

discrimination under section 11(c) of the Act (29 U.S.C. 660(c));

(2) Standards in the maritime issues covered by 29 CFR parts 1915, 1917, 1918, and 1919 (shipyards, marine terminals, longshoring, and gear certification), and enforcement of general industry and construction standards (29 CFR parts 1910 and 1926) appropriate to hazards found in these employments, which have been specifically excluded from coverage under the plan;

(3) Enforcement of new Federal standards until the State adopts a comparable standard;

(4) Enforcement in situations where the State is refused entry and is unable to obtain a warrant or enforce its right of entry;

(5) Enforcement of unique and complex standards as determined by the Assistant Secretary;

(6) Enforcement in situations when the State is unable to exercise its enforcement authority fully or effectively;

(7) Enforcement of occupational safety and health standards at worksites located within the Warm Springs Indian Reservation;

(8) Enforcement of occupational safety and health standards at all private sector establishments, including tribal and Indian-owned enterprises, on all Indian and non-Indian lands within the currently established boundary of the Umatilla Indian Reservation, and on lands outside the reservation that are held in trust by the Federal government for the Confederated Tribes of the Umatilla;

(9) Enforcement of occupational safety and health standards at worksites located within Federal military reservations, except private contractors working on U.S. Army Corps of Engineers dam construction projects, including reconstruction of docks or other appurtenances; and,

(10) Investigations and inspections for the purpose of the evaluation of the plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)).

\* \* \* \* \*

3. Section 1952.107 is amended by adding paragraph (f) to read as follows:

**§ 1952.107 Changes to approved plans.**

\* \* \* \* \*

(f) Oregon's State plan changes excluding coverage under the plan of all private sector employment (including tribal and Indian-owned enterprises) on Umatilla Indian reservation or trust lands, by letters of April 29 and July 14, 1997 (see §§ 1952.105); extending coverage under the plan to Superfund sites and private contractors working on

U.S. Army Corps of Engineers dam construction projects, as noted in a 1992 Memorandum of Understanding; and specifying four (4) unusual circumstances where Federal enforcement authority may be exercised, as described in a 1991 addendum to the State's operational status agreement, were approved by the Acting Assistant Secretary on September 24, 1997.

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**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**29 CFR Part 1952**

**New Mexico State Plan; Approval of Plan Supplement; Change in Level of Federal Enforcement: Military Facilities and Indian Reservations**

**AGENCY:** Occupational Safety and Health Administration, Labor.

**ACTION:** Final rule.

**SUMMARY:** This document gives notice of the approval of a State-initiated plan change and resumption of Federal enforcement responsibility in the State of New Mexico over private sector employment on military facilities and bases, and, to the extent permitted by applicable law, over tribal or private sector employment within any Indian reservation or lands under the control of a tribal government.

OSHA is hereby amending its regulations on approved plans to reflect this change to the level of Federal enforcement authority in New Mexico.

**EFFECTIVE DATE:** September 24, 1997.

**FOR FURTHER INFORMATION CONTACT:** Bonnie Friedman, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room, N-3637, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 219-8148.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

Section 18 of the Occupational Safety and Health Act of 1970 (The Act), 29 U.S.C. 667, provides that States which wish to assume responsibility for developing and enforcing their own occupational safety and health standards, may do so by submitting, and obtaining Federal approval of, a State plan. State plan approval occurs in stages which include initial approval under section 18(c) of the Act and, ultimately, final approval under section

18(e). In the interim, between initial approval and final approval, there is a period of concurrent Federal/State jurisdiction within a State operating an approved plan. See 29 CFR 1954.3 for guidelines and procedures.

The New Mexico Occupational Health and Safety State plan was approved under section 18(c) of the Act of 1970 and part 1902 of this chapter on December 10, 1975 (40 FR 57455), and certified by OSHA as having completed all of its developmental steps on December 4, 1984 (49 FR 48915). On December 5, 1981, OSHA and the State of New Mexico entered into an Operational Status Agreement which suspended the exercise of Federal concurrent enforcement authority in all except specifically identified areas. The pertinent provisions concerning the level of Federal enforcement in the State are codified at 29 CFR 1952.365.

