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Dated: October 8, 1996.

Carol M. Browner,

Administrator.

[FR Doc. 96-26449 Filed 10-15-96; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 5470

[WO-330-1030-02-24 1A]

RIN 1004-AC69

Federal Timber Contract Payment Modification

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This final rule removes the regulations on Federal timber contract payment modification. This action is necessary because this subpart is obsolete since timber sales affected by the Federal Timber Contract Payment Modification Act of October 16, 1984 have all been terminated.

EFFECTIVE DATE: This rule will take effect November 15, 1996.

FOR FURTHER INFORMATION CONTACT: Frank Bruno, Regulatory Management Team, Bureau of Land Management, (202) 452-0352.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

II. Background and Discussion of Final Rule

III. Procedural Matters

I. Public Comment Procedures

The existing regulation which this rule removes, 43 CFR part 5470, subpart 5475, is obsolete and without purpose. The BLM has determined for good cause that notice and public procedure on this rule are unnecessary and contrary to the

public interest, as the regulation that this rule removes contains no current regulatory substance or guidance.

II. Background and Discussion of Final Rule

43 CFR part 5470, subpart 5475 contains about five pages of regulations which do not have any effect. The Federal Timber Contract Payment Modification Act, 16 U.S.C. 618, which these regulations were written to implement, was requested by some in the timber industry to reduce their losses on the purchase of high-priced Federal timber incurred after the market took a significant downturn. The Act authorized purchasers to terminate contracts upon paying or arranging to pay a buy-out charge; whereas prior to this Act purchasers could not cancel a contract due to market conditions. The contracts covered by this Act were bid prior to January 1, 1982, and held as of June 1, 1984. The Act no longer applies to any existing contracts. Accordingly, 43 CFR part 5470, subpart 5475 is obsolete and without any further applicability.

III. Procedural Matters

National Environmental Policy Act

BLM has determined that this final rule makes only technical changes to the Code of Federal Regulations by eliminating provisions that have no impact on the public and no continued legal relevance. Therefore, it is categorically excluded from environmental review under section 102(2)(C) of the National Environmental Policy Act, pursuant to 516 Departmental Manual (DM), Chapter 2, Appendix I, Item 1.10. In addition, the final rule does not meet any of the 10 criteria for exceptions to categorical exclusion listed in 516 DM, Chapter 2, Appendix 2. Pursuant to Council on Environmental Quality regulations (40 CFR 1508.4) and the environmental policies and procedures of the Department of the Interior, the term "categorical exclusions" means a category of actions which do not individually or cumulatively have a significant effect on the human environment and that have been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required.

Paperwork Reduction Act

The rule does not contain information collection requirements which the Office of Management and Budget must

approve under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601 *et seq.*, to ensure that government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. The BLM has determined under the RFA that this final rule would not have a significant economic impact on a substantial number of small entities.

Executive Order 12866

According to the criteria listed in section 3(f) of Executive Order 12866, BLM has determined that the final rule is not a significant regulatory action. As such, the rule is not subject to Office of Management and Budget review under section 6(a)(3) of the order.

Unfunded Mandates Reform Act

Pursuant to the requirements of section 205 of the Unfunded Mandates Reform Act of 1995 (UMRA), BLM has selected the most cost-effective and least burdensome alternative that achieves the objectives of the rule. Removal of 43 CFR part 5470, subpart 5475 will not result in any unfunded mandate to state, local or tribal governments in the aggregate, or to the private sector, of \$100,000,000 or more in any one year.

Executive Order 12612

The final rule would not have sufficient federalism implications to warrant BLM preparation of a Federalism Assessment (FA).

Executive Order 12630

The final rule does not represent a government action capable of interfering with constitutionally protected property rights. Section 2(a)(1) of Executive Order 12630 specifically exempts actions abolishing regulations or modifying regulations in a way that lessens interference with private property use from the definition of "policies that have takings implications." Since the primary function of the final rule is to abolish unnecessary regulations, there will be no private property rights impaired as a result. Therefore, BLM has determined that the rule would not cause a taking of private property, or require further discussion of takings implications under this Executive Order.

Author

The principal author of this final rule is Frank Bruno, Regulatory Management Team, Bureau of Land Management, 1849 C Street, NW., Washington, DC 20240; Telephone 202/452-0352.

List of Subjects for 43 CFR Part 5470

Forests and forest products, Government contracts, Public lands, Reporting and record-keeping requirements.

For the reasons stated in the preamble, and under the authority of 43 U.S.C. 1740, part 5470, Group 5400, subchapter E, chapter II of title 43 of the Code of Federal Regulations is amended as set forth below:

**PART 5470—CONTRACT
MODIFICATION—EXTENSION—
ASSIGNMENT**

1. The authority citation for part 5470 is revised to read as follows:

Authority: 30 U.S.C. 601; 43 U.S.C. 1181e and 1740.

