

describing it is issued—members of the public are fully informed both of the terms of the agreement and of how they can file comments concerning it. In addition, the news release and all of the consent agreement documents typically are made public—in both paper and electronic form—at least one week before the consent agreement and the analysis appear in the Federal Register. As a result, most individuals and entities first learn about the consent agreement from the news release, or from news coverage of the agreement. Any member of this group who wishes both to comment and to review the full text of the agreement can request a copy from the Public Reference Room—using the address and telephone number in the news release—or pick up a copy in person. Moreover, members of the public can secure an electronic copy of each consent agreement package from the Commission's Internet Home Page (at "http://www.ftc.gov/os/actions.htm") or from the electronic bulletin board maintained by the Commission's Office of Public Affairs. Furthermore, the Federal Register notice announcing the agreement will continue to provide—through the analysis to aid public comment—a comprehensive description of both the agreement and the draft complaint. As a result, Federal Register users will continue to be informed of both the contours of the agreement and that they can, if they wish, file comments concerning it. If they need additional detail from the agreement itself, they can secure electronic copies and/or paper copies from the above sources.

These rule revisions relate solely to agency practice and, thus, are not subject to the notice and comment requirements of the Administrative Procedure Act, 5 U.S.C. 553(a)(2), nor to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601(2). The Paperwork Reduction Act, 44 U.S.C. 3501, does not apply because these revisions do not contain requirements for information collection subject to approval of the Office of Management and Budget. Although the rule revisions are effective immediately, the Commission welcomes comment on them and will consider further revision, as appropriate. Such comments may be filed with the Office of the Secretary until October 28, 1996.

List of Subjects in 16 CFR Parts 2 and 3

Administrative practice and procedure.

In consideration of the foregoing, the Commission hereby amends Title 16,

Chapter I, Subchapter A, Parts 2 and 3 of the Code of Federal Regulations, as follows:

1. The authority for Parts 2 and 3 continues to read as follows:

Authority: Sec. 6, 38 Stat. 721, 15 U.S.C. 46.

2. Section 2.34 is amended so that the third sentence after the introductory text beginning with "The Commission \* \* \*" and ending with "\* \* \* Federal Register." is revised to read as follows:

#### **§ 2.34 Disposition.**

\* \* \* \* \*  
\* \* \* The Commission will publish the explanation in the Federal Register.  
\* \* \*

3. Section 3.25(f) is amended so that the second sentence in the concluding text beginning with "The Commission \* \* \*" and ending with "\* \* \* Federal Register." is revised to read as follows:

#### **§ 3.25 Consent agreement settlements.**

\* \* \* \* \*  
(f) \* \* \* The Commission will publish the explanation in the Federal Register. \* \* \*  
\* \* \* \* \*

By direction of the Commission,  
Commissioner Azcuenaga dissenting.  
Donald S. Clark,  
Secretary.

Dissenting Statement of Commissioner Mary L. Azcuenaga Concerning Commission Decision To Stop Publishing in the Federal Register the Full Text of Consent Agreements Accepted for Public Comment

Today the Commission revokes its long held policy of publishing in the Federal Register the full text of consent agreements accepted for public comment. Instead, the Commission will publish a summary, an analysis and any Commission or commissioner statements. In announcing this decision, the Commission also advises that complete versions of the consent agreement, including complaints and orders, will continue to be available from the Commission's Office of Public Affairs (the press office), the Commission's home page on the World Wide Web and the Commission's Public Reference Room (the office that serves the general public). In an ideal world, the attainment of which is surely very near, these alternative sources should be sufficient. Unless we can be confident, however, that the other sources are adequately serving the wide audience that follows the Commission's actions in the Federal Register, the abandonment of that means of disseminating information seems premature.

The Commission has a long and admirable tradition of genuine attentiveness to public comment and of seeking it out even when it is not required by law to do so. Out of deference to the members of the public whose interests we serve, many of whom have a keen interest in and need to know about Commission decisions, I would have

preferred, before dispensing with our current practice, to have greater reason for confidence in the adequacy of the alternative sources of the information.

[FR Doc. 96-24598 Filed 9-25-96; 8:45 am]

BILLING CODE 6750-01-M

## **COMMODITY FUTURES TRADING COMMISSION**

### **17 CFR Part 1**

#### **Correction of Trading Records**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Final rule clarification.

**SUMMARY:** On June 6, 1996, the Commodity Futures Trading Commission ("Commission" or "CFTS") published a proposed rule amendment to its regulation to clarify a procedure specified for the correction of erroneous information on trading cards and to make that procedure applicable to other trading records.<sup>1</sup> After consideration of comments received, the Commission published a final rule amendment on August 20, 1996.<sup>2</sup> One comment letter inadvertently was not mentioned in that release.

**EFFECTIVE DATE:** The final rule will become effective October 21, 1996.

**FOR FURTHER INFORMATION CONTACT:** Duane C. Andresen, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Telephone: (202) 418-5490.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Introduction**

The Commission amended Commission Regulation 1.35(d)(7), which addresses the preparation, submission and correction of trading cards, to make its provisions applicable to all trading records. The Commission also amended the error correction procedures in paragraph (d)(7)(ii) to state that a member may correct any errors by crossing out erroneous information without obliterating or otherwise making illegible any of the originally recorded information. The Commission further amended paragraph (d)(7)(ii) to require that when errors on a trading card are corrected by rewriting the trading card, the member must submit a ply of the trading card, or in the absence of plies the original trading card, that is subsequently rewritten in accordance with contract market rules

<sup>1</sup> 61 FR 28806 (June 6, 1996).

