

(b) * * * Liquid Type B feeds containing bambamycins may be used in the preparation of dry complete ration Type C feeds.

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Dated: February 10, 1997.

Robert C. Livingston,
Director, Office of New Animal Drug
Evaluation, Center for Veterinary Medicine.
[FR Doc. 97-4512 Filed 2-24-97; 8:45 am]
BILLING CODE 4160-01-F

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 47 and 55

[T.D. ATF-387]

RIN 1512-AB63

Implementation of Public Law 104-132, the Antiterrorism and Effective Death Penalty Act of 1996, Relating to the Marking of Plastic Explosives for the Purpose of Detection (96R-029P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Temporary rule (Treasury decision) and request for comments.

SUMMARY: This temporary rule implements certain provisions of the Antiterrorism and Effective Death Penalty Act of 1996 (Pub. L. 104-132). These regulations implement the law by requiring detection agents for plastic explosives. The temporary rule also authorizes the use of four specific detection agents to mark plastic explosives and provides for the designation of other detection agents. The temporary rule will remain in effect until superseded by final regulations.

In the Proposed Rules section of this Federal Register, ATF is also issuing a notice of proposed rulemaking inviting comments on the temporary rule for a 90-day period following the publication date of this temporary rule.

DATES: The temporary regulations are effective April 24, 1997. Comments due by May 27, 1997.

ADDRESSES: Send written comments to: Chief, Regulations Branch; Bureau of Alcohol, Tobacco and Firearms; Washington, DC 20091-0221.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202-927-8230).

SUPPLEMENTARY INFORMATION:

Background

Public Law 104-132, 110 Stat. 1214, the Antiterrorism and Effective Death Penalty Act of 1996 (hereafter, "the Act") was enacted on April 24, 1996. Title VI of the Act, "Implementation of Plastic Explosives Convention," added new requirements to the Federal explosives laws in 18 U.S.C. Chapter 40. Section 607 of the Act states that, except as otherwise provided, the amendments made by Title VI shall take effect 1 year after the date of enactment, i.e., on April 24, 1997. The stated purpose of Title VI is to fully implement the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991 (hereafter, "the Convention").

The Convention represents an important achievement in international cooperation in response to the threat posed to the safety and security of international civil aviation by virtually undetectable plastic explosives in the hands of terrorists. Such explosives were used in the tragic destruction of Pan Am flight 103 over Lockerbie, Scotland, in December 1988, and UTA flight 772 in September 1989.

In the aftermath of these bombings, the international community moved to draft a multilateral treaty to ensure that plastic explosives would thereafter contain a chemical marking agent to render them detectable.

The new statutory provisions and the regulation changes necessitated by the law are as follows:

(1) *Definitions.* Section 602 of the Act added three definitions to section 841 of title 18, U.S.C. The term "Convention on the Marking of Plastic Explosives" is defined in the law to mean the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991.

The term "detection agent" is defined as any one of the following substances when introduced into a plastic explosive or formulated in such explosive as a part of the manufacturing process in such a manner as to achieve homogeneous distribution in the finished explosive:

(1) Ethylene glycol dinitrate (EGDN), $C_2H_4(NO_3)_2$, molecular weight 152, when the minimum concentration in the finished explosive is 0.2 percent by mass;

(2) 2,3-Dimethyl-2,3-dinitrobutane (DMNB), $C_6H_{12}(NO_2)_2$, molecular weight 176, when the minimum concentration in the finished explosive is 0.1 percent by mass;

(3) Para-Mononitrotoluene (p-MNT), $C_7H_7NO_2$, molecular weight 137, when

the minimum concentration in the finished explosive is 0.5 percent by mass;

(4) Ortho-Mononitrotoluene (o-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass; and

(5) any other substance added by the Secretary of the Treasury by regulation, after consultation with the Secretary of State and the Secretary of Defense. Permitting the Secretary to designate detection agents other than the four listed in the statute would facilitate the use of other substances without the need for legislation. However, as specified in the law, only those substances which have been added to the table in Part 2 of the Technical Annex to the Convention on the Marking of Plastic Explosives may be designated as approved detection agents. ATF would have no authority to issue a regulation adding to the list of approved detection agents until the Technical Annex has been so modified.

