

purposes of the requirement to furnish the updated summary plan description to each participant and each beneficiary receiving benefits under the plan (other than beneficiaries receiving benefits under a welfare plan) required by section 104(b)(1) of the Act, the administrator of an employee benefit plan shall furnish such updated summary plan description no later than 210 days following the end of the plan year which occurs five years after the last date a change in the information required to be disclosed by section 102 or 29 CFR 2520.102-3 would have been reflected in the most recently distributed summary plan description (or updated summary plan description) as described in section 102 of the Act.

(2) In the case of a plan to which no amendments have been made between the end of the time period covered by the last distributed summary plan description (or updated summary plan description), described in section 102 of the Act, and the next occurring applicable date described in paragraph (b)(1) of this section, for purposes of the requirement to furnish the updated summary plan description to each participant, and to each beneficiary receiving benefits under the plan (other than beneficiaries receiving benefits under a welfare plan), required by section 104(b)(1) of the Act, the administrator of an employee benefit plan shall furnish such updated summary plan description no later than 210 days following the end of the plan year which occurs ten years after the last date a change in the information required to be disclosed by section 102 or 29 CFR 2520.102-3 would have been reflected in the most recently distributed summary plan description (or updated summary plan description), as described in section 102 of the Act.

* * * * *

§ 2520.104b-2 [Amended]

10. Paragraphs (c), (d), (e), (f) and (h) of § 2520.104b-2 are removed and reserved.

§ 2520.104b-4 [Amended]

11. Paragraph (d) of § 2520.104b-4 is removed.

§§ 2520.104b-5—2520.104b-12 [Removed]

12. Sections 2520.104b-5 and 2520.104b-12 are removed.

PART 2550—RULES AND REGULATIONS FOR FIDUCIARY RESPONSIBILITY

13. The authority citation for part 2550 is revised to read as follows:

Authority: 29 U.S.C. 1135. Section 2550.401b-1 also issued under sec. 102,

Reorganization Plan No. 4 of 1978 (43 FR 47713, Oct. 17, 1978), effective December 31, 1978 (44 FR 1065, Jan. 3, 1979), 3 CFR, 1978 Comp., p. 332. Section 2550.404c-1 also issued under 29 U.S.C. 1104. Section 2550.407c-3 also issued under 29 U.S.C. 1107. Section 2550.408b-1 also issued under sec. 102, Reorganization Plan No. 4 of 1978 (43 FR 47713, Oct. 17, 1978), effective December 31, 1978 (44 FR 1065, Jan. 3, 1979), 3 CFR, 1978 Comp., p. 332, and 29 U.S.C. 1108(b)(1). Section 2550.412-1 also issued under 29 U.S.C. 1112. Secretary of Labor's Order No. 1-87 (52 FR 13139).

§§ 2550.407a-3, 2550.407a-4, 2550.407c-3, 2550.414b-1, 2550.414c-1, 2550.414c-2, 2550.414c-3, 2550.414c-4 [Removed]

14. Sections 2550.407a-3, 2550.407a-4, 2550.407c-3, 2550.414b-1, 2550.414c-1, 2550.414c-2, 2550.414c-3, 2550.414c-4 are removed.

Signed at Washington, D.C., this 25th day of June, 1996.

Olena Berg,

Assistant Secretary for Pension and Welfare Benefits, U.S. Department of Labor.

[FR Doc. 96-16594 Filed 6-28-96; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

RIN 2900-AI32

Reestablishing Rulemaking Procedures; Public Participation in Regulatory Development

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: In a document published in the Federal Register on March 20, 1996 (61 FR 11309), the Department of Veterans Affairs (VA) amended 38 CFR Part 1 by promulgating a final rule that included the elimination of § 1.12. The provisions of § 1.12 set forth a policy statement concerning prior notice-and-comment for rulemaking. Judicial review of VA's action eliminating § 1.12 has been sought on the basis that such action did not comply with notice-and-comment provisions. While we believe such a position is not legally correct, we are by this document reestablishing § 1.12, and, in a companion document published in the Proposed Rules section of this issue of the Federal Register, proposing to eliminate § 1.12. This will provide interested parties an opportunity to provide comments concerning this matter, thus mooting the pending litigation.

EFFECTIVE DATE: July 1, 1996.

FOR FURTHER INFORMATION CONTACT: Thomas O. Gessel, Director, Office of

Regulations Management (02D), Office of General Counsel, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273-8605.

SUPPLEMENTARY INFORMATION: This final rule merely concerns VA policy. Accordingly, in accordance with the provisions of 5 U.S.C. 553, it is promulgated without notice-and-comment and without a delayed effective date.

