

device as defined in § 178.119(b) for the purpose of examining and testing the firearm, firearm barrel, ammunition, or ammunition feeding device in connection with making a determination as to whether the importation or bringing in of such firearm, firearm barrel, ammunition, or ammunition feeding device will be authorized under this part. An application on ATF Form 6 for such conditional importation shall be filed, in duplicate, with the Director. The Director may impose conditions upon any importation under this section including a requirement that the firearm, firearm barrel, ammunition, or ammunition feeding device be shipped directly from Customs custody to the Director and that the person importing or bringing in the firearm, firearm barrel, ammunition, or ammunition feeding device must agree to either export the firearm, firearm barrel, ammunition, or ammunition feeding device or destroy same if a determination is made that the firearm, firearm barrel, ammunition, or ammunition feeding device may not be imported or brought in under this part. A firearm, firearm barrel, ammunition, or ammunition feeding device imported or brought into the United States or any possession thereof under the provisions of this section shall be released from Customs custody upon the payment of customs duties, if applicable, and in the manner prescribed in the conditional authorization issued by the Director.

Par. 6. Section 178.119 is revised to read as follows:

§ 178.119 Importation of ammunition feeding devices.

(a) No ammunition feeding device shall be imported or brought into the United States unless the Director has authorized the importation of such device.

(b) For purposes of this section, an "ammunition feeding device" is a magazine, belt, drum, feed strip, or similar device for a firearm that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition. The term does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition, or a fixed device for a manually operated firearm, or a fixed device for a firearm listed in 18 U.S.C. 922, Appendix A.

(c) An application for a permit, ATF Form 6, to import or bring an ammunition feeding device into the United States or a possession thereof under this section shall be filed, in

triplicate, with the Director. The application shall contain:

- (1) The name and address of the person importing the device,
- (2) A description of the device to be imported, including type and cartridge capacity, model and caliber of firearm for which the device was made, country of manufacture, and name of the manufacturer if known,
- (3) The unit cost of the device to be imported,
- (4) The country from which to be imported,
- (5) The name and address of the foreign seller and the foreign shipper,
- (6) Verification that such device will be marked as required by this part, and
- (7) A statement by the importer that the device is being imported for sale to purchasers specified in § 178.40a(b) or physical or reasonable documentary evidence establishing that the magazine was manufactured on or before September 13, 1994. Any one of the following examples, which are not meant to be exhaustive, may be sufficient to establish the time of manufacture:

(i) Permanent markings or physical characteristics which establish that the magazine was manufactured on or before September 13, 1994;

(ii) A certification from the importer, under penalty of perjury, that the importer maintained continuous custody beginning on a date prior to September 14, 1994, and continuing until the date of the certification. Such certification shall also be supported by reasonable documentary evidence, such as commercial records;

(iii) A certification from the importer, under penalty of perjury, that the magazines sought to be imported were in the custody and control of a foreign Government on or before September 13, 1994, along with reasonable documentary evidence to support the certification; or

(iv) A certification from the importer, under penalty of perjury, that the magazine was in the possession of a foreign arms supplier on or before September 13, 1994, along with reasonable documentary evidence to support the certification.

(d) The Director shall act upon applications to import ammunition feeding devices as expeditiously as possible. If the Director approves the application, such approved application shall serve as the permit to import the device described therein, and importation of such devices may continue to be made by the person importing such devices under the approved application (permit) during the period specified thereon. The

Director shall furnish the approved application (permit) to the applicant and retain two copies thereof for administrative use. If the Director disapproves the application, the person importing such devices shall be notified of the basis for the disapproval.

(e) An ammunition feeding device imported or brought into the United States by a person importing such a device may be released from Customs custody to the person importing such a device upon showing that such person has obtained a permit from the Director for the importation of the device to be released. In obtaining the release from Customs custody of such a device authorized by this section to be imported through use of a permit, the person importing such a device shall prepare ATF Form 6A, in duplicate, and furnish the original ATF Form 6A to the Customs officer releasing the device. The Customs officer shall, after certification, forward the ATF Form 6A to the address specified on the form. The ATF Form 6A shall show the name and address of the person importing the device, the name of the manufacturer of the device, the country of manufacture, the type, model, caliber, size, and the number of devices released.