The last term added to section 841 of title 18, U.S.C., "plastic explosive," is defined as an explosive material in flexible or elastic sheet form formulated with one or more high explosives which in their pure form has a vapor pressure less than 10^{-4} Pa at a temperature of 25 °C, is formulated with a binder material, and is as a mixture malleable or flexible at normal room temperature. Pursuant to Part I of the Technical Annex to the Convention, high explosives include, but are not restricted to, cyclotetramethylenetetranitramine (HMX), pentaerythritol tetranitrate (PETN), and cyclotrimethylenetrinitramine (RDX).

The above changes to the regulations are prescribed in § 55.180.

(2) *Requirement of Detection Agents for Plastic Explosives.* The Act amended the Federal explosives laws in 18 U.S.C. Chapter 40 by adding new subsections (l)-(o) to section 842. Section 842(l) makes it unlawful for any person to manufacture any plastic explosive that does not contain a detection agent.

Section 842(m) makes it unlawful for any person to import or bring into the U.S. or export from the U.S. any plastic explosive that does not contain a detection agent. The provisions of this section do not apply to the importation or bringing into the U.S. or the exportation from the U.S. of any plastic explosive that was imported or brought into or manufactured in the U.S. prior to the date of enactment of the Act by or on behalf of any agency of the U.S. performing military or police functions (including any military reserve component) or by or on behalf of the

National Guard of any State, not later than 15 years after the Convention enters into force with respect to the U.S. Pursuant to Article XIII of the Convention, the Convention will enter into force on the sixtieth day following the date of deposit of the thirty-fifth instrument of ratification, acceptance, approval or accession with the Depositary, i.e., the International Civil Aviation Organization, provided that no fewer than five such States (nations) have declared that they are producer States. (A "producer State" means any State in whose territory explosives are manufactured.) Should thirty-five such instruments be deposited prior to the deposit of their instruments by five producer States, the Convention will enter into force on the sixtieth day following the date of deposit of the instrument of ratification, acceptance, approval or accession of the fifth producer State. For other States, the Convention will enter into force sixty days following the date of deposit of their instruments of ratification, acceptance, approval or accession.

Section 842(n) provides that it is unlawful for any person to ship, transport, transfer, receive, or possess any plastic explosive that does not contain a detection agent. Exceptions to the prohibitions are provided for any plastic explosive that was imported or brought into, or manufactured in the U.S. prior to the date of enactment of the Act by any person during the period beginning on that date, i.e., April 24, 1996, and ending 3 years after that date, i.e., April 24, 1999. Exceptions to the prohibitions are also provided for any plastic explosive that was imported or brought into, or manufactured in the U.S. prior to the date of enactment of the Act by or on behalf of any agency of the U.S. performing a military or police function (including any military reserve component) or by or on behalf of the National Guard of any State, not later than 15 years after the date of entry into force of the Convention on the marking of Plastic Explosives with respect to the U.S.

The above changes to the regulations are prescribed in § 55.180.

Section 842(o) provides that any person, other than an agency of the U.S. (including any military reserve component) or the National Guard of any State, possessing any plastic explosive on the date of enactment, shall report to the Secretary within 120 days after the date of enactment the quantity of such explosives possessed, the manufacturer or importer, any marks of identification on such explosives, and such other information as the Secretary may prescribe by regulation.

Regulations implementing this provision of the Act were prescribed in T.D. ATF-382, published in the Federal Register on July 23, 1996 (61 FR 38084). However, a technical amendment is being made to § 55.181 to include the control number assigned by the Office of Management and Budget (OMB).

(3) *Criminal Sanctions.* The Act amended section 844(a) of title 18, U.S.C., by providing that any person who violates any of the provisions of section 842(l)-(o) shall be fined under title 18, imprisoned for not more than 10 years, or both. Changes to the regulations in § 55.185 have been made to implement this provision of the law.

(4) *Exceptions.* The Act amended 18 U.S.C. § 845(a) to provide that the exemptions from the requirements of 18 U.S.C. Chapter 40 that apply to governmental entities and other specified uses of explosives do not apply to section 842(l)-(o). Changes to the regulations in § 55.141(a) have been made to implement this provision of the law.

The Act also made a technical amendment to 18 U.S.C. § 845(a)(1) to clarify the current exemption from the requirements of 18 U.S.C. Chapter 40 for aspects of the transportation of explosives regulated by the U.S. Department of Transportation. The amendment makes it clear that the exemption applies only to those aspects of the transportation related to safety. Changes to the regulations in § 55.141(a)(1) have been made to implement this change in the law.

