emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

96–11–14 SAAB Aircraft Ab: Amendment 39–9639. Docket 96–NM–102–AD.

Applicability: Model SAAB 2000 series airplanes; having serial numbers 004 through 039, inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue cracking of the lower rib of the rudder and subsequent reduced controllability of the airplane, accomplish the following:

(a) Within 20 days after the effective date of this AD: Perform a visual inspection to detect cracking of the lower rib of the rudder, in accordance with Saab Service Bulletin 2000–55–005, dated February 2, 1996.

(b) If no cracking is detected: Thereafter, repeat the inspection required by paragraph (a) of this AD at intervals not to exceed 400 hours time-in-service, in accordance with Saab Service Bulletin 2000–55–005, dated February 2, 1996.

(c) If any cracking is detected that is 25 mm in length or less: Prior to further flight, perform a temporary repair in accordance with paragraph 2.C. of the Accomplishment Instructions of Saab Service Bulletin 2000–55–005, dated February 2, 1996. Thereafter, repeat the inspections required by paragraph (a) of this AD at intervals not to exceed 7 days.

(d) If any cracking is detected that is more than 25 mm in length: Prior to further flight, repair it in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(e) Modification of the lower rib of the rudder (Modification No. 5736), in accordance with Saab Service Bulletin 2000–55–006, dated April 23, 1996, constitutes terminating action for the repetitive inspection requirements of this AD.

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(g) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(h) The inspections and temporary repair shall be done in accordance with Saab Service Bulletin 2000–55–005, dated February 2, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from SAAB Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment becomes effective on June 17, 1996.

Issued in Renton, Washington, on May 22, 1996.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–13496 Filed 5–30–96; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 754, 758, and 762

[Docket No.960523147–01]

RIN 0694–AB44

Exports of Alaskan North Slope Crude Oil; Establishment of License Exception TAPS

AGENCY: Bureau of Export Administration, Commerce

ACTION: Final rule.

SUMMARY: The Bureau of Export Administration is amending the short supply provisions of the Export Administration Regulations to modify the restrictions on exports of Alaskan North Slope crude oil and establish License Exception TAPS authorizing such exports, with certain conditions. License Exception TAPS is based on: 1) Public Law 104–58, which allows for the export of crude oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (TAPS); 2) the President's April 28, 1996 determination that exports are in the national interest; and 3) the President's direction to the Secretary of Commerce to issue a License Exception with conditions for export of TAPS crude oil.

EFFECTIVE DATE: May 28, 1996.

FOR FURTHER INFORMATION CONTACT: Bernard Kritzer, Office of Chemical and Biological Controls and Treaty Compliance, Bureau of Export Administration, Department of Commerce, Telephone: (202) 482–0894.

SUPPLEMENTARY INFORMATION:

Background

Section 7(d) of the Export Administration Act of 1979, (50 U.S.C. app. 2406) restricts exports of crude oil transported over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652), with certain exceptions, unless the President makes certain findings, recommends exports to the Congress on the basis of those findings, and the Congress then agrees to the recommendation by joint resolution enacted into law. Although the Export Administration Act (EAA) expired on August 20, 1994, the President invoked the International Emergency Economic Powers Act and continued in effect, to the extent permitted by law, the provisions of the EAA and the EAR in Executive Order 12924 of August 19,

1994, and notice of August 15, 1995 (60 FR 42767).

On November 28, 1995, the President signed into law Public Law 104–58, which created a new section 28(s) of the Mineral Leasing Act (30 U.S.C. 185). Public Law 104–58 allows exports of oil transported over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652), ''notwithstanding any provision of this Act or any other provision of law (including any regulation),'' unless the President finds that such exports are not in the national interest.

To address the economic and environmental issues identified in Public Law 104–58, the National Economic Council and the Council on Environmental Quality working with the Department of Commerce's Bureau of Export Administration, coordinated an intensive interagency review of the effects of lifting the export ban on oil transported over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (TAPS oil). After extensive public hearings, the review of public comments, and analytical evaluation, the interagency working group found that the exports are not likely to pose a significant impact to the economy or the environment.

On April 28, 1996, the President determined that, subject to certain conditions described below, exports of crude oil transported over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (TAPS) are in the national interest. The President found that such exports:

(1) Will not diminish the total quantity or quality of petroleum available to the United States;

(2) Will not pose significant risks to the environment with the imposition of a series of measures to further ensure the safety of the environment; and

(3) Are not likely to cause sustained material oil supply shortages or sustained oil price increases above world market levels that would cause sustained material adverse employment effects in the United States or that would cause substantial harm to consumers, including those located in noncontiguous States and Pacific territories.

