limited to, health care providers such as nurse practitioners, nurse midwives, nurse anesthetists, clinical nurse specialists and physician assistants who are authorized to dispense controlled substances by the state in which they practice.

3. Section 1304.03 is amended by redesignating the current paragraphs (e) through (g) as paragraphs (f) through (h), adding a new paragraph (e) and revising new paragraph (b) to read as follows:

§1304.03 Persons required to keep records and file reports.

(e) Each registered mid-level practitioner shall maintain in a readily retrievable manner those documents required by the state in which he/she practices which describe the conditions and extent of his/her authorization to dispense controlled substances and shall make such documents available for inspection and copying by authorized employees of the Administration. Examples of such documentation include protocols, practice guidelines or practice agreements.

(b) Notice required by paragraphs (f) and (g) of this section shall be given at the time the person applies for registration or reregistration and shall be made in the form of an attachment to the application, which shall be filed with the application.
the regulations will provide for the continuation of a customary and traditional subsistence use by rural Alaska residents, as required by Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA).


SUPPLEMENTARY INFORMATION: Subpart D of the Subsistence Management Regulations for Public Lands in Alaska, which became effective on July 1, 1992, continued from previous regulatory language a prohibition against the harvest of rainbow trout for subsistence uses from public lands found within the Kuskokwim Fisheries Management Area. The Association of Vilige Council Presidents (AVCP) had, in a request for reconsideration filed with the Board on August 12, 1991, urged the Board to amend the prohibition against subsistence trout harvest embodied in the 1991-92 Subpart D regulations. On September 25, 1991, the Board heard testimony from rural residents of western Alaska concerning AVCP's request. To consider AVCP's request further, the Board met on December 18, 1991, and determined that residents of Goodnews Bay, Platinum, Quinhagak, Eek, Kwethluk, Akiachak, and Akiak had customarily and traditionally used rainbow trout for subsistence purposes. However, the Board did not immediately authorize the taking of rainbow trout from public lands for subsistence use because the evidence available at that time did not clearly establish that such subsistence harvest occurred on public lands, i.e., non-navigable waters in the Kuskokwim Fisheries Management Area. The Fish and Wildlife Service subsequently conducted field investigations, gathered evidence which defined the extent of subsistence harvest of rainbow trout on public lands, analyzed that evidence, and presented the evidence and accompanying analysis to the Board. On April 5, 1993, the Board invited and heard additional public comment, assessed the comments made and the aforementioned evidence and accompanying analysis, and concluded that residents of Goodnews Bay, Platinum, Quinhagak, Eek, Kwethluk, Akiachak, and Akiak customarily and traditionally harvested rainbow trout from the following waters: (1) Those non-navigable waters that are located on public lands and that are tributary to the Kuskokwim River downstream from the confluence of the Kuskokwim and Holton Rivers; and (2) those non-navigable waters that are located on public lands found north of Platinum and that are tributary to waters which drain into the Kuskokwim Bay. Further, the Board found that gill nets, rod and reel, and jigging through the ice are the customary and traditional methods used to take rainbow trout by the identified rural residents in the identified non-navigable waters.

The Board also found that, in order to conserve healthy populations of rainbow trout, the use of gill nets must be prohibited from March 15-June 15, which constitutes the rainbow trout spawning period. Because rainbow trout congregate in headwaters of these drainages to spawn, they are particularly vulnerable to overharvest by gill nets during this critical time. It is essential to protect breeding rainbow trout from overharvest in order to provide for the continuation of subsistence uses and conserve healthy populations. During the 1992-93 regulatory year, this protection of the rainbow trout population begins on April 5, 1993, the date on which the Board took action.

The Board finds this amendment, which is effective from April 5, 1993, through June 30, 1993, to be exempt from the Administrative Procedures Act (APA) requirement that there be public notice and the opportunity for the public to comment on these amendments prior to their publication. Specifically, the Board has determined that such requirements in this instance are impracticable, unnecessary, and contrary to the public interest. Nevertheless, from March 23 to April 4, the Board did provide notice, through newspaper publication and other news releases, that the Board's agenda for a public meeting on April 5 would include "reconsideration of rainbow trout in the Kuskokwim Bay drainages." The Board heard and evaluated public comment on this issue during the public meeting held on April 5, 1993.

In order to accommodate, expeditiously, the customary and traditional uses of rainbow trout on public lands in the Kuskokwim Fisheries Management Area, the Board amended only that portion of the regulations that prohibited the taking of rainbow trout in this area. Without these modifications, residents of Goodnews Bay, Platinum, Quinhagak, Eek, Kwethluk, Akiachak, and Akiak would be denied a customary and traditional use of rainbow trout on public lands. Formal notice and comment procedures at this time would impede and delay the subsistence priority for village residents, provide insignificant benefits in nature and impact, and fail to serve the public interest. Therefore, the Board has not applied the APA notice and comment procedures prior to the publication of these amendments.

