

(i) In lieu of the monthly assessment payment and reporting requirements of §§ 1214.125 and 1214.60, the Promotion Board may permit a handler to make advance payment of the total estimated assessment amount due to the Promotion Board for the ensuing fiscal year, or portion thereof, prior to the actual determination of assessable kiwifruit.

(j) Any person whose prepayment exceeds the amount paid shall be reimbursed for the amount of overpayment. The Promotion Board shall not, in any case, be obligated to pay interest on any advance payment.

§ 1214.121 Exemption procedures.

(a) Any producer who produces less than 500 pounds of kiwifruit annually or who produces kiwifruit for processing and who desires to claim an exemption from assessments during a fiscal year as provided in § 1214.52 shall apply to the Promotion Board, on a form provided by the Promotion Board, for a certificate of exemption. Such producer shall certify that their production of kiwifruit shall be less than 500 pounds, for the fiscal year for which the exemption is claimed. Any importer who imports less than 10,000 pounds of kiwifruit annually or who imports kiwifruit for processing and who desires to claim an exemption from assessments during a fiscal year as provided in § 1214.52 of this part shall apply to the Promotion Board, on a form provided by the Promotion Board, for a certificate of exemption. Such importer shall certify that their importation of kiwifruit shall not exceed 10,000 pounds, for the fiscal year for which the exemption is claimed.

(b) On receipt of an application, the Promotion Board shall determine whether an exemption may be granted. The Promotion Board then will issue, if deemed appropriate, a certificate of exemption to each person that is eligible to receive one. Each person who is exempt from assessment must provide an exemption number to the first handler in order not to be subject to collection of an assessment on kiwifruit. Handlers and importers, except as otherwise authorized by the Promotion Board, shall maintain records showing the exemptee's name and address along with the exemption number assigned by the Promotion Board.

(c) Importers who are exempt from assessment shall be eligible for reimbursement of assessments collected by the U.S. Customs Service and shall apply to the Promotion Board for reimbursement of such assessments paid. No interest will be paid on assessments collected by the U.S.

Customs Service and determined to be exempt at a later time. Requests for reimbursement shall be submitted to the Board within 90 days of the last day of the year the kiwifruit were actually imported.

(d) Any person who desires to renew the exemption from assessments for a subsequent fiscal year shall reapply to the Promotion Board, on a form provided by the Promotion Board, for a certificate of exemption.

(e) The Promotion Board may require persons receiving an exemption from assessments to provide to the Promotion Board reports on the disposition of exempt kiwifruit and, in the case of importers, proof of payment of assessments.

Reports

§ 1214.125 Reports.

Each handler or producer that is also a handler shall be required to report monthly to the Promotion Board such information as may be required under § 1214.60. In addition, each handler may be required to provide the farm identification number or social security number of each producer the handler has dealt with during the time period covered by the report.

Miscellaneous

§ 1214.130 OMB control numbers.

The control number assigned to the information collection requirements by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, is OMB control number 0581-0093, except for the Promotion Board nominee background statement form which is assigned OMB control number 0505-0001.

Proposal II

2. Part 1214 is added as set forth in Proposal I with the exception that paragraph (c)(4) would be added to § 1214.30 and paragraph (e) would be added to § 1214.40 to read as follows:

§ 1214.30 Establishment, adjustment, and membership.

* * * * *

(c) * * *

(4) For the purpose of nominating and appointing members of the Board, the Secretary will ensure that at least two of the persons appointed to and serving on the Board are selected from nominees nominated by importers and/or exporters of New Zealand kiwifruit.

§ 1214.40 Programs, plans, and projects.

* * * * *

(e) The Secretary shall ensure that all programs developed and implemented

by the Board are intended to promote kiwifruit consumption in the U.S. domestic market. No program shall be implemented by the Board the purpose or major effect of which is the promotion of exports of U.S.—produced kiwifruit in foreign markets.

Proposal III

3. Part 1214 is added as set forth in Proposal I with the exception that paragraph (c)(4) would be added to § 1214.30 to read as follows:

§ 1214.30 Establishment, adjustment, and membership.

