DATES: Effective October 29, 1996, the removal of parts 768A through 779A, 785A through 791A, and 799A is effective December 31, 1996, and the compliance date for the interim rule published on March 25, 1996 is December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Nancy Crowe, Office of Exporter Services, Regulatory Policy Division, Bureau of Export Administration, telephone: (202) 482–2440.

SUPPLEMENTARY INFORMATION: On March 25, 1996, the Bureau of Export Administration (BXA) published in the Federal Register (61 FR 12714) an interim rule that revised, restructured and reorganized the Export Administration Regulations (EAR), the regulatory regime through which BXA imposes export controls on those items and activities within its jurisdiction. That rule was effective April 24, 1996, except part 752 (the Special Comprehensive License), which was effective March 25, 1996.

The March 25 interim rule also made the removal of newly designated § 771A.25(d) effective March 25, 1996, and removal of newly designated parts 768A through 779A, 785A through 791A, and 799A (the old EAR) effective on November 1, 1996. The March 25 interim rule provided that during the period between April 24, 1996 and November 1, 1996, exporters must comply with the provisions of either the old EAR or the provisions of the new interim rule. Compliance with the provisions of that interim rule is compelled as of November 1, 1996.

BXA has received many industry comments on the mandatory compliance deadline, stating that to conform with the new provisions of the EAR, more time is needed to develop export compliance software for tracking the new Export Control Classification Numbers and the new License Exception symbols.

BXA has also received many industry comments on the new License Exceptions group symbols. There is strong industry support to remove the group symbol for the list-driven License Exceptions (LST) and instead rely on individual symbols of specific License Exception which are now grouped under License Exception LST. BXA is therefore publishing a separate interim rule in the Federal Register that will ''de-bundle'' License Exception LST and require the use on export control documentation of License Exceptions LVS, GBS, TSR, CIV, and CTP. For other License Exception groups, BXA will remove the individual symbols. While the individual License Exception symbols under these provisions were voluntary under the March 25 interim rule, they created confusion for some exporters. This change will not require additional compliance preparations by industry, but clarify the License Exception provisions of the EAR.

To ensure that industry has adequate time for the development of its export compliance software and for intra-company training on these new requirements, BXA is hereby notifying the exporting community that the mandatory compliance date for the new EAR published in the Federal Register on March 25, 1996, is being extended until December 31, 1996. Through December 30, 1996, you must comply with the provisions of either the old EAR (redesignated 15 CFR 768A through 799A), including amendments thereto that are published in the Federal Register, or the provisions of the March 25, 1996 interim rule, including any amendments thereto that are published in the Federal Register. Beginning December 31, 1996 you must comply with the provisions of the March 25, 1996 interim rule (15 CFR parts 730–774) including any amendments thereto that are published in the Federal Register.

Dated: October 21, 1996.

Iain S. Baird,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 96–27545 Filed 10–28–96; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 814

[Docket No. 91N–0404]

Medical Devices; Humanitarian Use Devices; Stay of Effective Date of Information Collection Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Stay of effective date of a final regulation.

SUMMARY: The Food and Drug Administration (FDA) is staying the effective date of the information collection requirements of a final rule to implement the provisions of the Safe Medical Devices Act of 1990 (the SMDA) regarding humanitarian use devices (HUD's). FDA is taking this action because the information collection requirements in the final rule have not yet been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. Elsewhere in this issue of the Federal Register, FDA is announcing that it has sent the proposed information collection to OMB for review and clearance.

DATES: Sections 814.102, 814.104, 814.106, 814.108, 814.110(a), 814.112(b), 814.116(b), 814.118(d), 814.120(b), 814.124(b), and 814.126(b)(1), which contain information collection requirements, published at 61 FR 33232, June 26, 1996, are stayed pending OMB clearance of the information collection requirements. FDA will announce the effective date of these sections in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ–215), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301–827–2974.

SUPPLEMENTARY INFORMATION: In the Federal Register of June 26, 1996 (61 FR 33232), FDA issued a final rule implementing the provisions of the SMDA regarding HUD's. The rule is scheduled to become effective on October 24, 1996. In the preamble to the final rule, FDA provided for a 60-day comment period on the information collection requirements of the rule under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), which was enacted after the expiration of the comment period on the proposed rule governing HUD's.

In the preamble to the final rule, FDA announced that it would review the comments received, make the revisions as necessary to the information collection requirements, and submit the requirements to OMB for approval. FDA has not received any comments and has submitted the information collection requirements to OMB for approval. A notice published elsewhere in this issue of the Federal Register informs the public how to address comments on the information collection provisions to OMB.

The Administrative Procedure Act and FDA regulations provide that the agency may issue a regulation without notice and comment procedures when the agency for good cause finds that such procedures are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(8); 21 CFR 10.40(e)(1)). FDA finds that there is good cause for dispensing with notice and comment procedures on this amendment to stay the effective date of the information collection requirements of the final rule on HUD's until such time as OMB approves these

requirements. Engaging in notice and comment rulemaking is unnecessary because the information collection provisions cannot become effective until such time as FDA obtains OMB approval of them. Moreover, notice and comment rulemaking is impracticable and contrary to the public interest in this case. There is not enough time to solicit a new round of notice and comment on the issue of establishing a delayed effective date for these information collection requirements without further delaying the implementation of this provision of the SMDA. Dispensing with notice and comment rulemaking provides that the information collection requirements of the HUD rule will go into effect at the earliest possible date after OMB review and clearance. FDA will announce the effective date of the information collection requirements of the final rule in a future issue of the Federal Register.