(f) Within 15 days of the date of release from Customs custody, the person importing such a device shall:

(1) Forward to the address specified on the form a copy of ATF Form 6A on which shall be reported any error or discrepancy appearing on the ATF Form 6A certified by Customs, and

(2) Pursuant to § 178.92, place all required identification data on each imported device manufactured after September 13, 1994, if same did not bear such identification data at the time of its release from Customs custody.

(g) The Director may authorize the conditional importation of an ammunition feeding device as provided in § 178.116.

(Paragraphs (a), (c), and (d) approved by the Office of Management and Budget under control numbers 1512-0017 and 1512-0018; paragraphs (e) and (f) approved by the Office of Management and Budget under control number 1512-0019)

Signed: March 18, 1996.

Bradley A. Buckles,
Acting Director.

Approved: June 19, 1996.

John P. Simpson,
Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 96-19189 Filed 7-26-96; 8:45 am]

BILLING CODE 4810-31-P

DEPARTMENT OF JUSTICE**Office of the Attorney General****28 CFR Part 36**

[A.G. Order No. 2043-96]

**ARCHITECTURAL AND
TRANSPORTATION BARRIERS
COMPLIANCE BOARD****36 CFR Part 1191**

RIN 3014-AA18

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****49 CFR Part 37****Americans With Disabilities Act
Accessibility Guidelines; Detectable
Warnings**

AGENCIES: Architectural and Transportation Barriers Compliance Board, Department of Justice, and Department of Transportation.

ACTION: Joint final rule.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board), the Department of Justice, and the Department of Transportation are extending the suspension of the requirements for detectable warnings at curb ramps, hazardous vehicular areas, and reflecting pools in the Americans with Disabilities Act Accessibility Guidelines (ADAAG) from July 26, 1996 to July 26, 1998. The Access Board has established an advisory committee to conduct a comprehensive review of ADAAG, including the detectable warning requirements, and plans to initiate rulemaking to revise and update ADAAG after the advisory committee issues a final report with its recommendations. The suspension of the detectable warning requirements is extended so that the Access Board can consider the advisory committee's recommendations and address the detectable warning requirements in the rulemaking to revise and update ADAAG.

EFFECTIVE DATE: July 26, 1996.

FOR FURTHER INFORMATION CONTACT:

Access Board: James J. Raggio, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., suite 1000, Washington, DC 20004-1111. Telephone (202) 272-5434 extension 16 or (800) 872-2253 extension 16 (voice), and (202) 272-5449 (TTY) or (800) 993-2822 (TTY). Electronic mail address: raggio@access-board.gov.

Department of Justice: John L. Wodatch, the ADA Information Line, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, Washington, DC 20530. Telephone (800) 514-0301 (voice) or (800) 514-0383 (TTY).

Department of Transportation: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street, SW., room 10424, Washington, DC 20590. Telephone (202) 366-9306 (voice) or (202) 755-7687 (TTY).

SUPPLEMENTARY INFORMATION:**Availability of Alternate Formats**

Copies of this final rule are available in the following formats: standard print, large print, Braille, audio cassette tape, and computer disk. Single copies may be obtained at no cost by calling the Access Board's automated publications order line (202) 272-5434 or (800) 872-2253, pressing 1 on the telephone keypad, then 1 again and requesting publication DW2 (Detectable Warnings Joint Final Rule). Persons using a TTY should call (202) 272-5449 or (800) 993-2822. Please give your name, address, and telephone number when ordering publications. Persons who want a copy in large print, Braille, audio cassette tape, or computer disk should specify the type of format they want.

The final rule is available on electronic bulletin board at (202) 272-5448 (Access Board) and (202) 514-6193 (Department of Justice). These telephone numbers are not toll-free numbers.

The final rule is also available on the Internet. It can be accessed with World Wide Web software (<http://www.usdoj.gov>).

