

experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

6. *Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended*—Contracts of amounts in excess of \$100,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.) Violations shall be reported to NASA and the Regional Office of the Environmental Protection Agency (EPA).

7. *Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)*—Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

8. *Debarment and Suspension (Executive Orders 12549 and 12689)*—No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with Executive Orders 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than Executive Order 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 55

[T.D. ATF-382; (95R-0360)]

RIN 1512-AB61

Commerce in Explosives; Implementation of Provisions of Public Law 104-132, the Antiterrorism and Effective Death Penalty Act of 1996, Relating to Plastic Explosives

AGENCY: Bureau of Alcohol, Tobacco and Firearms, (ATF), Department of the Treasury.

ACTION: Final rule (Treasury decision).

SUMMARY: This final rule implements certain provisions of Public Law 104-132, the Antiterrorism and Effective Death Penalty Act of 1996. These regulations implement the law by requiring that all persons possessing plastic explosives on the date of enactment report the quantity of such explosives possessed and certain other information to the Director within 120 days after the date of enactment.

EFFECTIVE DATE: The regulations are effective on July 23, 1996.

FOR FURTHER INFORMATION CONTACT: Gail E. Hosey, Firearms and Explosives Regulatory Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927-8310.

SUPPLEMENTARY INFORMATION:

Background

Public Law 104-132, 110 Stat. 1214, the "Antiterrorism and Effective Death Penalty Act of 1996" (hereafter "the Act") was enacted on April 24, 1996. The Act amended a number of provisions of the Federal explosives laws in 18 U.S.C. Chapter 40. Title VI of the Act, "Implementation of Plastic Explosives Convention", added new requirements to 18 U.S.C. Chapter 40 to implement the "Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991." In general, the amendments make it unlawful to ship, transport, transfer, receive, or possess any plastic explosive that does not contain a detection agent. A number of exceptions are provided in the law, including an exception for possession of plastic explosives imported into or manufactured in the United States prior to April 24, 1996. This exception expires at the end of the 3-year period beginning April 24, 1996. See 18 U.S.C. 842(n)(2)(A).

Section 607 of the Act provides that, except as otherwise provided, the

amendments made by Title VI shall take effect 1 year after the date of enactment. Accordingly, the majority of the amendments made by Title VI do not take effect until April 24, 1997.

However, section 603 added a new section 842(o) to Title 18, U.S.C., which provides that any person, other than an agency of the United States (including any military reserve component) or the National Guard of any State, possessing any plastic explosive on the date of enactment, shall report to the Secretary within 120 days after the date of enactment the quantity of such explosives possessed, the manufacturer or importer, any marks of identification on such explosives, and such other information as the Secretary may prescribe by regulation.

This Treasury Decision adds a new Subpart J to the regulations in 27 C.F.R. Part 55 titled "Marking of Plastic Explosives." All regulations relating to Title VI of the Act will be in this subpart. A new section 55.181 implements the reporting requirement of section 842(o). This section requires that any person, other than an agency of the United States or the National Guard, possessing plastic explosive on April 24, 1996, submit a report to the Director, ATF, no later than August 22, 1996. The report must be written and shall include the quantity of explosives possessed, the name and address of the manufacturer or importer, any marks of identification, the location where the explosives are stored, and the name and address of the possessor.

The regulation adds two items of information to be reported in addition to the information required by statute, *i.e.*, storage location and name and address of the possessor. All information required by this final rule will assist ATF in determining whether plastic explosives are possessed in compliance with the law. Specifically, the information will assist in determining whether plastic explosives possessed after April 24, 1997, were imported into or manufactured in the United States prior to April 24, 1996 and are lawfully possessed under the 3-year exception.

Executive Order 12866

It has been determined that this final rule is not a significant regulatory action, because the economic effects flow directly from the underlying statute and not from this final rule. Therefore, a regulatory assessment is not required.

Administrative Procedure Act

Because this document merely implements the one-time reporting requirement of section 842(o) that must

be met on or before August 22, 1996, and because immediate guidance is necessary for possessors of plastic explosives to comply with the requirement, it is found to be impracticable to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b), or subject to the effective date limitation in section 553(d).