By letter dated January 3, 1997, from Sam A. Rogers, Bureau Chief, Occupational Health and Safety Bureau, New Mexico Environment Department, to OSHA Regional Administrator Emzell Blanton, Jr., the State of New Mexico has requested that Federal OSHA to resume enforcement authority over private sector employment on military facilities and bases and, over tribal or private sector employment within any Indian reservation or lands under the control of a tribal government. After extensive research which identified numerous problems with regard to the exercise of New Mexico occupational health and safety enforcement authority, the State of New Mexico, for administrative convenience, will exclude coverage of all private sector employment on Federal military lands and facilities, including but not limited to Kirkland Air Force Base, Fort Bliss Military Reservation, White Sands Missile Range Military Reservation, Holloman Air Force Base, Cannon Air Force Base, Fort Wingate Military Reservation, Fort Bayard Veterans' Hospital, Albuquerque Veterans' Hospital, Santa Fe National Cemetery, etc., from under its State plan. In addition, since all of New Mexico's Indian tribes have treaties with the Federal Government and the applicability of State laws and jurisdiction on tribal reservations and other Indian owned land have been questionable at best, New Mexico will also exclude tribal or private sector employment within any Indian reservation or lands under the control of a tribal government from coverage under its State plan.

### B. Location of Supplement for Inspection and Copying

A copy of the plan supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, U.S. Department of Labor-OSHA, 525 Griffin Street, Room 602, Dallas, Texas 75202; Office of the Secretary, Environment Department, 1190 St. Francis Drive, Room 2200-North, Santa Fe, New Mexico 87503; and the Office of State Programs, 200 Constitution Avenue, N.W., Room N3700, Washington, D.C. 20210. For electronic copies of this notice, contact OSHA's WebPage at <http://www.osha.gov/>.

### C. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. To assure worker protection under the OSH Act, the Assistant Secretary finds that New Mexico's State-initiated plan change requesting that Federal OSHA resume enforcement authority in New Mexico over private sector employment on military facilities and bases, and, to the extent permitted by applicable law, over tribal or private sector employment within any Indian reservation or lands under the control of a tribal government, is consistent with Federal requirements, and with commitments contained in the plan and previously made available for public comment. Good cause is therefore found for approval of this plan supplement, and further public participation is unnecessary.

### D. Decision

After careful consideration, OSHA is approving under Part 1953 of this chapter, the New Mexico State-initiated plan change concerning the level of Federal enforcement authority, as described in the 1981 New Mexico Operational Status Agreement. Concurrently, OSHA is announcing its resumption of Federal enforcement authority in New Mexico over the coverage of private sector employment on Federal military facilities and bases, and, to the extent permitted by applicable law, over tribal or private sector employment within any Indian reservation or lands under the control of a tribal government. OSHA is hereby amending 29 CFR part 1952, Subpart DD, to reflect this change in the level of Federal enforcement and to revise the format.

### List of Subjects in 29 CFR Part 1952

Intergovernmental relations, Law enforcement, Occupational safety and health.

This document was prepared under the direction of Greg Watchman, Acting Assistant Secretary of Labor for Occupational Safety and Health. It is issued under Section 18 of the OSH Act (29 U.S.C. 667), 29 CFR part 1902, and Secretary of Labor's Order No. 1-90 (55 FR 9033).

Signed at Washington, DC, this 18th day of September 1997.

**Greg Watchman,**

*Acting Assistant Secretary of Labor.*

For the reasons set out in the preamble 29 CFR part 1952, Subpart DD (New Mexico) is hereby amended as set forth below:

### PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

1. The authority citation for Part 1952 continues to read as follows:

**Authority:** Sec. 18, 84, Stat. 1608 (29 U.S.C. 667); 29 CFR part 1902, Secretary of Labor's Order No. 1-90 (55 FR 9033).