The Act also amended section 845 of title 18, U.S.C., by adding a new subsection (c). This amendment provides that it is an affirmative defense against any proceeding involving section 842(l)-(o) of title 18, U.S.C., if the proponent proves by a preponderance of the evidence that the plastic explosive—

(1) consisted of a small amount of plastic explosive intended for and utilized solely in lawful—

(a) research, development, or testing of new or modified explosive materials;

(b) training in explosives detection or development or testing of explosives detection equipment; or

(c) forensic science purposes; or

(2) was plastic explosive that, within 3 years after the date of enactment of the Act, will be or is incorporated in a military device within the territory of the U.S. and remains an integral part of such military device, or is intended to be, or is incorporated in, and remains an integral part of a military device that is intended to become, or has become, the property of any agency of the U.S. performing military or police functions

(including any military reserve component) or the National Guard of any State, wherever such device is located.

As defined in the Act, the term "military device" includes, but is not restricted to, shells, bombs, projectiles, mines, missiles, rockets, shaped charges, grenades, perforators, and similar devices lawfully manufactured exclusively for military or police purposes.

The affirmative defenses provided in the law could be asserted in a criminal case, a judicial forfeiture case, or an administrative license or permit denial or revocation.

Changes to the regulations in § 55.182 have been made to implement the provisions of section 845(c) of title 18, U.S.C.

(5) *Seizure and Forfeiture of Plastic Explosives.* The Act amended section 596(c)(1) of the Tariff Act of 1930, 19 U.S.C. 1595a(c)(1), to provide for the seizure or forfeiture of plastic explosive that does not contain a detection agent that is introduced or attempted to be introduced into the U.S. Changes to the regulations in § 55.186 have been made to implement this provision of the law.

Miscellaneous. In order to fully implement the provisions of the Act, regulations are prescribed in § 55.184 which authorize the Director to request from licensed manufacturers and licensed importers accurate and complete statements of process with regard to any plastic explosive or any detection agent that is to be introduced into a plastic explosive or formulated in such explosive. The regulations also give ATF the authority to require samples of any plastic explosive or detection agent from such licensees.

As stated in Article III of the Convention, "[e]ach State Party shall take the necessary and effective measures to prohibit and prevent the movement into or out of its territory of unmarked (plastic) explosives" so as to prevent their diversion or use for purposes inconsistent with the Convention. In order to comply with the objectives of the Convention, regulations are prescribed in § 55.183 which require persons filing Form 6 applications for importation of plastic explosives on or after April 24, 1997, to attach to the application a statement certifying that the plastic explosive to be imported contains a detection agent or is a "small amount" to be used for research, training, or testing purposes and is exempt from the detection agent requirement.

Finally, this Treasury decision also makes certain technical amendments and conforming changes to the

regulations in Part 55. For example, sections 55.49, 55.52, and 55.55 are being amended to remove the reference to § 55.182. Section 55.182, *Classes of explosive materials*, was replaced by § 55.202 pursuant to T.D. ATF-87 (August 7, 1981; 46 FR 40382).

Executive Order 12866

It has been determined that this temporary rule is not a significant regulatory action as defined in E.O. 12866, because the economic effects flow directly from the underlying statute and not from this temporary rule. Therefore, a regulatory assessment is not required.

Administrative Procedure Act

Because this document merely implements the law and because immediate guidance is necessary to implement the provisions of the law, it is found to be impracticable to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b), or subject to the effective date limitation in section 553(d).

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this temporary rule because the agency was not required to publish a notice of proposed rulemaking under 5 U.S.C. 553 or any other law. Accordingly, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

This regulation is being issued without prior notice and public procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553). For this reason, the collection of information contained in this regulation has been reviewed under the requirements of the Paperwork Reduction Act (44 U.S.C. 3507(j)) and, pending receipt and evaluation of public comments, approved by the Office of Management and Budget (OMB) under control number 1512-0539. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

The collection of information in this regulation is in section 27 CFR 55.184(a). This information is required to ensure compliance with the provisions of Public Law 104-132. This information will be used to ensure that plastic explosives contain a detection agent as required by law. The collection

of information is mandatory. The likely respondents are individuals and businesses.

For further information concerning this collection of information, and where to submit comments on the collection of information, refer to the preamble to the cross-referenced notice of proposed rulemaking published elsewhere in this issue of the Federal Register.