In addition, the Board finds good cause to implement those amendments as of April 5, 1993, the date on which the Board made its decision known to the public and a representative from AVCP. Delay in the effective date would continue the prohibition against subsistence rainbow trout harvesting, thereby restricting the customary and traditional uses of rainbow trout by residents of the seven villages. Because such a restriction adversely affects the continuation of subsistence uses by residents of these seven villages, the Board finds these amendments to be exempt, under the APA, from the requirement that they be published thirty days prior to the effective date.

In light of the Board's decisions, the following amendments are made in identical fashion to 36 CFR part 242 and 50 CFR part 100.

List of Subjects

36 CFR Part 242
Administrative practice and procedure, Alaska, Fish, National Forests, Public Lands, Reporting and recordkeeping requirements, Wildlife

50 CFR Part 100
Administrative practice and procedure, Alaska, Fish, National Forests, Public Lands, Reporting and recordkeeping requirements, Wildlife

For the reasons set out in the preamble, 36 CFR part 242 and 50 CFR part 100 are amended as follows:

36 CFR PART 242—[AMENDED]

50 CFR PART 100—[AMENDED]

1. The authority citation for both 36 CFR part 242 and 50 CFR part 100 continues to read as follows:


§26 Subsistence taking of fish.

* * * * *
Postal Service amends Domestic Mail Manual (DMM) section 151 to delete the following restrictions:

(A) Rainbow trout may be taken only by the use of gill nets, rod and reel, or jigging through the ice; 
(B) The use of gill nets for taking rainbow trout is prohibited from March 15–June 15.

Ronald B. McCoy, 
Interim Chair, Federal Subsistence Board.

Michael A. Barton, 
Regional Forester, USDA-Forest Service.

telephones: (202) 268-4642.

Federal Register of April 8, 1993 (58 FR 151.4). This change, to eliminate the burdens that have resulted from excessive administrative, quality control, and purchasing costs. In addition, unapproved manufacturers will be able to benefit from the operational economies that will result from the elimination of the purchasing unit restriction, thereby providing the Postal Service with high quality and service at a competitive cost.

This change does not modify Postal Service regulations for installing, maintaining and replacing NDCBUs and parcel lockers nor place any additional requirements on mailers or recipients of mail. Nor does this change affect the approval of currently authorized manufacturers.

Accordingly, the Postal Service adopts the following amendment to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111.

Postal Service.

PART 150—COLLECTION AND DELIVERY

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


§151.4 Receptacles to be purchased by the Postal Service.

Neighbor delivery and collection box units (NDCBUs) and parcel lockers to be purchased by the Postal Service must be procured in lots not exceeding 100 units. Amendments to the provisions of this section may be made only after notice is published in the Federal Register with opportunity for public comment.

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

Stanley F. Mires, 
Chief Counsel, Legislative Division.

(B) The use of gill nets for taking rainbow trout is prohibited from March 15–June 15.

List of Subjects in 39 CFR Part 111

Purchasing of NDCBUs and Parcel Lockers

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The United States Postal Service amends Domestic Mail Manual (DMM) section 151 to delete the purchasing restriction that requires procurements of neighborhood delivery and collection box units (NDCBUs) and parcel lockers to be made in lots not to exceed 100 units.

EFFECTIVE DATE: This final rule becomes effective on July 1, 1993.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTAL INFORMATION: In the Federal Register of April 8, 1993 (58 FR 18190), the Postal Service published a proposed rule to delete DMM Section 151.4. This change, to eliminate the purchasing restriction, was necessitated by the recent Postal Service management restructuring that reduced the number of field procurement offices. With 100,000 units now purchased annually versus 20,000 units purchased in 1981, it is no longer feasible to follow this 13-year old rule.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(e), the Postal Service invited comment on the proposed revision of the Domestic Mail Manual. Interested parties were given 32 days to submit comments.

The Postal Service received three brief written comments from one primary manufacturer and two sub-contractors, and no oral comments. All three commenters praised and supported the proposed change, stating that they will be able to schedule production runs more efficiently, among other benefits to them and the Postal Service.

After considering these comments, the Postal Service has determined to adopt the proposed change. This action is taken to eliminate the burdens that have resulted from excessive administrative, quality control, and purchasing costs. In addition, unapproved manufacturers will be able to benefit from the operational economies that will result from the elimination of the purchasing unit restriction, thereby providing the Postal Service with high quality and service at a competitive cost.

This change does not modify Postal Service regulations for installing, maintaining and replacing NDCBUs and parcel lockers nor place any additional requirements on mailers or recipients of mail. Nor does this change affect the approval of currently authorized manufacturers.

Accordingly, the Postal Service adopts the following amendment to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111.

