(i) For liquid Type B feeds stored in recirculating tank systems: Recirculate immediately prior to use for no less than 10 minutes, moving not less than 1 percent of the tank contents per minute from the bottom of the tank to the top. Recirculate daily as described even when not used.

(ii) For liquid Type B feeds stored in mechanical, air, or other agitation type tank systems: Agitate immediately prior to use for not less than 10 minutes, creating a turbulence at the bottom of the tank that is visible at the top. Agitate daily as described even when not used.

(2) The expiration date for the liquid Type B feed is 21 days after date of manufacture. The expiration date for the dry Type C feed made from the liquid Type B feed is 7 days after date of manufacture.

(c) [Reserved]

(d) * * *

(3) *Additional limitations.* * * *

Dated: February 6, 1997.

Robert C. Livingston,

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

[FR Doc. 97–5312 Filed 3–4–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 203

[Docket No. FR–4032–I–02]

RIN 2502–AG72

Single Family Mortgage Insurance—Loss Mitigation Procedures Suspension of Certain Provisions of Interim Rule

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

ACTION: Suspension of certain provisions of interim rule.

SUMMARY: This document suspends, until the date of publication of a final rule, the last sentence in introductory paragraph (a) of 24 CFR 203.355 and the second sentence in paragraph (f) of 24 CFR 203.402, which otherwise would have become applicable on March 1, 1997. This suspension is being issued to permit HUD to consider fully the public comments on these provisions before making them applicable. The suspended provisions relate to loss mitigation procedures for single family mortgage insurance.

DATES: Effective February 28, 1997, the last sentence of the introductory test of 24 CFR 203.355(a) and the second sentence of 24 CFR 203.402(f) are suspended.

FOR FURTHER INFORMATION CONTACT: Joseph McCloskey, Director, Single Family Servicing Division, Room 9178, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, (202) 708–1672, or, TTY for hearing and speech impaired, (202) 708–4594. (These are not toll-free numbers).

SUPPLEMENTARY INFORMATION: In an interim rule published on July 3, 1996 (61 FR 35014) to implement loss mitigation procedures under section 407 of The Balanced Budget Downpayment Act, I (Pub. L. 104–99, approved January 26, 1996) (Downpayment Act), delayed implementation dates were included for provisions in two sections so that HUD would be able to consider and address any public comments on these provisions before the prescribed implementation date. The reduction from nine to six months for taking action upon default of a mortgage in § 203.355(a), and the amendment to § 203.402(f) to permit varying the percentage of foreclosure costs or the costs of acquiring a property that are reimbursed, were made to apply only after March 1, 1997.

HUD has determined that it is appropriate to delay the implementation of these provisions until the publication of a final rule. Section 203.355(a) provides, in part, that ''where the date of default is on or after March 1, 1997, the mortgagee shall take one of the following actions within six months of the date of default or within such additional time approved by HUD[.]'' Section 203.402(f) provides, in part, that: ''For mortgages insured on or after March 1, 1997, the Secretary will reimburse a percentage of foreclosure costs or costs of acquiring the property, which percentage shall be determined in accordance with such conditions as the Secretary shall prescribe.''

Accordingly, HUD is providing notice that is suspending the provision contained in the last sentence of the introductory text of paragraph (a) of § 203.355 that reduces the foreclosure initiation time frame from nine months to six months for mortgages where the default date is on or after March 1, 1997. This will leave in place the nine-month time frame in effect prior to the July 3, 1996 interim rule until HUD issues a final rule.

In addition, HUD is providing notice that it is suspending the provision contained in the second sentence of § 203.402(f) that permits HUD to vary the percentage of foreclose costs or costs of acquiring the property otherwise reimbursed for mortgages insured on or after March 1, 1997. Under this suspension, HUD will continue to reimburse foreclosure costs or costs of acquiring the property otherwise (including costs of acquiring the property by the mortgagee and of conveying and evidencing title to the property to HUD, but not including any costs borne by the mortgagee to correct title defects) actually paid by the mortgagee and approved by HUD, in an amount not in excess of two-thirds of such costs or $75, whichever is the greater. This will leave in place the reimbursement rate in effect prior to the July 3, 1996 interim rule until HUD issues a final rule.

Dated: February 28, 1997.

Nicolas P. Retsinas,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 97–5457 Filed 2–28–97; 3:55 pm]

BILLING CODE 4210–27–M

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 102

Issuance and Service of Subpoenas

AGENCY: National Labor Relations Board.