Drafting Information

The author of this document is James P. Ficareta, Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects

27 CFR Part 47

Administrative practice and procedure, Arms controls, Arms and munitions, Authority delegation, Chemicals, Customs duties and inspection, Imports, Penalties, Reporting and recordkeeping requirements, Scientific equipment, Seizures and forfeitures.

27 CFR Part 55

Administrative practice and procedure, Authority delegations, Customs duties and inspection, Explosives, Hazardous materials, Imports, Penalties, Reporting and recordkeeping requirements, Safety, Security measures, Seizures and forfeitures, Transportation, Warehouses.

Authority and Issuance

Accordingly, 27 CFR Parts 47 and 55 are amended as follows:

PART 47—IMPORTATION OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR

1. The authority citation for 27 CFR Part 47 continues to read as follows:

Authority: 22 U.S.C. 2778.

2. Section 47.42 is amended by designating the existing paragraph as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 47.42 Application for permit.

* * * * *

(b) For additional requirements relating to the importation of plastic explosives into the United States on or after April 24, 1997, see § 55.183 of this title.

PART 55—COMMERCE IN EXPLOSIVES

3. The authority citation for 27 CFR Part 55 is revised to read as follows:

Authority: 18 U.S.C. 847.

4. Section 55.1 is amended by revising paragraph (a), by removing the word "of" in paragraph (b)(1) and adding in its place the word "or", by removing the word "and" at the end of paragraph (b)(7), by removing the period at the end of paragraph (b)(8) and adding in its place "; and", and by adding new paragraph (b)(9) to read as follows:

§ 55.1 Scope of regulations.

(a) *In general.* The regulations contained in this part relate to commerce in explosives and implement Title XI, Regulation of Explosives (18 U.S.C. Chapter 40; 84 Stat. 952), of the Organized Crime Control Act of 1970 (84 Stat. 922), Public Law 103-322 (108 Stat. 1796), and Public Law 104-132 (110 Stat. 1214).

(b) * * *

(9) The marking of plastic explosives.

§ 55.11 [Amended]

5. Section 55.11 is amended by removing the definition for "plastic explosive."

6. Section 55.26 is amended by adding paragraph (d) to read as follows:

§ 55.26 Prohibited shipment, transportation, receipt, possession, or distribution of explosive materials.

* * * * *

(d) See § 55.180 for regulations concerning the prohibited manufacture, importation, exportation, shipment, transportation, receipt, transfer, or possession of plastic explosives that do not contain a detection agent.

§ 55.49 [Amended]

7. Section 55.49(b)(6) is amended by removing "§ 55.182 or".

§ 55.52 [Amended]

8. Section 55.52 is amended by removing "§ 55.182 or" in paragraphs (a) and (b).

§ 55.55 [Amended]

9. Section 55.55 is amended by removing "§ 55.182 or" in the first sentence.

§ 55.108 [Amended]

10. Section 55.108 is amended by adding a new paragraph (d) to read as follows:

§ 55.108 Importation.

* * * * *

(d) For additional requirements relating to the importation of plastic explosives into the United States on or after April 24, 1997, see § 55.183.

11. Section 55.129 is amended by adding a sentence at the end of the section to read as follows:

§ 55.129 Exportation.

* * * See § 55.180 for regulations concerning the exportation of plastic explosives.

12. Section 55.141 is amended by revising the introductory text of paragraph (a) and by revising paragraph (a)(1) to read as follows:

§ 55.141 Exemptions.

(a) *General.* Except for the provisions of §§ 55.180 and 55.181, this part does not apply to:

(1) Any aspect of the transportation of explosive materials via railroad, water, highway, or air which is regulated by the U.S. Department of Transportation and its agencies, and which pertains to safety.

* * * * *

13. Section 55.180 is added to Subpart J to read as follows:

§ 55.180 Prohibitions relating to unmarked plastic explosives.

(a) No person shall manufacture any plastic explosive that does not contain a detection agent.

(b) No person shall import or bring into the United States, or export from the United States, any plastic explosive that does not contain a detection agent. This paragraph does not apply to the importation or bringing into the United States, or the exportation from the United States, of any plastic explosive that was imported or brought into, or manufactured in the United States prior to April 24, 1996, by or on behalf of any agency of the United States performing military or police functions (including any military reserve component) or by or on behalf of the National Guard of any State, not later than 15 years after the date of entry into force of the Convention on the Marking of Plastic Explosives with respect to the United States.