List of Subjects in 21 CFR Part 814

Administrative practice and procedure, Confidential business information, Medical devices, Medical research, Reporting and recordkeeping requirements.

Therefore, under secs. 201–903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–393) and under authority delegated to the Commissioner of Food and Drugs, §§ 814.102, 814.104, 814.106, 814.108, 814.110(a), 814.112(b), 814.116(b), 814.118(d), 814.120(b), 814.124(b), and 814.126(b)(1) that were published in the Federal Register of June 26, 1996 (61 FR 33232), are stayed until further notice.

Dated: October 24, 1996.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 96–27738 Filed 10–24–96; 3:21 pm]

BILLING CODE 4160–01–F

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners: Voting Quorums

AGENCY: United States Parole Commission.

ACTION: Final rule.

SUMMARY: The U.S. Parole Commission is amending the voting quorum requirements in its regulations to conform to the Parole Commission Phaseout Act of 1996. This law has the effect of reducing the Commission to three-members. The law permits the Commission to perform its functions with any quorum of Commissioners, or Commissioner, as the Commission may prescribe by regulation. Pursuant to this statutory authority, the Commission is herein prescribing appropriate voting quorums for a three-member agency. It is also eliminating a regulation that required the Commission to establish final release dates prior to abolition of the agency. This regulation was based on a provision of law enacted in 1984, which the Parole Commission Phaseout Act of 1996 has conditionally repealed.

EFFECTIVE DATE: November 29, 1996.

FOR FURTHER INFORMATION CONTACT: Pamela A. Posch, Office of General Counsel, 5550 Friendship Blvd., Chevy Chase, Maryland 20815. Telephone (301) 492–5959.

SUPPLEMENTARY INFORMATION: The Parole Commission Phaseout Act of 1996, Public Law 104–232, took effect on October 2, 1996. The Act has extended the life of the Commission from November 1, 1997, to November 1, 2002. The Act also gives the Attorney General the authority, beginning on November 1, 1998 to transfer the Commission's functions to an entity within the Department of Justice. After such transfer takes place, the Commission will not be required to set final release dates that would otherwise be required by Section 235(b)(3) of the Sentencing Reform Act of 1984. The Act also mandates the downsizing of the Commission, and has reduced the Commission to three members. In keeping with this reduction, the Act authorizes the Commission to perform its functions with any quorum of Commissioners, or Commissioner, as the Commission may prescribe by regulation.

In the revisions published today, the Commission is exercising its authority to establish appropriate quorums for decisionmaking. The Commission is retaining the established system of a Regional Commissioner who renders the initial decision in most cases, with an appeal to the National Appeals Board. All three Commissioners will serve on the National Appeals Board, and appeals to the National Appeals Board will therefore assume (in part) the character of petitions for reconsideration. Decisions of a Regional Commissioner will be subject to affirmance on the vote of a National Commissioner, but two Commissioner votes (which may include the vote of the Regional Commissioner) will continue to be required to modify or reverse the decisions of a Regional Commissioner.

For original jurisdiction cases, as well as for all other types of decisions formerly requiring a quorum of more than two Commissioner votes (*e.g.*, reopening a case to consider new and significant adverse information), a quorum of two out of three Commissioner votes is now established. These cases will therefore be decided upon a majority vote of the Commission.

The absence or recusal of a Commissioner will not suspend the majority-vote requirements of the revised regulations. In the event of the absence or recusal of a Regional Commissioner, the Chairman will designate an Acting Regional Commissioner. Reversal of the Acting Regional Commissioner's decision by the National Appeals Board will require the concurring votes of the Chairman and the Acting Regional Commissioner. Likewise, in the absence or recusal of a National Commissioner (including the Chairman), reversal of the Regional Commissioner's decision by the National Appeals Board will require the concurring votes of the National Commissioner reviewing the appeal and the Regional Commissioner. In original jurisdiction cases, initial decisions will continue to require the concurrence of two Commissioner votes. On original jurisdiction appeals, the initial decision will stand affirmed if the concurrence of two Commissioner votes for a different decision is not obtained.

Finally, the Commission will continue to promulgate regulations and establish policy by majority vote. The revision of the Commission's regulations to conform to Public Law 104–232 will include the deletion of 28 CFR 2.67. This rule reflects a provision of the Sentencing Reform Act that has now been conditionally repealed by Section 3(b)(2) of the Act, as described above.

Implementation

This rule change will apply to all cases decided after the effective date shown above. The guidelines at 28 CFR 2.20 and all other applicable regulations will continue to govern the Commission's decisions to grant, deny, and revoke parole. The revised regulations will affect only the internal voting procedures of the Commission, and will not implicate the merits of any prisoner's case for parole or change the way in which hearings are conducted. Hence, notice and public comment are not required. See 5 U.S.C. 553(b)(A).

Executive Order 12866 and Regulatory Flexibility Statement

The U.S. Parole Commission has determined that this rule is not a