The President directed the Secretary of Commerce to issue a License Exception, authorizing exports of TAPS oil, subject to certain conditions designed to preserve the environment.

This final rule amends part 754 of the Export Administration Regulations (EAR) by establishing a new License Exception TAPS. License Exception TAPS authorizes exports of oil transported over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (42 U.S.C. 1652) provided that the transaction meets the following conditions:

(1) The TAPS oil is transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. app. 802));

(2) All tankers involved in the TAPS oil export trade use the same route that they do for shipments to Hawaii until they reach a point 300 miles due south of Cape Hinchinbrook Light and then turn toward Asian destinations. After reaching that point, tankers in the TAPS oil export trade must remain outside of the 200 nautical mile Exclusive Economic Zone, as defined in 16 U.S.C. 1802(6). Tankers returning from foreign ports to Valdez, Alaska must abide by the same restrictions, in reverse, on their return route. This condition shall not be construed to limit any statutory, treaty or Common Law rights and duties imposed upon and enjoyed by tankers in the TAPS oil export trade, including, but not limited to, *force majeure* and maritime search and rescue rules;

(3) The owner or operator of a tanker exporting TAPS oil shall:

(a) Adopt a mandatory program of deep water ballast exchange (i.e., at least 2,000 meters water depth). Exceptions can be made at the discretion of the captain only in order to ensure the safety of the vessel and crew. Specified records shall be maintained and made available for audit by government officials.

(b) Be equipped with satellite-based communications systems that will enable the Coast Guard independently to determine the tanker's location;

(c) Maintain a Critical Area Inspection Plan for each tanker in the TAPS oil export trade in accordance with the U.S. Coast Guard's Navigation and Inspection Circular No. 15–91 as amended, which shall include an annual internal survey of the vessel's cargo block tanks; and

(4) The exporter files with BXA a Shipper's Export Declaration covering the export not later than 21 days after the export has occurred.

This final rule also makes other conforming changes in the short supply provisions of the EAR by revising part 754 concerning TAPS oil exports, the export clearance provisions of part 758 regarding the requirement to submit the Shippers' Export Declaration (SED) to the Bureau of Export Administration, and the recordkeeping requirements of part 762.

The Export Administration Regulations (EAR) have been totally amended by an interim rule published on March 25, 1996 (61 FR 12714), which provides for a transition period within which exporters can take advantage of both the old rules and the new rules until November 1, 1996. This rule permits exports of TAPS oil pursuant to a License Exception. Exporters can make exports of TAPS oil under this exception as of the effective date of this rule. Accordingly, the old rule is not being revised.

Rulemaking Requirements

1. This final rule has been determined to be significant for the purpose of Executive Order 12866.

2. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid Office of Management and Budget Control Number. This rule contains a collection of information subject to the Paperwork Reduction Act, which is cleared by the Office of Management and Budget under existing OMB Control Number 0694–0027. The public reporting burdens for the new collections of information are estimated to range between 5 and 10 minutes for the Shipper's Export Declaration requirement, and 30 minutes per voyage for the Ballast Water Exchange collection. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing the burden, to Bernard Kritzer, Office of Chemical and Biological Controls and Treaty Compliance, Bureau of Export Administration, Department of Commerce, Room 2705, 14th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20230.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. This rule is being issued without notice of proposed rulemaking and opportunity for comment because Public Law 104–58: (1) provides that the administrative action under this Act is

not subject to sections 551 and 553–559 of the Administrative Procedures Act (5 U.S.C. 551, 553–559); and (2) requires these regulations to be issued within 30 days of the President's national interest determination.

5. Under 8 U.S.C. 808(2), there is good cause that notice and public procedure thereon are unnecessary and contrary to the public interest. Notice and public procedure are unnecessary because Public Law 104–58 exempts rulemaking under this Act from the notice and comment requirements of the Administrative Procedures Act and requires regulations to be issued within 30 days of the President's national interest determination. Notice and public procedure are contrary to the public interest because they would delay allowing the exports that the President, as authorized by Public Law 104–58, has determined are in the national interest.

List of Subjects

15 CFR Part 754

Exports, Foreign trade, Forests and forest products, Petroleum, Reporting and recordkeeping requirements.

15 CFR Part 758

Administrative practice and procedure, Exports, Foreign trade, Reporting and recordkeeping requirements.

15 CFR Part 762

Administrative practice and procedure, Business and industry, Confidential business information, Exports, Foreign trade, Reporting and recordkeeping requirements.