### Subpart DD—New Mexico

2. Section 1952.365 is revised to read as follows:

#### § 1952.365 Level of Federal enforcement.

(a) Pursuant to §§ 1902.20(b)(1)(iii) and 1954.3 of this chapter, under which an operational status agreement has been entered into between OSHA and New Mexico, effective October 5, 1981, and based on a determination that New Mexico is operational in issues covered by the New Mexico occupational health and safety plan, discretionary Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR parts 1910, 1926 and 1928 except as provided in this section. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to:

(1) Complaints filed with the U.S. Department of Labor alleging discrimination under section 11(c) of the Act (29 U.S.C. 660(c));

(2) Enforcement with respect to private sector maritime employment including 29 CFR parts 1915, 1917, 1918, 1919 (shipyard employment; marine terminals; longshoring and gear certification), and general industry and construction standards (29 CFR parts 1910 and 1926) appropriate to hazards found in these employments, which

issues have been specifically excluded from coverage under the State plan;

(3) Enforcement in situations where the State is refused and is unable to obtain a warrant or enforce its right of entry;

(4) Enforcement of new Federal standards until the State adopts a comparable standard;

(5) Enforcement of unique and complex standards as determined by the Assistant Secretary;

(6) Enforcement in situations when the State is temporarily unable to exercise its enforcement authority fully or effectively;

(7) Enforcement of occupational safety and health standards at all Federal and private sector establishments on military facilities and bases, including but not limited to Kirkland Air Force Base, Fort Bliss Military Reservation, White Sands Missile Range Military Reservation, Holloman Air Force Base, Cannon Air Force Base, Fort Wingate Military Reservation, Fort Bayard Veterans' Hospital, Albuquerque Veterans' Hospital, Santa Fe National Cemetery;

(8) Enforcement of occupational safety and health standards, to the extent permitted by applicable law, over tribal or private sector employment within any Indian reservation and lands under the control of a tribal government; and

(9) Investigations and inspections for the purpose of the evaluation of the New Mexico plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)).

(b) The Regional Administrator for Occupational Safety and Health will make a prompt recommendation for the resumption of the exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in New Mexico.

3. Section 1952.367 is amended by adding paragraph (b) to read as follows:

#### § 1952.367 Changes to approved plans.

\* \* \* \* \*

(b) In accordance with Subpart E of part 1953 of this chapter, New Mexico's State plan amendment, dated January 3, 1997, excluding coverage of all private sector employment on Federal military facilities and bases (see § 1952.365), and, to the extent permitted by applicable law, over tribal or private sector employment within any Indian reservation and lands under the control of a tribal government, from its State plan was approved by the Acting

Assistant Secretary on September 24, 1997.

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## DEPARTMENT OF THE TREASURY

### Fiscal Service

#### 31 CFR Part 343

[Department of the Treasury Circular, Public Debt Series No. 3-68]

### Regulations Governing the Offering of United States Mortgage Guaranty Insurance Company Tax and Loss Bonds

**AGENCY:** Bureau of the Public Debt, Fiscal Service, Treasury.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Treasury (Department) or (Treasury) is issuing in final form an amendment to its regulations governing United States Mortgage Guaranty Insurance Company Tax and Loss Bonds, referred to as tax and loss bonds. These securities are available for purchase only by companies organized and engaged in the business of writing mortgage guaranty insurance within the United States. Previously, these securities were issued in definitive (paper) form. They were only available in a ten year maturity. The Department has determined that maintaining and servicing these securities in definitive form is not cost-effective. The Department had also received many requests to offer a twenty year maturity. This final rule will reduce administrative overhead and costs by providing that on or after the effective date of the regulation, the securities will only be offered in book-entry form and that the securities may, at the option of the holder, be converted to book-entry form. It will also provide for maturities of either ten or twenty years. Minor changes to redemption notices have been added and all addresses have been updated.

**EFFECTIVE DATE:** September 24, 1997.

**ADDRESSES:** Copies are available for downloading from the Bureau of the Public Debt home page at: <http://www.publicdebt.treas.gov/> or may be obtained from the Division of Special Investments, 200 3rd St., P.O. Box 396, Parkersburg, WV 26106-0396.

