

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Colstrip, Montana, to accommodate a new GPS SIAP to the Colstrip Airport. The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective

September 16, 1995, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet above the surface of the earth

* * * * *

ANM MT E5 Colstrip, MT

Colstrip Airport, MT

(Lat. 45°51'10" N, long. 106°42'34" W)

Billings Logan International Airport, MT

(Lat. 45°48'30" N, long. 108°32'38" W)

That airspace extending upward from 700 feet above the surface within a 13.5-mile radius of Colstrip Airport; that airspace extending upward from 1,200 feet above the surface bounded on the north by the south edge of V-2, on the east by the west edge of V-254, on the south along lat. 45°30'00" N, and on the west by the 60-mile arc centered on Billings Logan International Airport; excluding the Forsyth and Miles City, MT Class airspace areas.

* * * * *

Issued in Seattle, Washington, on May 8, 1996.

Richard E. Prang,

Acting Assistant Manager, Air Traffic Division, Northwest Mountain Region.

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BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230, 240, 250, 270, and 275

[Release Nos. 33-7293; 34-37220; 35-26517; IC-21961; IA-1563; File No. S7-14-96]

RIN 3235-AG79

Proposal To Eliminate Fees Previously Adopted by the Commission Pursuant to the Independent Offices Appropriations Act of 1952

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Securities and Exchange Commission (Commission) is proposing to eliminate each of the user fees currently adopted under the Independent Offices Appropriations Act of 1952, in conjunction with rules under the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Investment Company Act of 1940, and the Investment Advisers Act of 1940. These fees were first adopted in 1972 to contribute towards the cost of agency operations. However, since that time, the amount of fees collected by the Commission has increased dramatically. In 1995, the Commission collected

nearly double the amount of fees required to fund the agency's operations.

DATES: Comments must be received on or before July 8, 1996.

ADDRESSES: All interested persons are invited to submit their views and comments concerning the rule proposal should be submitted in triplicate to Jonathan G. Katz, Secretary, U.S. Securities and Exchange Commission, Mail Stop 6-9, 450 Fifth Street, N.W., Washington, D.C. 20549. Comments also may be submitted electronically at the following E-mail address: rule-comments@sec.gov. All comment letters should refer to File Number S7-14-96; this file number should be included in the subject line if E-mail is used. Comment letters will be available for inspection and copying in the public reference room at the same address. Electronically submitted comments will be posted on the Commission's Internet web site (<http://www.sec.gov>).

FOR FURTHER INFORMATION CONTACT:

Henry I. Hoffman, Office of the Comptroller, at (202) 942-0343.

SUPPLEMENTARY INFORMATION: Each fee identified for elimination is listed on the attached table labeled TABLE OF IOAA FEES PROPOSED FOR ELIMINATION.

Proposal

In 1972, to offset the cost to the government of related Commission operations, the Securities and Exchange Commission established through rulemaking a fee schedule for numerous types of applications, statements and reports.¹ These regulatory fees, authorized under Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C.A. 9701), are commonly referred to as IOAA fees.²

Today, the Commission is proposing the elimination of each of its current IOAA fees.³ The collection of these fees

¹ Securities Act of 1933, Release No. 5229, January 25, 1972.

² The Independent Offices Appropriations Act of 1952, specifically 31 U.S.C. 9701, authorizes independent agencies of the federal government to prescribe fees and charges for activities that provide benefits to individuals and businesses. This statute states that "It is the sense of Congress that each service * * * provided by an agency * * * to a person * * * is to be self-sustaining to the extent possible." The statute also authorizes the head of each agency to prescribe regulations establishing the charge for a service. Notably, a separate provision of the Securities Exchange Act of 1934 (Exchange Act) specifically authorizes the Commission to impose fees authorized by this act. 15 U.S.C. 14(g)(4).