Background

On April 12, 1996, the Access Board, the Department of Justice, and the Department of Transportation published a joint notice of proposed rulemaking (NPRM) to extend the suspension of the requirements for detectable warnings at curb ramps, hazardous vehicular areas, and reflecting pools in ADAAG from July 26, 1996 to July 26, 1998.¹ 61 FR 16232. As explained in the NPRM, the requirements were suspended initially

in April 1994 to allow the agencies to consider the results of a research project conducted by Virginia Polytechnic Institute and State University on the need for detectable warnings at vehicular-pedestrian intersections. The research project showed that vehicular-pedestrian intersections are very complex environments and that pedestrians who are blind or visually impaired use a combination of cues to detect and cross intersections. The research project found that detectable warnings helped some pedestrians who are blind or visually impaired locate and identify curb ramps. However, the detectable warnings had only a modest impact on overall performance because, in their absence, pedestrians who are blind or visually impaired used whatever other cues were available to detect and cross the intersection. The research project indicated that there may be a need for additional cues at some types of intersections. The research project did not identify the specific conditions where such cues should be provided. The research project suggested that other technologies be explored for providing information about intersections, which may be less costly and equally or more effective than detectable warnings.

The Access Board subsequently established an advisory committee to conduct a comprehensive review of ADAAG, including the detectable warning requirements. The advisory committee is scheduled to issue a final report with its recommendations in September 1996. The Access Board plans to initiate rulemaking to revise and update ADAAG after the advisory committee issues its report, and to address the requirements for detectable warnings in that rulemaking. In the NPRM, the Access Board, the Department of Justice, and the Department of Transportation proposed to extend the suspension of the requirements for detectable warnings at curb ramps, hazardous vehicular areas, and reflecting pools from July 26, 1996 to July 26, 1998 so that the Access Board can consider the advisory committee's recommendations and address the requirements in the rulemaking to update and revise ADAAG.

Six comments were received in response to the NPRM. Five supported extending the suspension and one opposed the action. The Council of American Building Officials (CABO), the Illinois Department of Transportation, the Airports Council International-North America (ACI-NA), the Paralyzed Veterans of America (PVA), and the Eastern Paralyzed Veterans Association (EPVA) submitted

¹ The Access Board is responsible for issuing guidelines to assist the Department of Justice and the Department of Transportation in establishing accessibility standards for newly constructed and altered facilities under the Americans with Disabilities Act (ADA). The Access Board issued ADAAG initially in 1991 (36 CFR part 1191, appendix A). The Department of Justice and the Department of Transportation have adopted sections 1 through 10 of ADAAG as the accessibility standards for the ADA (28 CFR part 36, appendix A; 49 CFR part 37, appendix A).

comments in support of the extension. CABO and EPVA are members of the advisory committee that is reviewing ADAAG and agreed that the suspension should be extended so that the Access Board can consider the advisory committee's recommendations and address the detectable warning requirements in the rulemaking to update and revise ADAAG. The Illinois Department of Transportation and ACI-NA recommended that research be done on alternative technologies. PVA expressed concerns that sufficient research has not been done on the durability and maintenance of detectable warnings.

The comment in opposition to extending the suspension was submitted on behalf of a manufacturer of detectable warnings. The commenter believed that detectable warnings are critical to the safety of individuals who are blind or visually impaired and that additional research is not necessary. The commenter also noted that there have been no reported accidents in this country as a result of detectable warnings and that studies conducted by manufacturers have demonstrated that their products can withstand various climatic conditions without undue damage.

The Access Board, the Department of Justice, and the Department of Transportation have decided to extend the suspension to July 26, 1998. The agencies believe that the detectable warning requirements should be addressed in the rulemaking to revise and update ADAAG. Extending the suspension will allow the Access Board to consider the advisory committee's recommendations, as well as available research data, and to determine whether any changes in the detectable warning requirements are warranted when ADAAG is revised and updated.

The requirements for detectable warnings at transit platform edges in section 10 of ADAAG are not included in the suspension. Those requirements remain in effect.