Postal Service.

PART 150—COLLECTION AND DELIVERY

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


§151.4 Receptacles to be purchased by the Postal Service.

 Neighbor delivery and collection box units (NDCBUs) and parcel lockers to be purchased by the Postal Service must be procured in lots not exceeding 100 units. Amendments to the provisions of this section may be made only after notice is published in the Federal Register with opportunity for public comment.

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

Stanley F. Mires, Chief Counsel, Legislative Division.

[FR Doc. 93-12659 Filed 5-28-93; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 131

[WH-FRL—4660-9]

Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants; States' Compliance

AGENCY: Environmental Protection Agency.

ACTION: Correction notice; final rule.

SUMMARY: EPA is correcting typographical errors in the final rule for water quality standards for priority toxic pollutants which appeared in the Federal Register on December 22, 1992, 57 FR 60848.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION: EPA promulgated a final rule to establish numeric water quality criteria for priority toxic pollutants applicable to State water quality standards under section 303(c) of the Clean Water Act on December 22, 1992 (57 FR 60848). These criteria became the enforceable criteria for all purposes under the Clean Water Act for the 12 States and 2 territories listed in the rule on February 5, 1993.

Description of Errors and Corrections

On Page 60911, EPA has been advised that the legibility of the matrix on some of the printed notices is such that it is
not clear that Arsenic is identified as number 2 on the table and Silver is number 11. In addition, pollutant number 12 is Tlallium.

On page 60917, middle column, line 49, the phrase “* * * the lethal concentration” of “* * *” is incorrect. It should read “* * * the concentration lethal to * * *.”

On page 60919, in the middle column dealing with paragraph (6) Florida, in subparagraph (ii), the applicable criteria for Class II and Class III (marine) were inadvertently omitted from the text. The applicable criteria for both Class II and Class III (marine) should read: “This classification is assigned the criteria in Column D2—#16.”

On page 60920, dealing with paragraph (10) California, in subparagraph (ii), the applicable criteria for “Waters of the Sacramento-San Joaquin Delta” should also include pollutant #97 in Column D1; this pollutant was inadvertently omitted from the list.

On page 60921 dealing with paragraph (10) California, in subparagraph (ii), the fifth paragraph beginning “All enclosed bays and estuaries” under the heading “Water and Use Classification”, the words “that do not include an MUN designations” were omitted from the first line. The correct wording is: “All enclosed bays and estuaries that are waters of the United States that do not include an MUN designation and that the State has designated.”

On page 60922, dealing with paragraph (12) Alaska, in subparagraph (ii), the applicable criteria assigned to use classification (1)(A)(ii) is incorrectly printed as Column D1. The correct reference should be to Column D2.


Tudor Davies,
Acting Assistant Administrator for Water.

[FR Doc. 93–12845 Filed 5–28–93; 8:45 am]

BILLING CODE 6004–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89–93; RM–7323 and RM–7425]

Radio Broadcasting Services; Brooksville and Quitman, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 255C3 for Channel 255A at Quitman, Mississippi, in response to a petition filed by Quitman Broadcasting Company, Inc. and allot Channel 255C3 to Brooksville, Mississippi, in response to a petition filed by G. Dean Pearce. See 55 FR 42740, October 23, 1990. The coordinates for Channel 255C3 at Quitman are 32–02–00 and 88–44–00. We shall also modify the license for Station WQKK(FM), Quitman, Mississippi, to specify operation on Channel 255C3 in accordance with Section 1.420(g) of the Commission’s Rules. The coordinates for Channel 255C3 at Brooksville are 33–24–45 and 88–29–25. There is a site restriction 21.4 kilometers (13.3 miles) northeast of the community. With this action, this proceeding is terminated.


FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s Report and Order, MM Docket No. 89–445, adopted April 29, 1993, and released May 17, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission’s 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, Downtown Copy Center, 1990 M Street NW., Washington, DC 20036, (202) 452–1422.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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


§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by adding Brooksville, Channel 255C3, and by removing Channel 255A and adding Channel 255C3 at Quitman.

Federal Communications Commission.

Michael C. Ruger,
Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–12770 Filed 5–28–93; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 93–19; RM–8176]

Radio Broadcasting Services; Kennett, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 282A to Kennett, Missouri, in response to a petition filed by FM Broadcasting, Inc. See 58 FR 11204, February 24, 1993. The coordinates for Channel 282A are 36–20–07 and 90–04–39. There is a site restriction 10.9 kilometers (6.8 miles) northwest of the community. With this action, this proceeding is terminated.


FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s Report and Order, MM Docket No. 93–19, adopted April 28, 1993, and released May 17, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission’s 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 Services, Inc., 2100 M Street NW., suite 140, Washington, DC 20037, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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


§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by adding Kennett, Channel 282A, and by removing Channel 255A and adding Channel 282A at Kennett.