³ See attached table of IOAA fees. Note that the Commission's proposal would only eliminate the collection of regulatory fees imposed under the IOAA; it would not affect other fees imposed by

is no longer appropriate since the amount of revenue currently generated by statutory fees imposed under the securities laws far exceeds the annual cost of Commission operations. The additional revenue added by the IOAA fees is an insignificant portion of the total revenue received. In fiscal 1972, the Commission collected \$19 million in fees and cost \$27 million to operate. IOAA fees represented 12 percent of the total 1972 revenue. In fiscal 1995, the Commission collected \$559 million in fees and was appropriated \$297 million for operating costs. IOAA fees represented just 2 percent of the total 1995 revenue.⁴

This significant difference between the amount of fee revenue collected by the Commission and the amount of its annual funding level has been of continuing concern to Congress. In 1988, the Securities Subcommittee of the Senate Committee on Banking, Housing and Urban Affairs directed the Commission to study its fee structure and funding status (Commission Fee Study).⁵

As a result of the Commission Fee Study and continuing Congressional concerns about the level of the Commission's fees, in 1993 the House passed H.R. 2239, the Securities and Exchange Commission Authorization Act of 1993. One of the stated purposes of this bill was to "establish a system for the annual adjustment of fees collected by the Commission so that the total amount appropriated to the Commission for any fiscal year will be offset by the amount collected during such fiscal year * * *".⁶

Although Congress did not enact H.R. 2239, in 1995 members of the Commission's authorization committee in the Senate stated that the total amount of fees collected annually by the agency far exceed the cost of its regulation and, therefore, should be reduced.⁷

statute that are also collected by the Commission. These statutory fees include registration fees collected pursuant to Section 6(b) of the Securities Act of 1933 (Securities Act) and Section 307(b) of the Trust Indenture Act of 1939, going private fees collected pursuant to Section 13 of the Exchange Act, proxy and tender offer fees collected pursuant to Section 14 of the Exchange Act, and transaction fees collected pursuant to Section 31 of the Exchange Act.

⁴The vast increase in Commission fee revenue between 1972 and 1995 has developed from two basic sources. First is a significant increase in the underlying value of the securities on which the statutory fees are based. The underlying value of securities registered with the Commission under Section 6(b) of the Securities Act increased from

On March 12, 1996, the House passed H.R. 2972, the "Securities and Exchange Commission Authorization Act of 1996." This bill has as a major purpose, "to reduce over time the rates of fees charged under the Federal securities laws."⁸ Notably, H.R. 2972 contains a sense of the Congress resolution that the Commission should eliminate its fees imposed under the IOAA.⁹

The Commission is proposing to eliminate IOAA fees for two additional reasons. First, the Commission is committed, consistent with its mission of investor protection, to eliminate unnecessary regulations imposed on the capital formation process. The Commission has determined that eliminating these IOAA fees will reduce such burdens but neither harm investors nor the Commission's mission to protect them. Second, the collection of these IOAA fees imposes a disproportionate cost on the Commission. In 1995, IOAA fees represented less than 2% of the total fee revenue collected by the Commission, but more than one-half of the total number of fee payments processed by Commission staff, making recordkeeping for these fees disproportionately costly.

Cost/Benefit Analysis

Comments are requested related to any costs or benefits associated with the elimination of the Commission's current IOAA fees. The elimination of IOAA fees will provide an obvious benefit to persons obligated to pay such fees, *i.e.*, they will no longer have to pay the fees. In addition, the Commission will avoid the costs associated with processing and auditing the collection of such fees; Commission resources spent on those tasks will be reallocated to other mandated tasks. Other costs and benefits are expected to be *de minimis*.

\$62 billion to \$1.2 trillion from 1972 to 1995. Further, during the same period, the value of shares transacted on the U.S. securities exchanges and subject to a fee under Section 31 of the Exchange Act increased from \$196 billion to \$3 trillion. Second is the increased use of offsetting collections under Section 6(b) of the Securities Act to fund agency operations since 1990. The amount of offsetting revenue collected under Section 6(b) in 1991, the first year fee revenue was used to directly offset Commission funding, was \$37 million at a fee rate of 1/40 of one percent, and in 1995 was \$157 million at an increased fee rate of 1/29 of one percent.