Pursuant to 5 U.S.C. 553(d)(3), the Access Board, the Department of Justice, and the Department of Transportation find that good cause exists for not postponing the effective date of this rule until 30 days after publication in the Federal Register. The current suspension expires on July 26, 1996. The rule is effective July 26, 1996 so that there will be no interruption in the suspension period. The rule does not require entities covered by the ADA to take any action.

Regulatory Process Matters

The Access Board, the Department of Justice, and the Department of Transportation have determined independently that this rule is not a significant regulatory action under Executive Order 12866. It is a significant rule under the Department of Transportation's regulatory policies and procedures since it amends the agency's ADA regulations, which are a significant rule. The Department of Transportation expects the economic impacts to be minimal and has not prepared a full regulatory evaluation.

Executive Order 12875 prohibits agencies from promulgating any regulation that is not required by statute and that creates a mandate upon a State, local, or tribal government unless certain conditions are met. This rule creates no new mandate. Consistent with the spirit of Executive Order 12875, this rule continues the suspension of an existing regulatory requirement to allow for further review of the requirement.

The Access Board, the Department of Justice, and the Department of Transportation independently certify under section 605(b) of the Regulatory Flexibility Act that this rule is not expected to have a significant economic impact on a substantial number of small entities because it continues the suspension of an existing regulatory requirement and does not impose any new requirement.

Text of Final Common Rule

The text of the common rule is revised to read as follows:

§ _____. Temporary suspension of certain detectable warning requirements.

The detectable warning requirements contained in §§ 4.7.7, 4.29.5, and 4.29.6 of appendix A to this part are suspended temporarily until July 26, 1998.

Adoption of Final Common Rule

The agency specific proposals to adopt the final common rule, which appears at the end of the common preamble, are set forth below.

List of Subjects in 28 CFR Part 36

Administrative practice and procedure, Alcoholism, Buildings and facilities, Business and industry, Civil rights, Consumer protection, Drug abuse, Historic preservation, HIV/AIDS, Individuals with disabilities, Reporting and recordkeeping requirements, Transportation.

Authority and Issuance

By the authority vested in me as Attorney General by 28 U.S.C. 509, 510; 5 U.S.C. 301; and 42 U.S.C. 12186, and for the reasons set forth in the common preamble, part 36 of chapter I of title 28 of the Code of Federal Regulations is amended as follows:

PART 36—NONDISCRIMINATION ON THE BASIS OF DISABILITY BY PUBLIC ACCOMMODATIONS AND IN COMMERCIAL FACILITIES

1. The authority citation for 28 CFR part 36 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510; 42 U.S.C. 12186(b).

§ 36.407 [Revised]

2. Section 36.407 is revised to read as set forth at the end of the common preamble.

Dated: July 17, 1996.

Janet Reno,
Attorney General.

List of Subjects in 36 CFR Part 1191

Buildings and facilities, Civil rights, Individuals with disabilities.

Authority and Issuance

For the reasons set forth in the common preamble, part 1191 of title 36 of the Code of Federal Regulations is amended as follows:

PART 1191—AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES

1. The authority citation for 36 CFR part 1191 continues to read as follows:

Authority: 42 U.S.C. 12204.

§ 1191.2 [Revised]

2. Section 1191.2 is revised to read as set forth at the end of the common preamble.

Authorized by vote of the Access Board on May 15, 1996.

Judith E. Heumann,
Chair, Architectural and Transportation Barriers Compliance Board.

List of Subjects in 49 CFR Part 37

Buildings and facilities, Buses, Civil rights, Individuals with disabilities, Mass transportation, Railroads, Reporting and recordkeeping requirements, Transportation.

Authority and Issuance

For the reasons set forth in the common preamble, part 37 of title 49 of the Code of Federal Regulations is amended as follows:

PART 37—TRANSPORTATION SERVICES FOR INDIVIDUALS WITH DISABILITIES (ADA)

1. The authority citation for 49 CFR part 37 continues to read as follows:

Authority: The Americans with Disabilities Act of 1990 (42 U.S.C. 12101–12213); 49 U.S.C. 322.

§ 37.15 [Revised]

2. Section 37.15 is revised to read as set forth at the end of the common preamble.

Dated: July 23, 1996.