(c) No person shall ship, transport, transfer, receive, or possess any plastic explosive that does not contain a detection agent. This paragraph does not apply to:

(1) The shipment, transportation, transfer, receipt, or possession of any plastic explosive that was imported or brought into, or manufactured in the United States prior to April 24, 1996, by any person during the period beginning on that date and ending on April 24, 1999; or

(2) The shipment, transportation, transfer, receipt, or possession of any plastic explosive that was imported or brought into, or manufactured in the United States prior to April 24, 1996, by or on behalf of any agency of the United States performing a military or police function (including any military reserve

component) or by or on behalf of the National Guard of any State, not later than 15 years after the date of entry into force of the Convention on the Marking of Plastic Explosives with respect to the United States.

(d) When used in this subpart, terms are defined as follows:

(1) *Convention on the Marking of Plastic Explosives* means the Convention on the Marking of Plastic Explosives for the Purposes of Detection, Done at Montreal on 1 March 1991.

(2) *Date of entry into force* of the Convention on the Marking of Plastic Explosives means that date on which the Convention enters into force with respect to the U.S. in accordance with the provisions of Article XIII of the Convention on the Marking of Plastic Explosives.

(3) *Detection agent* means any one of the substances specified in this paragraph when introduced into a plastic explosive or formulated in such explosive as a part of the manufacturing process in such a manner as to achieve homogeneous distribution in the finished explosive, including—

(i) Ethylene glycol dinitrate (EGDN), $C_2H_4(NO_3)_2$, molecular weight 152, when the minimum concentration in the finished explosive is 0.2 percent by mass;

(ii) 2,3-Dimethyl-2,3-dinitrobutane (DMNB), $C_6H_{12}(NO_3)_2$, molecular weight 176, when the minimum concentration in the finished explosive is 0.1 percent by mass;

(iii) Para-Mononitrotoluene (p-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass;

(iv) Ortho-Mononitrotoluene (o-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass; and

(v) Any other substance in the concentration specified by the Director, after consultation with the Secretary of State and Secretary of Defense, that has been added to the table in Part 2 of the Technical Annex to the Convention on the Marking of Plastic Explosives.

(4) *Plastic explosive* means an explosive material in flexible or elastic sheet form formulated with one or more high explosives which in their pure form has a vapor pressure less than 10^{-4} Pa at a temperature of 25 °C, is formulated with a binder material, and is as a mixture malleable or flexible at normal room temperature. *High explosives*, as defined in § 55.202(a), are explosive materials which can be

caused to detonate by means of a blasting cap when unconfined.

14. Section 55.181 is amended by adding a parenthetical text at the end of the section to read as follows:

§ 55.181 Reporting of plastic explosives.

* * * * *

(Approved by the Office of Management and Budget under control number 1512-0535)

15. Sections 55.182 through 55.186 are added to Subpart J to read as follows:

§ 55.182 Exceptions.

It is an affirmative defense against any proceeding involving §§ 55.180 and 55.181 if the proponent proves by a preponderance of the evidence that the plastic explosive—

(a) Consisted of a small amount of plastic explosive intended for and utilized solely in lawful—

(1) Research, development, or testing of new or modified explosive materials;

(2) Training in explosives detection or development or testing of explosives detection equipment; or

(3) Forensic science purposes; or

(b) Was plastic explosive that, by April 24, 1999, will be or is incorporated in a military device within the territory of the United States and remains an integral part of such military device, or is intended to be, or is incorporated in, and remains an integral part of a military device that is intended to become, or has become, the property of any agency of the United States performing military or police functions (including any military reserve component) or the National Guard of any State, wherever such device is located. For purposes of this paragraph, the term “military device” includes, but is not restricted to, shells, bombs, projectiles, mines, missiles, rockets, shaped charges, grenades, perforators, and similar devices lawfully manufactured exclusively for military or police purposes.

§ 55.183 Importation of plastic explosives on or after April 24, 1997.

Persons filing Form 6 applications for the importation of plastic explosives on or after April 24, 1997, shall attach to the application the following written statement, prepared in triplicate, executed under the penalties of perjury:

(a) “I declare under the penalties of perjury that the plastic explosive to be imported contains a detection agent as required by 27 CFR 55.180(b)”;

(b) “I declare under the penalties of perjury that the plastic explosive to be imported is a “small amount” to be used for research, training, or testing purposes and is exempt from the

detection agent requirement pursuant to 27 CFR 55.182."