* * * * *

(c) * * *

(4) For the purposes of nominating and appointing members of the Board, the Secretary will include as a primary consideration in the allocation of the four importer/exporter seats on the Board, the relative expenditure on promotion and marketing of kiwifruit in the United States that has been made over the previous 10 years by the kiwifruit importer/exporters of the various countries of origin of the kiwifruit imported.

Dated: September 23, 1996.

Lon Hatamiya,

Administrator.

[FR Doc. 96-24844 Filed 10-1-96; 8:45 am]

BILLING CODE 3410-02-P

7 CFR Part 1214

[FV-96-708PR]

Kiwifruit Research, Promotion, and Consumer Information Order; Referendum Procedures

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule with request for comments.

SUMMARY: The purpose of this rule is to provide procedures which the Department of Agriculture (Department) will use in conducting the referendum to determine whether the issuance of the proposed Kiwifruit Research, Promotion, and Consumer Information Order (Order) is approved by a majority of the producers and importers voting in the referendum and that the producers and importers favoring approval produce and import 50 percent of the total volume of kiwifruit produced and imported by persons voting in the referendum.

DATES: Comments must be received by November 1, 1996. Pursuant to the Paperwork Reduction Act, comments on the information collection burden must be received by December 2, 1996.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule to: Research and Promotion Branch, Fruit and Vegetable Division, Agricultural Marketing Service (AMS), USDA, PO Box 96456, Room 2535-S, Washington, DC 20090-6456, fax (202) 205-2800. Three copies of all written material should be submitted, and they will be made available for public inspection at the Research and Promotion Branch during regular business hours. All comments should reference the docket number and the date and page number of this issue of the Federal Register. Also, pursuant to the Paperwork Reduction Act, send comments regarding the accuracy of the burden estimate, ways to minimize the burden, including through the use of automated collection techniques or other forms of information technology, or any other aspect of this collection of information, to the above address.

FOR FURTHER INFORMATION CONTACT: Sonia N. Jimenez, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, PO Box 96456, Room 2535-S, Washington, DC 20090-6456, telephone (202) 720-9916 or (888) 720-9917.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under the Kiwifruit Research, Promotion, and Consumer Information Act (7 U.S.C. 7461-7473), hereinafter referred to as the Act.

This rule provides the procedures under which the referendum would be conducted.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 558 of the Act, after an Order is implemented, a person subject to the Order may file a petition with the Secretary stating that the Order or any provision of the Order, or any obligation imposed in connection with the Order, is not in accordance with law and requesting a modification of the Order or an exemption from the Order. The petitioner is afforded the opportunity for a hearing on the petition. After such hearing, the Secretary will make a ruling on the petition. The Act provides that the district courts of the United States

in any district in which a person who is a petitioner resides or carries on business are vested with jurisdiction to review the Secretary's ruling on the petition, if a complaint for that purpose is filed within 20 days after the date of the entry of the ruling.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been determined not significant for purposes of Executive Order 12866, and therefore has not been reviewed by the Office of Management and Budget.

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Agency is required to examine the impact of the proposed rule on small entities.

Legislation to create a generic program of promotion and research for kiwifruit became effective on April 4, 1996.

Section 561 of the Act provides that the Secretary of Agriculture (Secretary) shall conduct a referendum during the 60-day period immediately preceding the proposed effective date of an Order to determine whether the issuance of an Order is favored by a majority of the producers and importers voting in the referendum. Paragraph (a)(2) of Section 561 of the Act requires that the Order be approved by a majority of producers and importers voting in the referendum and that the producers and importers favoring approval produce and import 50 percent or more of the volume of kiwifruit produced and imported by persons voting in the referendum.

There are approximately 650 producers, 45 importers, and 65 handlers of kiwifruit that would be covered by the program. Small agricultural service firms, which would include the handlers and importers who would be covered under the Order, have been defined by the Small Business Administration (SBA) (13 CFR 121.601) as those whose annual receipts are less than \$5 million and small agricultural producers, those who would be required to pay assessments, as those having annual receipts of \$500,000. Only one handler has been identified to have \$5 million in annual sales. In addition, there are 10 producers at or over the \$500,000 annual sales receipts threshold. The Department does not have specific information regarding the size of importers. However, it could be concluded that the majority of kiwifruit producers and importers may be classified as small entities.