2. Remove subpart 5475.

Dated: October 2, 1996.

Sylvia V. Baca,

Deputy Assistant Secretary of the Interior.

[FR Doc. 96-26250 Filed 10-15-96; 8:45 am]

BILLING CODE 4310-84-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 295

[Docket No. R-163]

RIN 2133-AB24

Maritime Security Program

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Interim final rule and request for comments.

SUMMARY: The Maritime Administration (MARAD) is issuing this interim final rule to provide procedures to implement the provisions of the Maritime Security Act of 1996 (the MSA). The MSA establishes a new 10-year Maritime Security Program (MSP), commencing in Fiscal Year (FY) 1996. The MSP supports the operations of U.S.-flag vessels in the foreign commerce of the United States through assistance payments. Participating vessel operators are required to make their ships and other commercial transportation resources available to the Government during times of war or national emergency.

DATES: This interim final rule is effective October 18, 1996. Comments are requested and must be received on or before November 15, 1996.

ADDRESSES: To be considered, comments shall be mailed, delivered in person or telefaxed (in which case an original must subsequently be forwarded) to the Secretary, Maritime Administration, Room 7210, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590. All comments will be made available for inspection during normal business hours at the above address. Commentors wishing MARAD to acknowledge receipt of comments should enclose a stamped self-addressed envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Raymond R. Barberesi, Director, Office of Sealift Support, Telephone 202-366-2323.

SUPPLEMENTARY INFORMATION:

Background

Title VI of the Merchant Marine Act of 1936, as amended, 46 App. U.S.C. 1171 *et seq.* (Act), authorized the Secretary of Transportation (Secretary) to provide operating-differential subsidy (ODS) to U.S.-flag ship operators for the operation of their vessels in essential services in the foreign commerce of the United States. These long-term ODS payments are generally based on the difference between U.S. operating costs, primarily wages, and those of principal foreign competitors. The ODS program helped to maintain a U.S.-flag merchant fleet to serve both the commercial and national security needs of the United States.

Section 2 of the MSA amends Title VI of the Act. The current ODS program is retained as Subtitle A, and current ODS contracts with U.S.-flag operators will be honored until they expire under their own terms.

The MSA adds a new Subtitle B, authorizing a MSP, which provides assistance for U.S.-flag operators and vessels that meet certain qualifications. It requires the Secretary to encourage the establishment of a fleet of active, militarily useful, privately-owned vessels to meet national defense and other security requirements, while also maintaining an American presence in international commercial shipping. The MSA establishes a new 10-year program which is intended to support the operations of up to 47 U.S.-flag vessels in the foreign commerce of the United States. Payments to the operators start at \$2.3 million per ship in FY 1996, and decrease to \$2.1 million per ship per year thereafter.

Participating operators are required to make their ships and other commercial resources available upon request by the Secretary of Defense during time of war or national emergency. Unlike the ODS program, the MSP has few restrictions on vessels operating in the U.S. foreign commerce and eligible vessels may be built in foreign shipyards.

This rule adds a new 46 CFR Part 295 to provide the procedures to implement the MSA with respect to the application for, and award of, MSP operating agreements that provide financial assistance to operators of vessels enrolled in the program, subject to acceptance of statutory conditions incorporated therein.

The 10-year program will be administered on the basis of one-year renewable contracts, provided funding is available in subsequent years. Participating operators will be required to operate eligible vessels in the foreign commerce of the United States, and certain domestic areas such as Guam, with a minimum of operating restrictions, for at least 320 days in any fiscal year. Payments will be reduced for each day any vessel carries civilian bulk preference cargoes in excess of 7,500 tons.

Rulemaking Analysis and Notices

Executive Order 12866 (Regulatory Planning and Review), and Department of Transportation (DOT) Regulatory Policies

This rulemaking is not considered to be an economically significant regulatory action under section 3(f) of E.O. 12866. This interim final rule also is not considered a major rule for purposes of Congressional review under P.L. 104-121. Since the program is designed to support 47 vessels in FY 1997, each receiving up to \$2.1 million annually, the Maritime Administrator finds that the program will not have an annual effect on the economy of \$100 million or more. However, it is considered to be a significant rule under DOT's Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Accordingly, it has been reviewed by the Office of Management and Budget.

The program will be subject to annual appropriations to provide payments to the participants of \$2.3 million for each Agreement Vessel for fiscal year 1996 and \$2.1 million for each fiscal year thereafter in which the agreement is in effect. These payments are up to 50 percent less, per vessel, than payments made under the existing ODS program. A full regulatory evaluation is not necessary since this rule only