1. The authority citation for 15 CFR part 754 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); Sec. 201, Pub. L. 104–58, 109 Stat. 557 (30 U.S.C. 185(s)); 30 U.S.C. 185(u); 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; Notice of August 15, 1995 (60 FR 42767, August 17, 1995).

2. The authority citation for 15 CFR part 758 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; Notice of August 15, 1995 (60 FR 42767, August 17, 1995).

3. The authority citation for 15 CFR part 762 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; Notice of August 15, 1995 (60 FR 42767, August 17, 1995).

PART 754—[AMENDED]

4. In § 754.2 the following changes are made:

a. in paragraph (a), the phrase ''Reserves paragraph (i) of this section for a License Exception for certain shipments of samples.'' is revised to read ''Reserves, paragraph (i) of this section for a License Exception for certain shipments of samples, and paragraph (j) of this section for a License Exception for exports of oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652).''.

b. paragraph (c)(1)(i) is amended by adding the following sentence at the end: ''The President made a determination on April 28, 1996.''; and

c. a new paragraph (j) is added to read as follows:

§ 754.2 Crude oil.

* * * * *

(j) *License Exception for exports of TAPS Crude Oil.* (1) License Exception TAPS may be used to export oil transported over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (TAPS), provided the following conditions are met:

(i) The TAPS oil is transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. app. 802));

(ii) All tankers involved in the TAPS export trade use the same route that they do for shipments to Hawaii until they reach a point 300 miles due south of Cape Hinchinbrook Light and then turn toward Asian destinations. After reaching that point, tankers in the TAPS oil export trade must remain outside of the 200 nautical mile Exclusive Economic Zone, as defined in 16 U.S.C. 1802(6). Tankers returning from foreign ports to Valdez, Alaska must abide by the same restrictions, in reverse, on their return route. This condition shall not be construed to limit any statutory, treaty or Common Law rights and duties imposed upon and enjoyed by tankers in the TAPS oil export trade, including, but not limited to, *force majeure* and maritime search and rescue rules; and

(iii) The owner or operator of a tanker exporting TAPS oil shall:

(A) Adopt a mandatory program of deep water ballast exchange (i.e., at least 2,000 meters water depth). Exceptions can be made at the discretion of the captain only in order to ensure the safety of the vessel and crew. Records must be maintained in accordance with paragraph (j)(3) of this section.

(B) Be equipped with satellite-based communications systems that will enable the Coast Guard independently to determine the tanker's location; and

(C) Maintain a Critical Area Inspection Plan for each tanker in the TAPS oil export trade in accordance with the U.S. Coast Guard's Navigation and Inspection Circular No. 15–91 as amended, which shall include an annual internal survey of the vessel's cargo block tanks.

(2) *Shipper's Export Declaration.* In addition to the requirements of paragraph (j)(1) of this section, for each export under License Exceptions TAPS, the exporter must file with BXA a Shipper's Export Declaration (SED) covering the export not later than 21 days after the export has occurred. The SED shall be sent to the following address: Manager, Short Supply Program, Department of Commerce, Office of Chemical and Biological Controls and Treaty Compliance, Bureau of Export Administration, Room 2075, Washington, D.C. 20230.

(3) *Recordkeeping requirements for deep water ballast exchange.* (i) As required by paragraph (j)(1)(iii)(A) of this section, the master of each vessel carrying TAPS oil under the provisions of this section shall keep records that include the following information, and provide such information to the Captain of the Port (COTP), U.S. Coast Guard, upon request:

(A) The vessel's name, port of registry, and official number or call sign;

(B) The name of the vessel's owner(s);

(C) Whether ballast water is being carried;

(D) The original location and salinity, if known, of ballast water taken on, before an exchange;

(E) The location, date, and time of any ballast water exchange; and

(F) The signature of the master attesting to the accuracy of the information provided and certifying compliance with the requirements of this paragraph.

(ii) The COTP or other appropriate federal agency representatives may take samples of ballast water to assess the compliance with, and the effectiveness of, the requirements of paragraph (j)(3)(i) of this section.

5. Section 758.3 is amended by revising paragraph (d)(2) that was formerly reserved to read as follows:

§ 758.3 Shipper's Export Declaration (SED).

(d) * * *

(2) You are required under the provisions of § 754.2(j)(2) of the EAR.

PART 762—[AMENDED]

6. Section 762.2 is amended by:

a. Redesignating paragraphs (b)(26) through (b)(34) as (b)(27) through (b)(35) respectively; and

b. adding a new paragraph (b)(26).

§ 762.2 Records to be retained.

* * * * *

(b) * * *

(26) Section 754.2(j)(3), Recordkeeping requirements for deep water ballast exchange.