The Department is aware of kiwifruit producers in California, Oregon, Pennsylvania, South Carolina, and importers that import kiwifruit from

Chile, New Zealand, and Italy. The Department believes that these individuals would include the majority of the producers and importers that would be covered under the program.

California is the source for practically all of the kiwifruit produced in the United States. The California kiwifruit industry consists of approximately 600 producers and 65 handlers. Production rose by 119 percent between 1984 and 1994, increasing from 18,000 tons to 34,800 tons. In the same period, the value of production increased by 4 percent.

Most U.S. kiwifruit is utilized fresh. Fresh utilization increased by 219 percent between 1984 and 1994, growing from 11,700 tons to 37,500 tons. The season average price during the same period fell by 54 percent, declining from \$1,000 per ton to \$491 per ton. Exports accounted for about 29 percent of U.S. fresh utilization during that period.

Between 1992 and 1994, the average annual production per producer, including kiwifruit for processing, was 22,365 7-pound trays of kiwifruit. The average price was \$376 per ton, giving an average return of about \$29,000 per producer per year. The average value of total production (fresh and processed) per year was \$16.3 million. A typical f.o.b. price during this period was \$7.78 per tray, and the average amount shipped per handler was about 190,176 trays, yielding an average annual revenue per handler of \$1.5 million. U.S. importers handled an average of 172,163 trays per year per importer. During this period, the average value of total imports per year was \$17.1 million (f.o.b. country of origin). The majority of kiwifruit came from Chile, with the remaining coming from New Zealand and Italy.

This proposed rule provides the procedures under which kiwifruit producers and importers may vote on whether they want the kiwifruit research and promotion program to be implemented. Kiwifruit producers of 500 pounds or more and importers of 10,000 pounds or more annually can vote in the referendum. There are approximately 700 eligible voters.

The Department would keep all these individuals informed throughout the program implementation and referendum process to ensure that they are aware of and are able to participate in the program implementation process. In addition, trade associations and related industry media would receive news releases and other information regarding the implementation and referendum process.

There is a federal marketing order program and a California state program for kiwifruit. The marketing order regulations for grade, size, maturity, and containers are designed to assure consumers of consistently good quality California kiwifruit. The marketing order and its regulations allow small farmers to compete effectively in an increasingly competitive marketplace. The California Kiwifruit Commission (CKC) administers the California state program for kiwifruit. The CKC is composed of kiwifruit producers, packers, and handlers. In 1995–96 it is estimated that producers would pay \$1,407,000 in assessments at a rate of 17 cents per kiwifruit tray or tray equivalent. Handlers collect the assessments and remit the money to the CKC.

Voting in the referendum is optional. However, if producers and importers choose to vote, the burden of voting would be offset by the benefits of having the opportunity to vote on whether they want the program or not.

The Department considered requiring eligible voters to vote in person at various Department offices across the country. However, conducting the referendum from one central location by mail ballot is more cost effective for this program. Also, the Department would provide easy access to information for potential voters through a toll free telephone line.

Paperwork Reduction Act

In accordance with the Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implements the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the referendum ballot, which represents the information collection and recordkeeping requirements that may be imposed by this rule has been submitted to OMB for approval.

Title: National Research, Promotion, and Consumer Information Programs.
OMB Number: 0581–0093.

Expiration Date of Approval: October 31, 1997.

Type of Request: Revision of a currently approved information collection for research and promotion programs.

Abstract: The information collection requirements in this request are essential to carry out the intent of the Act.

The burden associated with the ballot is as follows:

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .25 hours per response for each producer and importer.

Respondents: Producers and importers.

Estimated Number of Respondents: 700.

Estimated Number of Responses per Respondent: 1 every 6 years (.16).

Estimated Total Annual Burden on Respondents: 28 hours.

Because there may be insufficient time for normal clearance procedures, AMS is seeking temporary approval from OMB for the use of the ballot for the referendum. The ballot would be added to the other information collections approved for use under OMB Number 0581–0093.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of functions of the Order and the Department's oversight of the program, including whether the information will have practical utility; (b) the accuracy of the AMS's estimate of the burden of the proposed collection of information including the validity of the methodology and assumption used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collections techniques or other forms of information technology.