<sup>2</sup> 61 FR 42999 (August 20, 1996).

which set forth the required collection schedule for trading cards.

## II. Comment Received

The comment letter not previously addressed was received from the Chicago Board of Trade ("CBT"). Many of the CBT's concerns were mentioned by other commenters and were considered prior to publication of the final rule amendment. Those concerns that were not specifically addressed are discussed below.

### A. Applicability

In its comment letter, the CBT stated that it is unclear what the Commission means by "trading records prepared for 'flashed' orders" and, further, that the amendment should not be applicable to broker cards, which resemble trading cards and are used on a temporary basis until a broker or his broker assistant has an opportunity to formally endorse a written order ticket. The CBT stated that such cards are not required to be used and not relied upon as an original source document for clearing purposes. The CBT also stated that the amendment should not be applicable to desk clerks recording customers' order instructions.

The provisions of the amendment are applicable to trading records prepared by a member of a contract market pursuant to contract market rules. Thus, the provisions would be applicable to such trading records as broker cards prepared for "flashed" orders if the broker cards were prepared pursuant to contract market rules.<sup>3</sup>

With regard to desk clerks recording customers' order instructions, the provisions of the amendment are specifically applicable to order tickets prepared under Regulation 1.35(a-1) (2), (3) or (4) or received on the floor through electronic order routing systems. Desk clerks correcting order instructions on the original order would be required to correct the erroneous information, or reflect changed instructions received from the customer, without obliterating or otherwise making illegible any of the originally recorded information.

### B. Trading Card Provision

The Commission specifically requested comment regarding the trading card provision that permits correction of erroneous information by rewriting the trading card. The CBT

stated that the provision should be retained, since members remain accountable for trading cards which are subsequently rewritten.

The Commission determined to retain the provision that permits the correction of erroneous information on trading cards by rewriting the trading card. However, the Commission amended paragraph (d)(7)(ii) to add the requirement that the member must submit a copy of the trading card, or in the absence of plies the original trading card, that subsequently is rewritten in accordance with contract market rules which set forth the required collection schedule for trading cards.

## III. Conclusion

The Commission has carefully reviewed and considered this comment and believes that the commenter's concerns have been addressed.

Issued in Washington, DC, on September 20, 1996 by the Commission.

Jean A. Webb,

*Secretary of the Commission.*

[FR Doc. 96-24726 Filed 9-25-96; 8:45 am]

BILLING CODE 6351-01-M

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### 30 CFR Parts 56 and 57

RIN 1219-AA97

#### Safety Standards for First Aid at Metal and Nonmetal Mines

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

**ACTION:** Final rule.

**SUMMARY:** This final rule revises existing standards at metal and nonmetal mines, requiring first aid capability to be available in the event a miner is injured. The final rule provides operators more flexibility and clarifies requirements for persons trained in first aid.

**EFFECTIVE DATE:** December 26, 1996.

**FOR FURTHER INFORMATION CONTACT:** Patricia W. Silvey, Director; Office of Standards, Regulations, and Variances, MSHA; 703-235-1910 (voice), 703-235-5551 (facsimile), psilvey@msha.gov (Internet e-mail).

#### SUPPLEMENTARY INFORMATION:

##### I. Rulemaking Background

Sections 56/57.18010, requiring first aid training, were originally promulgated as advisory standards on July 31, 1969, and made mandatory on August 29, 1973. MSHA issued Program Policy Letter (PPL) No. P94-IV-2 on

October 3, 1994, to underscore the first aid requirements. MSHA withdrew the PPL by notice in the Federal Register (60 FR 9986) on February 22, 1995, and began a new procedure for formulating certain policies with increased participation by the mining community. MSHA asked the mining community to comment on the issues and to help with development of a policy for the first aid standard.

By letter of August 25, 1995, the National Mining Association (NMA) petitioned the Secretary of Labor requesting that MSHA institute rulemaking, rather than develop policy on the first aid issue, and suggested language for a new standard. The NMA recommended that MSHA develop a new rule to require that an individual capable of providing first aid be available on all shifts and that first aid training be made available to all interested miners. The recommendation from NMA addressed mutual concerns of MSHA and the mining industry.

In lieu of finalizing a first aid policy, MSHA used NMA's recommendation as the basis for a proposed first aid rule published in the Federal Register (60 FR 55150) on October 27, 1995. MSHA received comments from organized labor, industry associations, mining contractors, and medical personnel first aid trainers, all of which were considered in developing the final rule. MSHA also reviewed and considered written comments previously submitted to the Agency on its draft policy letter. One request for a public hearing was received, but it was subsequently withdrawn.

## II. Discussion and Summary of the Final Rule

### A. General Discussion

Mining has historically experienced one of the highest rates of severe injuries among its employees of any major industry group in America. Despite significant long-term improvements in safety and health, in the three-year period from 1993 through 1995, mine operators and independent contractors reported 226 amputations among the approximately 225,000 miners in the metal and nonmetal industry. During the same period, over 500 burns; 1500 fractures; and 1200 cuts, lacerations, or punctures resulted in time lost from work. The frequency and severity of injuries in the mining industry and the remoteness of many operations and working places require a skilled first aid response, the first level of care for many injured miners.

First aid is basic emergency treatment rendered on-site as soon as possible

<sup>3</sup> For example, the amendment's provisions would be applicable to broker cards prepared pursuant to the CBT's Notice: Documentation Required to Comply with CFTC's Order Regarding Immediately Executable Flashed Orders, submitted for Commission review by letter dated August 5, 1996.