⁵Senate Report 100-105, 100th Cong., 1st Session, and, in response, Commission issued findings in a U.S. Securities and Exchange

Summary of Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis in accordance with 5 U.S.C. 603 regarding the proposed rule changes. The analysis reiterates the reasons and objectives for the proposed rule changes discussed above in this release. The analysis also describes the legal basis for the proposal and discusses its effect on small entities as defined by the Securities Act, the Exchange Act, the Public Utility Holding Company Act of 1935, the Investment Company Act of 1940, and the Investment Advisers Act of 1940. This proposed rule imposes no additional reporting, recordkeeping or other compliance requirements on small businesses, and the Commission believes that there are no overlapping or conflicting federal rules. In addition, the Commission does not believe that any significant alternative to the proposal would both accomplish the stated objectives and minimize any significant impact on small companies. In fact, the alternatives to eliminating the fee would be to maintain or increase the current fees. Neither alternative provides any increased benefit nor is appropriate in the public interest. The Commission encourages the submission of written comments with respect to the Initial Regulatory Flexibility Analysis. A copy of the Initial Regulatory Flexibility Analysis may be obtained by contacting Henry I. Hoffman, Securities and Exchange Commission, Office of the Comptroller, Room 2080, Washington, D.C. 20549.

Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed elimination of IOAA fees does not impose recordkeeping or information collection requirements, or other collections of information which require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Statutory Basis: The Commission's authority for this action is 31 U.S.C. 9701 and 15 U.S.C. 14(g)(4).

Commission "Self Funding Study" (January 1989) and accompanying "Legislative Proposals and Fee Options" (January 1989).

⁶H.R. 2239, Section 31A.(a).

⁷Letter dated April 6, 1995, from Senator D'Amato, Chairman of the Senate Banking Committee, to Senators Domenici and Exon, respectively Chairman and Ranking Member of the Senate Committee on the Budget.

⁸H.R. 2972, Section 2(2).

⁹Ibid, Section 7(1) states that "the fees authorized by the amendments made by this Act are in lieu of, and not in addition to, any fees that the Securities and Exchange Commission is authorized to impose or collect pursuant to Section 9701 of title 31, United States Code * * *".