Comments should reference OMB No. 0581–0093, the docket number, and the date and page number of this issue of the Federal Register. Comments should be sent to Sonia N. Jimenez at the address listed above by December 2, 1996. All comments received will be available for public inspection during regular business hours at the same address. All responses to this notice will be summarized and included in the request for OMB approval.

Background

The Act authorizes the Secretary to establish a national kiwifruit research, promotion, and consumer information program. The program would be funded by an assessment levied on producers and importers not to exceed 10 cents per 7-pound tray of kiwifruit. Producers who produce less than 500 pounds annually, importers who import less than 10,000 pounds annually, and kiwifruit sold directly to a consumer by a producer for a purpose other than resale and domestic and imported kiwifruit for processing are exempt from assessments.

Assessments would be used to pay for: research, promotion, and consumer information; administration, maintenance, and functioning of the

Board; and expenses incurred by the Secretary in implementing and administering the Order, including referendum costs.

Section 561 of the Act requires that a referendum be conducted among eligible producers and importers of kiwifruit to determine whether they favor implementation of the Order. The Order shall become effective if it is approved by a majority of producers and importers voting in the referendum and the producers and importers favoring approval produce and import more than 50 percent of the total volume of kiwifruit produced and imported by persons voting in the referendum.

A proposed rule on the Order is published separately in this issue of the Federal Register.

This proposed rule provides the procedures under which kiwifruit producers and importers may vote on whether they want the kiwifruit research and promotion program to be implemented. Kiwifruit producers of 500 pounds or more and importers of 10,000 pounds or more annually can vote in the referendum. There are approximately 700 eligible voters.

This proposed rule would add a new subpart which would establish procedures to be used in the referendum. This subpart would be in effect for the referendum period only and would not be part of the Code of Federal Regulations. This subpart covers definitions, voting, instructions, use of subagents, ballots, the referendum report, and confidentiality of information.

All written comments received in response to this rule by the date specified herein will be considered prior to finalizing this action. We encourage the industry to pay particular attention to the definitions to be sure that they are appropriate for the kiwifruit industry.

List of Subjects in 7 CFR Part 1214

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Kiwifruit, Promotion, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that Title 7, chapter XI of the Code of Federal Regulations be amended as follows:

1. Subpart C is added to proposed Part 1214 to read as follows:

PART 1214—KIWIFRUIT RESEARCH, PROMOTION, AND CONSUMER INFORMATION ORDER

* * * * *

Subpart C—Procedure for the Conduct of Referenda in Connection With the Kiwifruit Research, Promotion, and Consumer Information Order

Sec.

- 1214.200 General.
- 1214.201 Definitions.
- 1214.202 Voting.
- 1214.203 Instructions.
- 1214.204 Subagents.
- 1214.205 Ballots.
- 1214.206 Referendum report.
- 1214.207 Confidential information.

Authority: 7 U.S.C. 7461–7473.

Subpart C—Procedure for the Conduct of Referenda in Connection With the Kiwifruit Research, Promotion, and Consumer Information Order

§ 1214.200 General.

A referendum to determine whether eligible producers and importers favor the issuance of the proposed Kiwifruit Research, Promotion, and Consumer Information Order shall be conducted in accordance with these procedures.

§ 1214.201 Definitions.

Unless otherwise defined below, the definition of terms used in these procedures shall have the same meaning as the definitions in the Order.

(a) *Administrator* means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in the Administrator's stead.

(b) *Order* means the Kiwifruit Research, Promotion, and Consumer Information Order.

(c) *Referendum agent* or agent means the individual or individuals designated by the Secretary to conduct the referendum.

(d) *Representative period* means the period designated by the Secretary.

(e) *Person* means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity. For the purpose of this definition, the term "partnership" includes, but is not limited to:

(1) A husband and wife who has title to, or leasehold interest in, kiwifruit production facilities and equipment as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property, and

(2) So-called "joint ventures", wherein one or more parties to the agreement, informal or otherwise, contributed capital and others contributed labor, management, equipment, or other services, or any

variation of such contributions by two or more parties so that it results in the production or importation of kiwifruit and the authority to transfer title to the kiwifruit so produced or imported.

