

Dated: March 12, 1996.

T. L. Rice,

Captain, U. S. Coast Guard, Captain of the Port, Wilmington, NC.

[FR Doc. 96-9431 Filed 4-16-96; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF EDUCATION

34 CFR Part 682

RIN 1840-AC21

Federal Family Education Loan Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing the Federal Family Education Loan Program to add the Office of Management and Budget (OMB) control number to certain sections of the regulations. These sections contain information collection requirements approved by OMB. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The Secretary takes this action to inform the public that these requirements have been approved and affected parties must comply with them.

EFFECTIVE DATE: These regulations are effective on July 1, 1996.

FOR FURTHER INFORMATION CONTACT: Patricia Newcombe, FFELP Policy Section Chief, Policy Development Division, Policy, Training, and Analysis Service, U.S. Department of Education, 600 Independence Avenue, SW., (Room 3053, ROB-3), Washington, DC 20202. Telephone (202) 708-8242. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m. Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Final regulations for the Federal Family Education Loan Program were published in the Federal Register on December 1, 1995 (60 FR 61750). Compliance with information collection requirements in certain sections of these regulations was delayed until those requirements were approved by OMB under the Paperwork Reduction Act of 1995. OMB approved the information collection requirements in the regulations on November 30, 1995. The information collection requirements in these regulations will therefore become effective with all of the other provisions of the regulations on July 1, 1996.

Waiver of Proposed Rulemaking

It is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the publication of OMB control numbers is purely technical and does not establish substantive policy. Therefore, the Secretary has determined under 5 U.S.C. 553(b)(B), that public comment on the regulations is unnecessary and contrary to the public interest.

List of Subjects in 34 CFR Part 682

Administrative practice and procedure, Colleges and universities, Education, Loan programs-education, Reporting and recordkeeping requirements, Student aid, Vocational education.

Dated: April 9, 1996.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

The Secretary amends Part 682 of Title 34 of the Code of Federal Regulations as follows:

PART 682—FEDERAL FAMILY EDUCATION LOAN PROGRAM

1. The authority citation for Part 682 continues to read as follows:

Authority: 20 U.S.C. 1071 to 1087-2, unless otherwise noted.

§ 682.207 [Amended]

2. Section 682.207 is amended by adding the OMB control number following the section to read as follows: “(Approved by the Office of Management and Budget under control number 1840-0538)”

§§ 682.209, 682.210, 682.211, 682.401, 682.412, 682.603, 682.604, 682.605 [Amended]

3. Sections 682.209, 682.210, 682.211, 682.401, 682.412, 682.603, 682.604, and 682.605 are amended by republishing the OMB control number following each section to read as follows: “(Approved by the Office of Management and Budget under control number 1840-0538)”

[FR Doc. 96-9374 Filed 4-16-96; 8:45 am]

BILLING CODE 4000-01-P

PANAMA CANAL COMMISSION

35 CFR Part 70

RIN 3207-AA37

Procedures for Changing Rules of Measurement or Rates of Tolls Technical Amendment

AGENCY: Panama Canal Commission.

ACTION: Final rule.

SUMMARY: The Panama Canal Commission hereby amends its procedures for changing the rules of measurement and rates of tolls for use of the Panama Canal. The amendment simply removes the President from any formal participation in these procedures. This revision is mandated by a recent Congressional enactment which transferred the President's authority to approve such changes to the Commission. Those portions of the rule providing for notice and public hearing remain the same. Thus, the procedural rights of the users of the Panama Canal are unaffected by this amendment.

EFFECTIVE DATE: April 17, 1996.

FOR FURTHER INFORMATION CONTACT: John A. Mills, Secretary, Panama Canal Commission, 1825 I Street NW, Suite 1050, Washington, DC 20006-5402; Telephone: (202) 634-6441; Facsimile: (202) 634-6439; or John L. Haines, Jr., General Counsel, Panama Canal Commission, Unit 2300, APO AA 34011-2300; Telephone: 011-507-272-7511; Facsimile: 011-507-272-3748.

SUPPLEMENTARY INFORMATION: The Panama Canal Commission hereby amends 35 CFR Part 70 in accordance with the statutory language contained in Subtitle B of Title XXXV of the National Defense Authorization Act for Fiscal Year 1996, Public Law 104-106, which was signed into law on February 10, 1996. Sections 3527 and 3528 of that law amended sections 1601 and 1604 of the Panama Canal Act of 1979, 22 U.S.C. 3791 and 3794, by transferring final authority for effecting changes in the measurement rules and toll rates for use of the Canal from the President to the Canal Commission. This final rule merely implements this statutory mandate by deleting current sections 70.14 and 70.15 which set forth the President's now-terminated role in the toll-setting and measurement-rule procedure and amending section 70.16 to reflect Congress' placement of final authority for such changes with the Commission.