**FOR FURTHER INFORMATION CONTACT:** Howard Stevens, Director, Division of Special Investments, at 304-480-7752, or Edward C. Gronseth, Deputy Chief Counsel, at 304-480-5192 or Jim

Kramer-Wilt, Attorney/Adviser, Office of the Chief Counsel, at 304-480-5190.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Department of the Treasury, Bureau of the Public Debt, is providing for the voluntary conversion of outstanding definitive tax and loss securities to book-entry form and further providing for the issuance of only book-entry securities. This conversion will improve the cost-effectiveness of this program and the ease of administering transactions involving these securities.

##### II. Section-by-Section Summary

###### Subpart A—General Information

Provisions included in the general information paragraph apply to the offering of these securities. Part 343 has been substantially rewritten. Changes from the 1968 regulations are as follows:

(1) Paragraph 343.1—This paragraph has been renumbered from 343.6.

(2) Paragraph 343.1(a)—This paragraph has been renumbered from 343.6(a). It is amended to state that copies of 31 CFR part 306 may be obtained from the Division of Special Investments.

(3) Paragraph 343.1(b)—This is a new paragraph titled Issuance. It states that on or after the effective date of this regulation, tax and loss bonds will be issued only in book-entry form on the books of the Treasury Department. The bonds will now be issued with ten or twenty year maturities designated by the purchaser and are non-interest bearing. Transfer by sale, exchange, assignment, pledge, or otherwise is prohibited. The bonds may be reissued as provided in paragraph 343.4.

(4) Paragraph 343.1(c)—This paragraph has been renumbered from 343.6(b). It is amended to state that selected Federal Reserve Banks and branches, as fiscal agents of the United States, may be designated to perform such services requested of them by the Secretary of the Treasury in connection with purchases, transactions and redemptions of these bonds.

(5) Paragraph 343.1(d)—This is a new paragraph titled Debt limit contingency. It states that the Department of the Treasury reserves the right to change or suspend the terms and conditions of the offering of tax and loss securities. This right includes provisions relating to the purchase and redemption of these bonds and any related notices. This may be done at any time the Secretary determines that the issuance of obligations sufficient to conduct the orderly financing operations of the United States cannot be made without

exceeding the statutory debt limit. Announcement of such changes shall be provided by such means as the Secretary deems appropriate.

(6) 343.1(3)—This paragraph has been renumbered from 343.3. It is amended to state that upon maturity of a bond, the Department will make payment of the principal amount due to the owner. A bond scheduled for maturity on a non-business day will be redeemed on the next business day with the same force and effect as if made on the maturity date.

(7) Paragraph 343.1(f)—This paragraph is titled Reservations. It includes language of the former paragraph 343.3. It is revised to state that the Secretary of the Treasury may supplement or amend the terms of this circular or any related amendments and supplements. Transaction requests, including purchases or redemptions of bonds, are not acceptable if unsigned, inappropriately completed, or not timely submitted. The non-acceptance of inappropriate transaction requests is final. The authority of the Secretary to waive regulations under 31 CFR 306.126 applies to part 343.

(8) Paragraph 343.1(g)—This is a new paragraph titled Forms and additional information. It states that PD Form 3871 "Application for Issue of United States Mortgage Guaranty Insurance Company Tax and Loss Bonds", Fedwire instructions and other information will be furnished by the Division of Special Investments upon request. Interested parties may write to the Division of Special Investments or may telephone at (304) 480-7752. Application forms may also be downloaded from the Internet at Public Debt's home page at: <http://www.publicdebt.treas.gov/>.

###### Subpart B—Tax and Loss Bonds

This is a new subpart which includes information on the issue date, purchase, redemption, reissue and taxation of these bonds.

(9) Paragraph 343.2—This paragraph has been renumbered. It combines the former paragraphs 343.1(c) and 343.2. This paragraph is revised to state that the issue date must be a business day. The securities will also be issued as of the date of receipt of Form PD F 3871, along with remittance of funds for the full amount of the bond(s). Applications under this offering must be submitted to the Division of Special Investments. An application may be submitted by fax at (304) 380-7786 or (304) 480-6818, by mail or by other carrier. Applications submitted by mail should be sent by certified or registered mail.

(10) Paragraph 343.2(b)—This paragraph has been renumbered from