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory analysis (5 U.S.C. 604) are not applicable to this final rule because the agency was not required to publish a notice of proposed rulemaking under 5 U.S.C. 553 or any other law. Accordingly, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

This regulation is being issued without prior notice and public procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553). For this reason, the collection of information contained in this regulation has been reviewed under the requirements of the Paperwork Reduction Act (44 U.S.C. 3507(j)) and, pending receipt and evaluation of public comments, approved by the Office of Management and Budget (OMB) under control number 1512-0535. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

Comments concerning the collection of information should be directed to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury/Bureau of Alcohol, Tobacco and Firearms, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Chief, Document Services Branch, Room 3450, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, N.W., Washington, DC 20226.

The estimated average annual burden associated with the collection of information in this regulation is 1.0 hour per respondent or recordkeeper.

The collection of information in this regulation is in section 27 CFR 55.181. This information is required by 18 U.S.C. 842(o) which requires that any person possessing plastic explosives on April 24, 1996, report the quantity of such explosives possessed, the manufacturer or importer, any marks of identification on such explosives, and such other information as the Secretary may prescribe by regulation within 120

days of the date of enactment. The likely respondents are Federal explosives licensees, and State, and local governmental entities. Estimated total annual reporting and recordkeeping burden: 1,000 hours. Estimated number of respondents and recordkeepers: 1,000. Estimated annual frequency of responses: One time only.

Drafting Information. The author of this document is Gail E. Hosey, Firearms and Explosives Regulatory Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 55

Administrative practice and procedure, Authority delegations, Customs duties and inspection, Explosives, Hazardous materials, Imports, Penalties, Reporting and recordkeeping requirements, Safety, Security measures, Seizures and forfeitures, Transportation, and Warehouses.

Authority and Issuance

27 CFR part 55 is amended as follows:

PART 55—COMMERCE IN EXPLOSIVES

Paragraph 1. The authority citation for 27 CFR part 55 is revised to read as follows:

Authority: 18 U.S.C. 842, 843, 845, 846, 847.

Par. 2. Section 55.11 is amended by adding the term "plastic explosive" to read as follows:

§ 55.11 Meaning of terms.

* * * * *

Plastic explosive. An explosive material in flexible or elastic sheet form formulated with one or more high explosives which in their pure form has a vapor pressure less than 10^{-4} Pa at a temperature of 25° C., is formulated with a binder material, and is as a mixture malleable or flexible at normal room temperature.

* * * * *

Par. 3. Subpart J consisting of § 55.181 is added to read as follows:

Subpart J—Marking of Plastic Explosives

§ 55.181 Reporting of plastic explosives.

All persons, other than an agency of the United States (including any military reserve component) or the National Guard of any State, possessing any plastic explosive on April 24, 1996, shall submit a report to the Director no later than August 22, 1996. The report shall be in writing and mailed by certified mail (return receipt requested) to the Director at P.O. Box 50204,

Washington, DC 20091-0204. The report shall include the quantity of plastic explosives possessed on April 24, 1996; any marks of identification on such explosives; the name and address of the manufacturer or importer; the storage location of such explosives, including the city and State; and the name and address of the person possessing the plastic explosives.

Signed: June 20, 1996.

John W. Magaw,
Director.

Approved: July 3, 1996.

John P. Simpson,

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

[FR Doc. 96-18617 Filed 7-19-96; 9:57 am]

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DEPARTMENT OF JUSTICE

Office of Justice Programs

Bureau of Justice Assistance

28 CFR Part 82

[OJP (BJA) No. 1010]

RIN 1121-AA24

State Criminal Alien Assistance Program

AGENCY: Office of Justice Programs, Bureau of Justice Assistance (BJA), Justice.

ACTION: Interim final rule.

SUMMARY: This document removes the rule governing the State Criminal Alien Assistance Program (SCAAP). Congress changed the authorization for SCAAP in Fiscal Year 1996 and, as such, the program as set forth in this interim final rule is no longer in effect or necessary.

EFFECTIVE DATE: Interim Rule Removal effective on July 23, 1996.

FOR FURTHER INFORMATION CONTACT: The Department of Justice Response Center or Linda McKay, SCAAP Coordinator, at 1-800-421-6770.

SUPPLEMENTARY INFORMATION: This notice is to announce the removal of the Interim Final Rule, 28 CFR part 82, which was promulgated as a result of a directive in the Fiscal Year 1995 Department of Justice Appropriations Act, Title VIII of Public Law 103-317, and was published on October 6, 1994, 59 FR 50830. The Fiscal Year 1995 Appropriations Act allocated \$130 million to 8 U.S.C. 1365 to create the State Criminal Alien Assistance Program (SCAAP) to provide assistance to states for costs associated with incarcerating illegal criminal aliens. No