ACTION: Final rule.

SUMMARY: The Board is amending its rules to provide that the Executive Secretary may sign and issue subpoenas on behalf of the Board or any Member thereof and that the date of service of the subpoena for purposes of computing the 5-day period for filing a petition to revoke shall be construed as the date the subpoena is received.

EFFECTIVE DATE: March 5, 1997.

FOR FURTHER INFORMATION CONTACT: John J. Toner, Executive Secretary, National Labor Relations Board, 1099 14th Street, NW, Room 11600, Washington, DC 20570. Telephone: (202) 273–1940.

SUPPLEMENTARY INFORMATION: For approximately the last three years, the NLRB has been conducting an intensive internal review of its procedures at all levels of the Agency. The purpose of this internal review has been to find ways to maintain and improve the Agency's case-processing efficiency in light of the Agency's diminishing resources. Many initiatives have already been implemented by the Board as part of this ongoing review, such as the initiative authorizing the use of settlement judges and providing judges with the discretion to dispense with briefs and to issue bench decisions,

which was published as a final rule on February 23, 1996, following a one-year experimental period (61 FR 6940). See also the Board's recent, December 11, 1996, notice implementing certain proposed changes in the Board's advisory opinion rules and procedures (61 FR 65180).

Another, more technical, change that the Board has considered at the suggestion of Agency personnel involves the current process for issuing subpoenas. Under the current procedure, the Board supplies preprinted blank subpoenas bearing a seal and the facsimile signature of one of the current Board Members to the regional offices which, as required by Section 11 of the Act, automatically issue the subpoenas to the person requesting the subpoena. Although this procedure is perfectly proper (see *Lewis* v. *NLRB*, 357 U.S. 10, 14–15 (1958)), experience has shown that it may not be the most efficient procedure available to the Agency. The problem is that, because the Board Members serve out limited, 5-year terms, the preprinted subpoena forms containing a particular Board Member's facsimile signature will only be useable for the length of that Member's time in office, and will have to be destroyed and replaced after the Board Member's term expires or the Member otherwise vacates the position.

The Agency has attempted to minimize the number of unused subpoena forms which must be destroyed after a Board Member leaves by ordering a limited number of preprinted forms containing the facsimile signature of a particular Board Member, and by using those forms exclusively, before printing or using the forms containing the facsimile signature of the next most senior Board Member (i.e., the Board Member whose term is next scheduled to expire). However, notwithstanding these efforts, literally thousands of subpoena forms containing a former Board Member's facsimile signature often remain unused following the Member's departure. For example, at the conclusion of Member Cohen's term in August 1996, there were over 6,000 unused preprinted subpoena forms containing his facsimile signature stored at the Washington Headquarters alone, not counting those stored at the Agency's 50 regional and subregional offices.

In an effort to eliminate or at least reduce such an obvious waste of its increasingly scarce resources,[1] the Board has decided to amend Sections 102.31(a) and 102.66(c) of the rules to provide that the Board's Executive Secretary may sign and issue the subpoenas on behalf of the Board or any Member thereof.[2] As a career official, the Executive Secretary can reasonably be expected to serve for a longer period of time than any one Board Member.[3] Thus, it is expected that, by providing for issuance of subpoenas by the Executive Secretary, the frequency in number of times that the preprinted subpoena forms will need to be updated with a new facsimile signature will be significantly reduced.[4]

Finally, the Board has also decided to clarify §§ 102.31(b) and 102.66(c) of the rules by adding a provision in each section stating that the ''date of service'' of a subpoena for purposes of computing the 5-day period for filing a petition to revoke shall be construed as the date the subpoena was received. Although this has long been the Board's policy, it has never been clearly articulated by the Board in a published decision.[5] Further, it is an issue that has arisen with some frequency in recent years. Accordingly, the Board has decided to revise the foregoing sections to clearly set forth the Board's policy in this regard.

Regulatory Requirements

This rule relates solely to agency organization, procedure and practice, and will not have a significant economic impact on a substantial number of small businesses or impose any information collection requirements.

Accordingly, the Agency finds that prior notice and comment is not required for these rules and that good cause exists for waiving the general requirement of delaying the effective date under the Administrative Procedure Act (5U.S.C. 553), and that the rules are not subject to the Regulatory Flexibility Act (5 U.S.C. 601), Small Business Regulatory Enforcement Act (5 U.S.C. 801), Paperwork Reduction Act (44 U.S.C. 3501), or Executive Order 12866.