Federal Communications Commission.

Michael C. Ruger,
Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–12768 Filed 5–28–93; 8:45 am]

BILLING CODE 6712–01–M
DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
50 CFR Part 663
Pacific Coast Groundfish Fishery; Correction

AGENCY: National Marine Fisheries Service (NMFS) NOAA, Commerce.

ACTION: Final rule; correction.

SUMMARY: NMFS corrects the final rule allocating the 1993 U.S. Pacific whiting harvest guideline between fishing vessels delivering to processors located on shore and other fishing vessels, published Tuesday, April 20, 1993. This action is necessary because the final rule is effective only for the remainder of 1993, while the definitions added by the rule are necessary for other, permanent provisions and, therefore, were not intended to expire on any given date.

EFFECTIVE DATE: April 15, 1993.

FOR FURTHER INFORMATION CONTACT: Joe Clem at 301-713-2343.

SUPPLEMENTARY INFORMATION: The final rule is corrected to clarify that the definitions added to § 663.2 are effective April 15, 1993, without expiration. The rest of the rule will remain effective only from April 15, 1993, through December 31, 1993.

Correction
In final rule document 93-9208, beginning on page 21265, in the issue of Tuesday, April 20, 1993, the effective date is corrected to reads as follows: "EFFECTIVE DATE: April 15, 1993, except for § 663.23(b)(4), which is effective April 15, 1993, through December 31, 1993."

(Authority: 16 U.S.C. 1801 et seq.)


Nancy Foster,
Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 93–12831 Filed 5–28–93; 8:45 am]

BILLING CODE 3610–22–M
DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1301

Amendment of the Fee Exemption for Federal, State and Local Government Employees

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Proposed rule.

SUMMARY: DEA proposes to amend its regulations to limit the exemption from payment of application fees for registration or reregistration under § 1301.13 to Federal, state, or local government operated hospital/clinics. The bulk of the registrants who claim fee exemptions are practitioners, many of whom use their exempt status to obtain reregistrations which they use in private practice outside of their official duties. DEA has been dedicating an ever-increasing amount of manpower and investigative resources to the verification of exemption status and investigation of exemption abuses. Over the last three years, the Diversion Control Program of DEA has seen a significant increase in its regulatory responsibilities, including an increase in the regulated population from 786,000 to 870,000 registrants and the addition of major new programs. These expanded responsibilities have placed a great strain on the program's investigative resources, which have seen little change during the last three years. With these increase demands, it is not longer feasible to dedicate badly needed manpower and resources to the fee exemption activities. By limiting the application of Section 1301.13 to hospital/clinics operated by Federal, state or local government operated hospital/clinics, DEA will eliminate the need to dedicate significant manpower and resources to fee exemption activities. Because most practitioners who currently qualify for the fee exemption should be affiliated with a hospital/clinic operated by a Federal, state or local government agency and may administer and dispense directly controlled substances under the registration of the hospital/clinic without being required to obtain an individual registration, the effect of this rule should be minimal.

The limiting of the fee exemptions will not affect any person or agency which is exempt from registration itself, nor will it affect those law enforcement analytical laboratories which are described in Section 1301.26.

The Director, Office of Diversion Control, hereby certifies that this proposed rulemaking will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. The rule will have an impact of less than $100.00 per year for most of the affected registrants. This proposed rule is not a major rule for the purposes of Executive Order (E.O.) 12291 of February 17, 1981.

Pursuant to Sections 3(c)(3) and 3(e)(2)(c) of E.O. 12291, this proposed rule has been submitted to the Office of Management and Budget for review, and approval of that office has been requested pursuant to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. et seq.

This action has been analyzed in accordance with the principles and criteria in E.O. 12612, and it has been determined that the proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects

21 CFR Part 1301

Administrative practice and procedure, Drug Enforcement Administration, Drug Traffic Control, Security Measures.

For reasons set out above, it is proposed that 21 CFR part 1301 be amended as follows:

PART 1301—[AMENDED]

1. The authority citation for part 1301 continues to read as follows:

Authority: 21 U.S.C. 821, 822, 823, 824, 871(b), 875, 877.

2. Section 1301.13 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1301.13 Persons exempt from fee.

(a) The Administrator shall exempt from payment of an application fee for registration or reregistration any hospital or clinic which is operated by an agency of the United States (including the U.S. Army, Navy, Marine Corps, Air Force, and Coast Guard), of any State, or any political subdivision or agency thereof.

(b) In order to claim exemption from payment of a registration or reregistration application fee, the registrant shall have completed the certification on the appropriate application form, wherein the registrant's officer certifies to the status and address of the registrant.


Gene R. Haislip,

Director, Office of Diversion Control.

[FR Doc. 93-12726 Filed 5-28-93; 8:45 am]