* * * * *

Dated: May 28, 1996.

Iain S. Baird,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 96–13708 Filed 5–28–96; 2:33 pm]

BILLING CODE 3510–DT–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8673]

RIN 1545–AM01

Enterprise Zone Facility Bonds

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to enterprise zone facility bonds issued by State and local governments. These regulations reflect changes to the law made by the Omnibus Budget Reconciliation Act of 1993. These regulations affect issuers of enterprise zone facility bonds.

EFFECTIVE DATE: These regulations are effective May 31, 1996.

For dates of applicability of these regulations to enterprise zone facility bond issues, see § 1.1394–1(q) of these regulations.

FOR FURTHER INFORMATION CONTACT: Loretta J. Finger, (202) 622–3980 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On December 30, 1994, proposed regulations (FI–72–88) were published in the Federal Register (59 FR 67658) to provide guidance under sections 141 (relating to private activity bonds and to qualified bonds), 145 (relating to qualified 501(c)(3) bonds), 148 (relating to arbitrage), 150 (relating to change of use), and 1394 (relating to enterprise zone facility bonds). On June 8, 1995, the IRS held a public hearing on the proposed regulations. Written comments responding to the proposed regulations were received.

This Treasury decision addresses the issues relating to enterprise zone facility bonds. Later guidance will be published relating to sections 141, 145, 148, and 150. After consideration of all the comments, the proposed regulations under section 1394 (relating to enterprise zone facility bonds) are adopted as revised by this Treasury decision. The principal revisions to the proposed regulations under section 1394 are discussed below.

Explanation of Provisions

Section 1394 applies to bonds issued to provide enterprise zone facilities in both empowerment zones and enterprise communities (zones).

A. Period of Compliance

The proposed regulations in general require compliance with the requirements applicable to enterprise zone facility bonds throughout the term of the enterprise zone facility bonds. The proposed regulations provide two exceptions to this general rule: (i) A business that is first established in connection with the issuance of enterprise zone facility bonds does not need to meet the requirements of an enterprise zone business and enterprise zone property until the ''testing date,'' which is the later of one year after the issue date or one year after the date on which the financed property is placed in service, and (ii) the issuer and principal user of the facility are permitted a one-year period to cure noncompliance.

The final regulations modify the general rule to require compliance with the requirements applicable to enterprise zone facility bonds throughout the greater of (i) the remainder of the period during which the zone designation is in effect under section 1391 (zone designation period), and (ii) the period that ends on the weighted average maturity date of the enterprise zone facility bonds. The final regulations also provide that, in general, compliance with the requirements applicable to enterprise zone facility bonds is not required after the date on which the last of the enterprise zone facility bonds of the issue cease to be outstanding.

1. Start of Compliance Period

Commentators requested that the testing date provisions be extended to all businesses, not just start-up businesses. Commentators also suggested lengthening the start-up period. The final regulations follow the recommendation to expand the testing date provisions to all issuers and principal users of property financed with enterprise zone facility bonds if the issuer and the principal user reasonably expect that the requirements will be met by the testing date and proceed with due diligence to comply with the requirements. The start-up period is increased to the later of 18 months after the issue date or 18 months after the date on which the financed property is placed in service.

2. Compliance Period for Certain Requirements

Commentators suggested that compliance with the requirements for an enterprise zone business should be based only on reasonable expectations on the issue date. Commentators suggested that, alternatively, the required compliance period should be reduced to either (i) three years (similar to the test period for qualified small issue manufacturing bonds), or (ii) the remainder of the zone designation period.

Issuers and principal users should be required to meet the requirements applicable to enterprise zone facility bonds for a meaningful period of time in order to further the goals of economic development in the zones. Therefore, for purposes of meeting the requirements applicable to enterprise zone facility bonds, the final regulations in general require issuers and principal users of financed property to meet the requirements throughout the greater of (i) the remainder of the zone designation period, and (ii) the period that ends on the weighted average maturity date of the enterprise zone facility bonds.

While compliance is generally not required after the enterprise zone facility bonds are retired, the final regulations do require issuers and principal users to meet the requirements of an enterprise zone business and enterprise zone property for a minimum compliance period of at least three years after the initial testing date. The final regulations permit the issuer to identify an alternative initial testing date. This alternative initial testing date is a date after the issue date of the enterprise zone facility bonds and prior to the initial testing date that would have been otherwise determined under the final regulations.

Principal users are subject to the change in use penalty of section 1394(e) throughout the greater of (i) the remainder of the zone designation period, and (ii) the period that ends on the weighted average maturity date of the enterprise zone facility bonds.