(f) *Eligible producer* means any person or entity defined as a producer who produced 500 pounds or more of kiwifruit during the representative period and who:

(1) Owns or shares in the ownership of kiwifruit production facilities and equipment resulting in the ownership of the kiwifruit produced;

(2) Rents kiwifruit production facilities and equipment resulting in the ownership of all or a portion of the kiwifruit produced;

(3) Owns kiwifruit production facilities and equipment but does not manage them and, as compensation, obtains the ownership of a portion of the kiwifruit produced; or

(4) Is a party in a landlord-tenant relationship or a divided ownership arrangement involving totally independent entities cooperating only to produce kiwifruit who share the risk of loss and receive a share of the kiwifruit produced. No other acquisition of legal title to kiwifruit shall be deemed to result in persons becoming eligible producers.

(g) *Eligible importer* means any person or entity defined as an importer who imported 10,000 pounds or more during the representative period. Importation occurs when commodities originating outside the United States are entered or withdrawn from the U.S. Customs Service for consumption in the United States. Included are persons who hold title to foreign-produced kiwifruit immediately upon release by the U.S. Customs Service, as well as any persons who act on behalf of others, as agents or broker, to secure the release of kiwifruit from the U.S. Customs Service when such kiwifruit are entered or withdrawn for consumption in the United States.

§ 1214.202 Voting.

(a) Each person who is an eligible producer or importer, as defined in this subpart, at the time of the referendum and during the representative period, shall be entitled to cast only one ballot in the referendum. However, each producer in a landlord-tenant relationship or a divided ownership arrangement involving totally independent entities cooperating only to produce kiwifruit, in which more than one of the parties is a producer, shall be entitled to cast one ballot in the referendum covering only such producer's share of the ownership.

(b) Proxy voting is not authorized, but an officer or employee of an eligible

corporate producer or importer, or an administrator, executor, or trustee of an eligible producing or importing entity may cast a ballot on behalf of such producer or importer entity. Any individual so voting in a referendum shall certify that such individual is an officer or employee of the eligible producer or importer, or an administrator, executor, or trustee of an eligible producing or importing entity, and that such individual has the authority to take such action. Upon request of the referendum agent, the individual shall submit adequate evidence of such authority.

(c) All ballots are to be cast by mail.

§ 1214.203 Instructions.

The referendum agent shall conduct the referendum, in the manner herein provided, under the supervision of the Administrator. The Administrator may prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the referendum agent. Such agent shall:

(a) Determine the time of commencement and termination of the period during which ballots may be cast.

(b) Provide ballots and related material to be used in the referendum. Ballot material shall provide for recording essential information including that needed for ascertaining:

(1) Whether the person voting, or on whose behalf the vote is cast, is an eligible voter;

(2) The total volume of kiwifruit produced by the voting producer during the representative period; and

(3) The total volume of kiwifruit imported by the voting importer during the representative period.

(c) Give reasonable advance public notice of the referendum:

(1) By utilizing available media or public information sources, without incurring advertising expense, to publicize the dates, places, method of voting, eligibility requirements, and other pertinent information. Such sources of publicity may include, but are not limited to, print and radio; and

(2) By such other means as the agent may deem advisable.

(d) Mail to eligible producers and importers, whose names and addresses are known to the referendum agent, the instructions on voting, a ballot, and a summary of the terms and conditions of the proposed Order. No person who claims to be eligible to vote shall be refused a ballot.

(e) At the end of the voting period, collect, open, number, and review the ballots and tabulate the results in

presence of an agent of the Office of Inspector General.

- (f) Prepare a report on the referendum.
- (g) Announce the results to the public.

§ 1214.204 Subagents.

The referendum agent may appoint any individual or individuals deemed necessary or desirable to assist the agent in performing such agent's functions hereunder. Each individual so appointed may be authorized by the agent to perform any or all of the functions which, in the absence of such appointment, shall be performed by the agent.

§ 1214.205 Ballots.

The referendum agent and subagents shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be challenged for any reason, the agent or subagent shall endorse above their signature, on the ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefore, the results of any investigations made with respect thereto, and the disposition thereof. Ballots invalid under this subpart shall not be counted.

§ 1214.206 Referendum report.