SECURITIES AND EXCHANGE COMMISSION TABLE OF IOAA FEES PROPOSED FOR ELIMINATION

Fee cite	Rule/form/schedule	Amount	Description
Securities Act of 1933			
17 CFR 230.236(a),(c)	Rule 236	\$100	Exemption of shares offered in connection with certain transactions.
17 CFR 230.252(f)	Form 1-A	500	Offering statement under Regulation A.
17 CFR 230.310(a)	Schedules A, B, C or D	100	Offering sheet under Regulation B.
17 CFR 230.604(a)	Form 1-E	100	Notification of offering under Regulation E by a small business investment company.
17 CFR 230.652.	Form 1-F	100	Notification under Regulation F.
Securities Exchange Act of 1934			
17 CFR 240.0-11(c)(1)(ii)	Schedule 14A	125	Proxy Statement.
17 CFR 240.0-11(c)(1)(ii) 17 CFR 240.14c-5(g) ...	Schedule 14C	125	Information Statement.
17 CFR 240.12b-7	Form 8-A	250	Registration of certain classes of securities pursuant to Section 12(b) or (g).
17 CFR 240.12b-7	Form 8-B	250	Registration of securities of certain successor issuers pursuant to Section 12(b) or (g).
17 CFR 240.12b-7	Form 10	250	General form for registration of securities pursuant to Section 12(b) or (g).
17 CFR 240.12b-7	Form 10-SB	250	Optional form for the registration of securities of a small business issuer.
17 CFR 240.12b-7	Form 18	250	Application for registration of securities of foreign governments and political subdivisions thereof.
17 CFR 240.12b-7, 17 CFR 240.13a-1, 17 CFR 240.15d-1.	Form 20-F	250	Registration of securities of foreign private issuers pursuant to Section 12 (b) or (g) and annual reports pursuant to Sections 13 and 15(d)
17 CFR 240.12b-7, 17 CFR 240.13a-1, 17 CFR 240.15d-1.	Form 40-F	250	Registration of securities of certain Canadian issuers pursuant to Section 12(b) or (g) and for reports pursuant to Section 15(d) and Rule 15d-4.
17 CFR 240.13a-1, 17 CFR 240.15d-1	Form 10-K	250	Annual report pursuant to Sections 13 and 15(d).
17 CFR 240.13a-1, 17 CFR 240.15d-1	Form 10-KSB	250	Optional form for annual report of small business issuers under Sections 13 and 15(d).
17 CFR 240.13a-1	Form 18-K	250	Annual report for foreign governments and political subdivisions thereof.
17 CFR 240.13d-7	Schedule 13D, Schedule 13D/A (if amended to >5%).	100	Schedule for reporting beneficial ownership of more than five percent in an equity security.
17 CFR 240.13d-7	Schedule 13G, Schedule 13G/A (if amended to >5%).	100	Short form schedule for reporting beneficial ownership of more than five percent in an equity security
17 CFR 240.14a-6(i)	Schedule 14A	125/500	Proxy Statement.
17 CFR 240.14a-101 (Item 22(a)(2))	Schedule 14A	125	Proxy filing fee for investment companies.
17 CFR 240.15d-1	Form 11-K	250	Annual report for employee stock purchase savings and similar plans.
Public Utility Holding Company Act of 1935			
17 CFR 250.1(d)	Form U5S	250	Annual report of registered holding company.
17 CFR 250.94(b)	Form U-13-60	250	Annual report of mutual or subsidiary service company.
17 CFR 250.106	Form U-1	2,000	Application-declaration statement.
17 CFR 250.106	Form U-3A-2	2,000/500	Annual holding company exemption statement.
17 CFR 250.106	Form U-3A3-1	500	Bank exemption statement.
17 CFR 250.106	Form U-13-1	2,000	Application for approval of mutual or subsidiary service company.
17 CFR 250.106	Form U-7D	200/100	Certificate of lease of utility facilities.
17 CFR 250.106	Form U-R-1	2,000	Declaration regarding a reorganization.
Investment Company Act of 1940			
17 CFR 240.14a-101 (Item 22(a)(2))	Schedule 14A	125	Proxy filing fee.
17 CFR 270.0-5(d)	Rule 0-5	500	Application under the 1940 Act.
17 CFR 270.8b-6	Rule 8b-6, Forms N-1A, N-2, N-3, N-4 and N-5.	1,000	1940 Act registration fee.
17 CFR 270.24f-2(a)(3)	Rule 24f-2	500	Registration of an indefinite amount of securities.
17 CFR 270-30a-1	Rule 30-1	125	Form N-SAR filing fee.

SECURITIES AND EXCHANGE COMMISSION TABLE OF IOAA FEES PROPOSED FOR ELIMINATION—Continued

Fee cite	Rule/form/schedule	Amount	Description
Investment Advisers Act of 1940 ("Advisers Act")			
17 CFR 275.0-5(d)	Rule 0-5	150	Application under the Advisers Act.
17 CFR 275.203-3(a)	Rule 203-3	150	Advisers Act registration fee.

¹ (First/subseq.).