No notice of proposed rulemaking was required in connection with this rulemaking action. Accordingly, no regulatory flexibility analysis is required under the Regulatory Flexibility Act (5 U.S.C. 601-612). Nevertheless, the Secretary of Veterans Affairs certifies that this rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act. This rule will not have a direct effect on small entities.

There is no Catalog of Federal Domestic Assistance program number.

List of Subjects in 38 CFR Part 1

Administrative practice and procedure, Archives and records, Cemeteries, Claims, Courts, Flags, Freedom of information, Government contracts, Government employees, Government property, Infants and children, Inventions and patents, Investigations, Parking, Penalties, Postal Service, Privacy, Reporting and recordkeeping requirements, Seals and insignia, Security measures, Wages.

Approved: June 21, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 1 is amended as set forth below:

PART 1—GENERAL PROVISIONS

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

Authority: 38 U.S.C. 501(a), unless otherwise noted.

2. An undesignated center heading and section 1.12 are added to read as follows:

Public Participation

§ 1.12 Public participation in regulatory development.

It is the policy of the Department of Veterans Affairs to afford the public general notice, published in the Federal Register, of proposed regulatory development, and an opportunity to participate in the regulatory development in accordance with the provisions of the Administrative

Procedure Act (APA). All written comments received will be available for public inspection. Exceptions to the policy of permitting public participation in the regulatory development may be authorized by the Secretary or one of the Secretary's deputies if adequately justified and concurred in by the General Counsel. Such exceptions, unless public comment is required by statute, may be recommended when:

(a) The proposed regulations consist of interpretative rules, general statements of policy, or rules of Department of Veterans Affairs organization, procedure, or practice, or

(b) When the Department of Veterans Affairs for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

(Authority: 38 U.S.C. 501)

[FR Doc. 96-16642 Filed 6-28-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 9

[OPPTS-00191; FRL-5379-8]

Technical Amendments to OMB Approval Numbers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is amending the list of OMB control numbers which are issued under the Paperwork Reduction Act for regulations with information collection requirements. This is a technical amendment which only updates the table to include any approvals that have published in the Federal Register since July 1, 1995, or to delete any approval that have been terminated since that date.

DATES: The effective date of this rule is July 1, 1996.

FOR FURTHER INFORMATION CONTACT:

Susan H. Hazen, Director, Environmental Assistance Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0551, e-mail address: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: This document will consolidate the OMB control numbers for various regulations issued under the Toxic Substances Control Act and section 313 of the

Emergency Planning and Community Right-to-Know Act that have published since July 1, 1995.

The information collection requests and the OMB control numbers included in this technical amendment were previously subject to public notice and comment prior to OMB approval. As such, EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 533) to issue this technical amendment without prior notice and comment.

List of Subjects in 40 CFR Part 9

Environmental protection, Information collection request, Reporting and recordkeeping requirements.

Dated: June 27, 1996.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR chapter I, part 9 is amended as follows:

PART 9—[AMENDED]

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 et seq., 136-136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 et seq., 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 et seq., 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

§ 9.1 [Amended]

2. In § 9.1 the table is amended as follows:

a. By adding the following entries in ascending section number order, under the headings "Toxic Chemical Release Reporting; Community Right-to-Know," and "Significant New Uses of Chemical Substances," and adding an entry for part 745 under a new heading "Lead-Based Paint Poisoning Prevention in Certain Residential Structures" to read as follows:

40 CFR citation	OMB control No.
Toxic Chemical Release Reporting; Community Right-to-Know	
* * * * *	
part 372, subpart A	2070-0093 and 2070-0143
372.22	2070-0093 and 2070-0143
372.25	2070-0093

40 CFR citation	OMB control No.
372.27	2070-0143
372.30	2070-0093 and 2070-0143
372.38	2070-0093 and 2070-0143
part 372, subpart C	2070-0093 and 2070-0143
part 372, subpart D	2070-0093 and 2070-0143
372.85	2070-0093
372.95	2070-0143

Significant New Uses of Chemical Substances

40 CFR citation	OMB control No.
* * * * *	
721.562	2070-0012
* * * * *	
721.639	2070-0012
* * * * *	
721.1193	2070-0012
* * * * *	
721.1643	2070-0012
* * * * *	
721.2089	2070-0012
* * * * *	
721.2815	2070-0012
* * * * *	
721.3152	2070-0012
* * * * *	
721.3486	2070-0012
* * * * *	
721.3760	2070-0012
* * * * *	
721.4463	2070-0012
721.4466	2070-0012
* * * * *	
721.4473	2070-0012
* * * * *	
721.5192	2070-0012
* * * * *	
721.5278	2070-0012
721.5282	2070-0012
* * * * *	
721.5763	2070-0012
721.5769	2070-0012
* * * * *	
721.5867	2070-0012
* * * * *	
721.6110	2070-0012