Federico Peña,

Secretary of Transportation.

[FR Doc. 96–19198 Filed 7–24–96; 4:41 pm]

BILLING CODE 4410–01–P; 8150–01–P; 4910–62–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100 and 165

[CGD 96–036]

Safety Zones, Security Zones, and Special Local Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary rules issued.

SUMMARY: This document provides required notice of substantive rules adopted by the Coast Guard and temporarily effective between April 1, 1996 and June 30, 1996, which were not published in the Federal Register. This quarterly notice lists temporary local regulations, security zones, and safety zones, which were of limited duration

and for which timely publication in the Federal Register was not possible.

DATES: This document lists temporary Coast Guard regulations that became effective and were terminated between April 1, 1996 and June 30, 1996, as well as several regulations which were not included in the previous quarterly list.

ADDRESSES: The complete text of these temporary regulations may be examined at, and is available on request, from Executive Secretary, Marine Safety Council (G–LRA), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001.

FOR FURTHER INFORMATION CONTACT:

Commander Stephen J. Darmody, Executive Secretary, Marine Safety Council at (202) 267–1477 between the hours of 8 a.m. and 3 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety needs of the waters within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. Safety zones may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. Security zones limit access to vessels, ports, or waterfront facilities to prevent injury or damage. Special local regulations are issued to enhance the safety of participants and spectators at regattas and other marine events. Timely publication of these regulations in the Federal Register is often precluded when a regulation responds to an emergency, or when an

event occurs without sufficient advance notice. However, the affected public is informed of these regulations through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the regulation. Because mariners are notified by Coast Guard officials on-scene prior to enforcement action, Federal Register notice is not required to place the special local regulation, security zone, or safety zone in effect. However, the Coast Guard, by law, must publish in the Federal Register notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary special local regulations, security zones, and safety zones. Permanent regulations are not included in this list because they are published in their entirety in the Federal Register. Temporary regulations may also be published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. These safety zones, special local regulations and security zones have been exempted from review under E.O. 12866 because of their emergency nature, or limited scope and temporary effectiveness.

The following regulations were placed in effect temporarily during the period April 1, 1996 and June 30, 1996, unless otherwise indicated.

Dated: July 23, 1996.

Stephen J. Darmody,

Commander, U.S. Coast Guard, Executive Secretary, Marine Safety Council.

QUARTERLY REPORT

Docket No.	Location	Type	Effective date
Huntington 96–007	Ohio River, M. 249 to M. 251	Safety Zone	5/19/96
LA/Long Beach 96–012	San Pedro Bay, CA	Safety Zone	6/12/96
Miami 96–030	Fort Lauderdale, FL	Safety Zone	4/11/96
Philadelphia 96–016	Salem River, NJ	Safety Zone	4/5/96
San Diego 96–004	San Diego Bay, CA	Safety Zone	5/7/96
San Diego 96–005	San Diego Bay, CA	Safety Zone	6/4/96
San Diego 96–006	San Diego Bay, CA	Safety Zone	7/18/96
San Francisco 96–001	San Francisco Bay, CA	Safety Zone	4/21/96
Savannah 96–029	Savannah, GA	Safety Zone	4/26/96
Savannah 96–035	Savannah, GA	Safety Zone	5/12/96
Tampa 96–027	Tampa, FL	Safety Zone	4/9/96
01–96–027	Norwalk, CT	Safety Zone	5/4/96
01–96–029	Upper New York Bay, NY and NJ	Safety Zone	6/25/96
01–96–031	Boston, MA	Security Zone ..	4/19/96
01–96–032	New London, CT	Security Zone ..	9/11/96
01–96–036	Liberty State Park, NJ	Security Zone ..	5/7/96
01–96–038	Queens, NY	Security Zone ..	5/21/96
01–96–039	Hudson River, NY	Security Zone ..	5/22/96
01–96–040	Boston, MA	Safety Zone	6/1/96
01–96–042	Boston, MA	Reg Nav Area ..	6/10/96
01–96–043	Hull, MA	Safety Zone	6/1/96