List of Subjects in 29 CFR Part 102

Administrative practice and procedure, Labor management relations.

29 CFR part 102 is amended as follows:

PART 102—RULES AND REGULATIONS

1. The authority citation for 29 CFR part 102 continues to read as follows:

Authority: Section 6, National Labor Relations Act, as amended 929 U.S.C. 151, 156). Section 102.117(c) also issued under Section 552(a)(4)(A) of the Freedom of Information Act, as amended (5 U.S.C. 552(a)(4)(A). Sections 102.143 through 102.155 also issued under Section 504(c)(1) of the Equal Access to Justice Act, as amended (5 U.S.C. 504(c)(1).

2. Section 102.31 is amended as follows:

(a) Paragraph (a) is revised;

(b) Paragraph (b) is amended by removing the first sentence of that paragraph and adding two sentences in its place as set forth below.

§ 102.31 Issuance of subpenas; petitions to revoke subpenas; rulings on claim of privilege against self-incrimination; supena enforcement proceedings; right to inspect and copy data.

(a) The Board, or any Member thereof, shall, on the written application of any party, forthwith issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence, or documents, in their possession or under their control. The Executive Secretary shall have the authority to sign and issue any such subpoenas on behalf of the Board or any Member thereof. Applications for

[1] The per-unit cost of the subpoenas to the Agency is about 4 or 5 cents, depending on the particular subpoena form used, or about $1800 to $2500 per 50,000. Although this is obviously a relatively small cost in the Agency's overall budget, the Board recognizes its responsibility in these times of budgetary cutbacks to implement reasonable cost-saving measures wherever it may responsibly do so, regardless of their potential size or impact.

[2] Such a delegation is clearly lawful since, as indicated above, the issuance of subpoenas is mandatory under the NLRA, does not involve the exercise of any discretion, and is therefore a purely ministerial act. See *Lewis* v. *NLRB*, 357 U.S.C. 10, 14–15 (1958).

[3] For example, former Executive Secretary John C. Truesdale served in that position for a total of approximately 18 of the last 25 years (June 6, 1972–Oct. 25, 1997; Jan. 26, 1981–Jan. 23, 1994; and March 4, 1994–Dec. 22, 1994). Moreover, during four separate periods in the other 7 years, he served as a Board Member (Oct. 25, 1977–Aug. 27, 1980; Oct. 23, 1980–Jan. 25, 1981; Jan. 24, 1994–March 3, 1994; and Dec. 23, 1994–Jan. 3, 1996). Thus, if the instant new rule had been in effect during the past 25 years, his signature would have been valid not only during the 18 years that he served as the Executive Secretary, but also during those periods in the other 7 years when he was serving as a Board Member. Thus, no change in the subpoena form would have been necessary for virtually the entire 25-year period.

[4] The agency, of course, will also continue to study other possible ways to reduce the costs associated with issuing subpoenas, such as eliminating the carbon copy and computerizing the printing process so that the subpoenas may be printed on an as-needed basis.

[5] But see the administrative law judge's decision in *Champ Corp.*, 291 NLRB 803, 817 (1988), citing *NLRB* v. *C.E. Strickland*, 220 F. Supp. 661 (D.C. Tenn. 1962), affd. 321 F.2d 811 (6th Cir. 1963). Compare Section 102.112 of the Board's rules, which generally provides that the date of service under the Board's rules shall be the day when the matter served is deposited in the mail or with a private delivery service, is personally delivered, or, if by fascimile transmission, when the transmission is received.

subpoenas, if filed prior to the hearing, shall be filed with the Regional Director. Applications for subpoenas filed during the hearing shall be filed with the administrative law judge. Either the Regional Director or the administrative law judge, as the case may be, shall grant the application on behalf of the Board or any Member thereof. Applications for subpoenas may be made ex parte. The subpoena shall show on its face the name and address of the party at whose request the subpoena was issued.

(b) Any person served with a subpoena, whether ad testificandum or duces tecum, if he or she does not intend to comply with the subpoena, shall, within 5 days after the date of service of the subpoena, petition in writing to revoke the subpoena. The date of service for purposes of computing the time for filing a petition to revoke shall be the date the subpoena is received. * * *

* * * * *

3. Paragraph (c) of § 102.66 is amended by removing the first four sentences of that paragraph and adding the following seven sentences in their place as set forth below:

§ 102.66 Introduction of evidence; rights of parties at hearing; subpoenas.