The Commission is proceeding with the issuance of a final rule instead of a proposed rule with a request for comments because the rule merely

eliminates from the regulations formal Presidential participation; as noted, such participation has been eliminated already from the statute by Congress. A request for public comment would suggest that the Commission has some degree of discretion in this matter. Inasmuch as the agency has no choice but to implement the terms of the statute, such an invitation for comments would be misleading. These circumstances bring the agency squarely within the exception to general rulemaking requirements established in 5 U.S.C. 553(b)(B). This section provides that such rulemaking requirements do not apply when the agency for good cause finds that notice and public procedure thereon are unnecessary or contrary to the public interest. Rulemaking which serves to carry out a Congressional mandate has been described as a non-discretionary ministerial action constituting good cause within the meaning of 5 U.S.C. 553(b)(B). In one case, the appellate court held that resorting to the proposed rulemaking procedures in a situation substantially identical to this one was "unnecessary * * * and might even have been 'contrary to the public interest.'" *Metzenbaum v. Federal Energy Regulatory Commission*, 675 F.2d 1282, 1291 (D.C. Cir. 1982).

Significantly, the Commission must still comply with the procedures of section 1604 of the Panama Canal Act, 22 U.S.C. 3794, which requires publication in the Federal Register of notice of any proposed change in the rates of tolls or rules of measurement; the making available to the public an analysis showing the basis and justification for the change; the provision of an opportunity for interested parties to participate in the toll-setting or measurement-change process through the submission of written comments and appearance at a public hearing; and publication of the final rule not less than 30 days before the effective date of the change. In summary, the public will continue to have the same rights to participate in proposed toll-rate or measurement-rule changes as it has had in the past. The sole difference is that, after such participation, the Commission, rather than the President, will have the final approval authority.

The Commission has been exempted from Executive Order 12866 and, accordingly, the provisions of that directive do not apply to this final rule. Even if the Order were applicable, the change would not constitute a "rule" as that term is defined in the Regulatory Flexibility Act [5 U.S.C. 601(2)] because: (1) it concerns "rates" and "practices

relating" thereto; and (2) as noted above, is not a rule for which the agency must publish a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b). Additionally, its implementation would not have a significant economic impact on a substantial number of small entities as defined under that Act.

Further, the agency has determined that implementation of the rule will have no adverse effect on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because a notice of proposed rulemaking and opportunity for public comment are not required to be given for this final rule by the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 601), no initial or final regulatory flexibility analysis has to be or will be prepared.

Finally, the Administrator of the Panama Canal Commission certifies that these changes in regulations meet the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order No. 12988.

List of Subjects in 35 CFR Part 70

Measurement, Navigation, Panama Canal, Vessels.

Accordingly, 35 CFR Part 70 is amended as follows:

PART 70—PROCEDURES FOR CHANGING RULES OF MEASUREMENT OR RATES OF TOLLS

1. The authority citation for part 70 is revised to read as follows:

Authority: Sections 1601–1604 and 1801, Pub. L. 96–70, 93 Stat. 489–492, 22 U.S.C. 3791–3794, 3811; sections 3527 and 3528, Pub. L. 104–106; EO 12215, 45 FR 36043, 3 CFR, 1981 Comp., p. 257.

§§ 70.14 and 70.15 [Removed]

2. Sections 70.14 and 70.15 are removed.

§ 70.16 [Redesignated as § 70.14]

3. Section 70.16 is redesignated as § 70.14 and amended by removing the word "President" and inserting, in its place, the word "Commission."

Dated: April 1, 1996.
Gilberto Guardia F.,
Administrator, Panama Canal Commission.
[FR Doc. 96–9462 Filed 4–16–96; 8:45 am]

BILLING CODE 3640–04–P

UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION

43 CFR Part 10010

Policy and Procedures for Implementing the National Environmental Policy Act

AGENCY: Utah Reclamation Mitigation and Conservation Commission.

ACTION: Final rule.

SUMMARY: The Central Utah Project Completion Act established the Utah Reclamation Mitigation and Conservation Commission (Commission) and directed that the Commission be considered a Federal agency for purposes of compliance with the National Environmental Policy Act of 1969, as amended (NEPA). In accordance with NEPA and Council on Environmental Quality (CEQ) regulations, Federal agencies must establish procedures to guide their actions in implementing NEPA. This rule establishes the Commission's policies and procedures regarding NEPA implementation. It defines the procedures that the Commission will follow in preparing environmental documents and in making decisions pursuant to NEPA. The rule also provides information to other agencies and the public regarding how they may participate in the Commission's NEPA activities. The intended effects of this rule are that the Commission will have at its disposal specific guidance on how to fulfill its NEPA responsibilities, and that the public will have a clear understanding of the Commission's NEPA procedures.

EFFECTIVE DATE: March 15, 1996.

FOR FURTHER INFORMATION CONTACT: Joan Degiorgio, Telephone: 801–524–3146.

SUPPLEMENTARY INFORMATION: The Draft NEPA Rule was published in the Federal Register on January 25, 1996, Vol. 61, No. 17. The Final NEPA Rule was adopted by the Commission in public session on March 15, 1996.

Background

The Commission was established by the Central Utah Project Completion Act (Public Law 102–575, October 30, 1992). The Commission's mission is to implement mitigation and conservation measures to offset the effects of Federal reclamation projects in Utah and to take other actions for the conservation of important fish, wildlife, and recreation resources. The Commission was established to focus the authority for reclamation mitigation and to coordinate interagency efforts toward meeting mitigation needs. This rule