Except as otherwise directed, the referendum agent shall prepare and submit to the Administrator a report on results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to analysis of the referendum and its results.

§ 1214.207 Confidential information.

The ballots and other information or reports that reveal, or tend to reveal, the vote of any person covered under the Act and the voting list shall be held confidential and shall not be disclosed.

Dated: September 23, 1996.

Robert C. Keeney,
Director, Fruit and Vegetable Division.
[FR Doc. 96-24843 Filed 10-1-96; 8:45 am]
BILLING CODE 3410-02-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 440

[Docket No. 28635; Notice 96-8A]

RIN 2120-AF98

Financial Responsibility Requirements for Licensed Launch Activities

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); reopen comment period.

SUMMARY: This document announces that the comment period for the NPRM on financial responsibility requirements for licensed launch activities is reopened. The initial comment period closed September 23, 1996. In response to industry requests that more time be provided for comment development, the comment period is reopened October 2, 1996 through December 2, 1996.

DATES: The comment period is being reopened from October 2, 1996 through December 2, 1996.

ADDRESSES: Comments on this NPRM should be mailed in triplicate to the Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket (AGC-200), 800 Independence Avenue, SW, Washington, DC 20591. Comments may also be sent electronically to the Rules Docket by using the following Internet address: nprmcmts@mail.faa.gov. All comments must be marked Docket No. 28635. Comments may be examined Monday through Friday, except Federal holidays, between the hours of 8:30 a.m. and 5:00 p.m. in Room 915G.

FOR FURTHER INFORMATION CONTACT:

Ms. Esta M. Rosenberg, Attorney-Advisor, Regulations Division, Office of the Chief Counsel, Federal Aviation Administration, U.S. Department of Transportation, (202) 366-9305.

SUPPLEMENTARY INFORMATION: Notice No. 96-8 was published on July 25, 1996 [61 FR 38992]. This Notice, as published, provided a 60 day comment period which closed September 23, 1996.

Background

The Associate Administrator for Commercial Space Transportation currently prescribes financial responsibility requirements for licensees authorized to conduct commercial space launch activities on a case-by-base basis, after analyzing the risks associated with licensed activities. The proposed rulemaking would codify the Associate Administrator's approach to implementing these requirements in rules of general applicability. Specifically, the proposed regulations would establish how certain risks are allocated and addressed among the various launch participants through financial responsibility requirements, including statutorily based reciprocal waivers of claims. The proposed regulations would also address eligibility for payment by the United States Government of certain third party claims. The Notice requested comments on appropriate means of implementing

this obligation. The FAA is undertaking this rulemaking initiative to implement financial responsibility requirements under the Commercial Space Launch Act of 1984, as amended, codified at 49 U.S.C. Subtitle IX, ch. 701, Commercial Space Launch Activities.

On September 19, 1996, Orbital Sciences Corporation (OSC), as well as several other major U.S. commercial space launch industry participants, (i.e., Lockheed Martin, McDonnell Douglas, and Rockwell International Corporations) requested that the comment period be extended 60 days beyond September 23, 1996, to allow interested parties to respond adequately to the complex issues in the Notice. OSC states that in light of the detail needed to respond accurately and in a costly fashion, an extension is needed.

Reopen Comment Period

The comment period closed on September 23, 1996, which prevented an extension. In order to allow industry additional time for a more thorough review of applicable issues and drafting of responsive comments, the FAA finds that it is in the public interest to reopen the comment period. Accordingly, the comment period is being reopened from October 2, 1996 through December 2, 1996.

Issued in Washington, DC, on September 27, 1996.

Patti Grace Smith,
Acting Associate Administrator for Commercial Space Transportation, Federal Aviation Administration.

[FR Doc. 96-25187 Filed 10-1-96; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Ch. VII

[Docket No. 950920234-6268-02]

RIN 0694-XX02

Request for Comments on Effects of Foreign Policy-Based Export Controls

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Request for comments on foreign policy-based export controls.

SUMMARY: The Bureau of Export Administration (BXA) is reviewing the foreign policy-based export controls in the Export Administration Regulations to determine whether they should be modified, rescinded or extended. To help make these determinations, BXA is seeking comments on how existing