* * * * *

(c) The Board, or any Member thereof, shall, on the written application of any party, forthwith issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence, or documents, in their possession or under their control. The Executive Secretary shall have the authority to sign and issue any such subpoenas on behalf of the Board or any Member thereof. Any party may file applications for subpoenas in writing with the Regional Director if made prior to hearing, or with the hearing officer if made at the hearing. Applications for subpoenas may be made ex parte. The Regional Director or the hearing officer, as the case may be, shall forthwith grant the subpoenas requested. Any person served with a subpoena, whether ad testificandum or duces tecum, if he or she does not intend to comply with the subopoena, shall, within 5 days after the date of service of the subpoena, petition in writing to revoke the subpoena. The date of service for purposes of computing the time for filing a petition to revoke shall be the date the subpoena is received. * * *

* * * * *

Dated, Washington, D.C., February 27, 1997.

By direction of the Board.

John J. Toner,

Executive Secretary.

[FR Doc. 97–5284 Filed 3–4–97; 8:45 am]

BILLING CODE 7545–01–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 901, 902, 904, 906, 913, 914, 915, 916, 917, 918, 920, 925, 926, 931, 934, 935, 936, 938, 943, 944, 946, 948 and 950

RIN 1029–AB86 and 1029–AB87

State Program Amendments

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

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is amending its regulations by revising the information currently reported in the Code of Federal Regulations (CFR) regarding the OSM Director's approval of amendments to State regulatory programs and abandoned mine land reclamation plans (hereafter State program amendments). This information is being condensed to a three-column tabular presentation providing the dates when State program amendments were originally submitted to OSM, the dates the OSM Director's decision approving all or portions of these amendments were published in the Federal Register, and the State citations affected by the amendments. This rulemaking will reduce the number of unnecessary pages in the CFR and make it a more useful document. As always, people interested in getting copies of the full text of the amended State regulatory program or abandoned mine land reclamation plan can contact the State regulatory authority office or the OSM field office with oversight authority for that State.

EFFECTIVE DATE: April 4, 1997.

FOR FURTHER INFORMATION CONTACT: John A. Trelease, Division of Regulatory Support, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Room 210 SIB, Washington, DC 20240; Telephone (202) 208–2783.

SUPPLEMENTARY INFORMATION:

I. Background

The OSM Director's approval or approval in part of State program amendments is published in the Federal Register and codified in the CFR. The regulatory text documenting such decisions usually contained topical headings describing the amendments in a variety of forms, the associated program citations, the dates the amendments were submitted to OSM, and the dates the amendments became effective. The proposed rules published on May 8 and May 28, 1996, (61 FR 20768 and 61 FR 26477, respectively), would have limited the regulatory text to a two-column tabular presentation of the dates that the State program amendments were submitted to OSM and the dates the amendments were published in the Federal Register after approval, or partial approval, by the OSM Director for 30 CFR parts 901, 902, 904, 906, 913, 914, 915, 916, 917, 918, 920, 925, 926, 931, 934, 935, 936, 938, 943, 944, 946, 948 and 950.

This final rulemaking adds a third column to each table providing the State program citations affected by each program amendment. Where no citation is available or appropriate, a brief description is provided.

II. Discussion of Final Rule and Responses to Comments

Three commenters responded to the proposed rules, a citizens group and two trade associations. While neither association opposed the proposed goal of making the CFR a more readable document, they however argued that the rule should not be construed as being responsive to the regulatory reform required by the President's Regulatory Reform Initiative. While the formatting and informational changes promulgated by this rule may not meet all of the objectives of the Initiative, OSM believes that these changes are well within the discretion exercised by the Secretary for the last 20 years as to the nature of information published in the Federal Register and codified in the CFR documenting approval or approval in part of State program amendments.

One of the associations referenced its comments submitted in opposition to another earlier OSM rulemaking which had proposed deleting the whole text of State-Federal Cooperative Agreements from the CFR. (April 4, 1996, 61 FR 15005). OSM considers such comments to be inapplicable to the instant rule which provides as high or higher a level of meaningful State program amendment information as that provided under the prior rules.