Dated: May 16, 1996.
By the Commission.
Margaret H. McFarland,
Deputy Secretary.
[FR Doc. 96-12777 Filed 5-21-96; 8:45 am]
BILLING CODE 8010-01-P

Dated: May 16, 1996.
Ada E. Deer,
Assistant Secretary—Indian Affairs.
[FR Doc. 96-12763 Filed 5-21-96; 8:45 am]
BILLING CODE 4310-02-M

risks to human health and the environment by sector end-use.
DATES: Written comments or data provided in response to this document must be submitted by June 21, 1996. A public hearing, if requested, will be held in Washington, D.C. Any hearing will be strictly limited to the subject matter of this proposal, the scope of which is discussed below. If such a hearing is requested, it will be held on June 6, 1996, and the comment period would then be extended to July 8, 1996. Anyone who wishes to request a hearing should call Sally Rand at (202) 233-9739 by May 29, 1996. Interested persons may contact the Stratospheric Protection Hotline at 1-800-296-1996 to learn if a hearing will be held and to obtain the date and location of the hearing.

ADDRESSES: Public Comments. Written comments and data should be sent to Docket A-91-42, Central Docket Section, South Conference Room 4, U.S. Environmental Agency, 401 M Street, SW., Washington, DC 20460. The docket may be inspected between 8 a.m. and 4:00 p.m. on weekdays. Telephone (202) 260-7549; fax (202) 260-4400. As provided in 40 CFR part 2, a reasonable fee may be charged for photocopying. To expedite review, a second copy of the comments should be sent to Sally Rand, Stratospheric Protection Division, Office of Atmospheric Programs, U.S. EPA, 401 M Street, SW., 6205-J, Washington, DC. 20460. Information designated as Confidential Business Information (CBI) under 40 CFR part 2 subpart B must be sent directly to the contact person for this notice. However, the Agency is requesting that all respondents submit a non-confidential version of their comments to the docket as well.

FOR FURTHER INFORMATION CONTACT: Nancy Smagin at (202) 233-9126 or fax (202) 233-9577, Stratospheric Protection Division, USEPA, Mail Code 6205J, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

I. Overview of This Action

This action is divided into five sections, including this overview:

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 291

RIN 1076-AD67

Establishing Departmental Procedures To Authorize Class III Gaming on Indian Lands When a State Raises an Eleventh Amendment Defense To Suit Under the Indian Gaming Regulatory Act

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Correction.

SUMMARY: This document corrects the name of the issuing agency and the CFR part number for the advance notice of proposed rulemaking regarding Class III Indian gaming on Indian lands published on May 10, 1996.

FOR FURTHER INFORMATION CONTACT: George Skibine, Director, Indian Gaming Management Staff, (202) 219-4066.

SUPPLEMENTARY INFORMATION: Beginning on page 21394 in the issue of Friday, May 10, 1996, make the following corrections on page 21394:

1. In the heading of the document, under the heading "Department of the Interior," the issuing agency was previously listed as the National Indian Gaming Commission. This should be changed to read Bureau of Indian Affairs.

2. In the CFR heading of the document, the CFR citation was previously listed as 25 CFR Part 525. This should be changed to read 25 CFR Part 291.

3. The agency in the AGENCY caption is corrected to read "Bureau of Indian Affairs, Interior."

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL-5507-6]

RIN 2060-AG12

Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes restrictions or prohibitions on substitutes for ozone depleting substances ((ODS)) under the U.S. Environmental Protection Agency (EPA) Significant New Alternatives Policy (SNAP) program. SNAP implements section 612 of the amended Clean Air Act of 1990 which requires EPA to evaluate and regulate substitutes for the ODS to reduce overall risk to human health and the environment. Through these evaluations, SNAP generates lists of acceptable and unacceptable substitutes for each of the major industrial use sectors. The intended effect of the SNAP program is to expedite movement away from ozone depleting compounds while avoiding a shift into high-risk substitutes posing other environmental problems.

On March 18, 1994, EPA promulgated a final rulemaking setting forth its plan for administering the SNAP program (59 FR 13044), and issued decisions on the acceptability and unacceptability of a number of substitutes. In this Notice of Proposed Rulemaking (NPRM), EPA is issuing its preliminary decisions on the acceptability of certain substitutes not previously reviewed by the Agency. To arrive at determinations on the acceptability of substitutes, the Agency completed a cross-media evaluation of