§ 55.184 Statements of process and samples.

(a) A complete and accurate statement of process with regard to any plastic explosive or to any detection agent that is to be introduced into a plastic explosive or formulated in such plastic explosive shall be submitted by a licensed manufacturer or licensed importer, upon request, to the Director.

(b) Samples of any plastic explosive or detection agent shall be submitted by a licensed manufacturer or licensed importer, upon request, to the Director.

(Paragraph (a) approved by the Office of Management and Budget under control number 1512-0539)

§ 55.185 Criminal sanctions.

Any person who violates the provisions of 18 U.S.C. 842(l)-(o) shall be fined under title 18, U.S.C., imprisoned for not more than 10 years, or both.

§ 55.186 Seizure or forfeiture.

Any plastic explosive that does not contain a detection agent in violation of 18 U.S.C. 842(l)-(n) is subject to seizure and forfeiture, and all provisions of 19 U.S.C. 1595a, relating to seizure, forfeiture, and disposition of merchandise introduced or attempted to be introduced into the U.S. contrary to law, shall extend to seizures and forfeitures under this subpart. See § 72.27 of this chapter for regulations on summary destruction of plastic explosives that do not contain a detection agent.

Dated: December 3, 1996.

John W. Magaw,
Director.

Approved: January 3, 1997.

Dennis M. O'Connell,
Acting Deputy Assistant Secretary
(Regulatory, Tariff and Trade Enforcement).
[FR Doc. 97-4559 Filed 2-24-97; 8:45 am]

BILLING CODE 4810-31-P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 220

Third Party Collection Program

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Final rule; correction.

SUMMARY: On January 30, 1997, the Department of Defense published a final rule (62 FR 4458) to remove 32 CFR part

220. The removal of part 220 was made due to an administrative error and should not have been removed. This document is published to correct the removal and reinstate part 220.

EFFECTIVE DATE: This correction is effective January 30, 1997.

SUPPLEMENTARY INFORMATION: All previous publications and amendments to part 220 remain effective. The last amendment to part 220 was published on January 7, 1997 (62 FR 941) which amended § 220.8(k)(2). No other adjustments or amendments or changes are effective as of February 19, 1997.

PART 220—COLLECTION FROM THIRD PARTY PAYERS OF REASONABLE COSTS OF HEALTHCARE SERVICES

For reasons set forth in the preamble, 32 CFR part 220 is reinstated as it appeared in the 32 CFR Chapter 1, July 1, 1996 edition, and amended at 62 FR 941, January 7, 1997.

Dated: February 19, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 97-4366 Filed 2-24-97; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100 and 165

[CGD 97-010]

Safety Zones, Security Zones, and Special Local Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary rules issued.

SUMMARY: This document provides required notice of substantive rules adopted by the Coast Guard and temporarily effective between July 4, 1996 and December 31, 1996, which were not published in the Federal Register. This quarterly notice lists temporary local regulations, security zones, and safety zones, which were of limited duration and for which timely publication in the Federal Register was not possible.

DATES: This notice lists temporary Coast Guard regulations that became effective and were terminated between July 4, 1996 and December 31, 1996, as well as several regulations which were not included in the previous quarterly list.

ADDRESSES: The complete text of these temporary regulations may be examined

at, and is available on request, from Executive Secretary, Marine Safety Council (G-LRA), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001.

FOR FURTHER INFORMATION CONTACT:

Commander Stephen J. Darmody, Executive Secretary, Marine Safety Council at (202) 267-1477 between the hours of 8 a.m. and 3 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety needs of the waters within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. Safety zones may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. Security zones limit access to vessels, ports, or waterfront facilities to prevent injury or damage. Special local regulations are issued to enhance the safety of participants and spectators at regattas and other marine events. Timely publication of these regulations in the Federal Register is often precluded when a regulation responds to an emergency, or when an event occurs without sufficient advance notice. However, the affected public is informed of these regulations through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the regulation. Because mariners are notified by Coast Guard officials on-scene prior to enforcement action, Federal Register notice is not required to place the special local regulation, security zone, or safety zone in effect. However, the Coast Guard, by law, must publish in the Federal Register notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary special local regulations, security zones, and safety zones. Permanent regulations are not included in this list because they are published in their entirety in the Federal Register. Temporary regulations may also be published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. These safety zones, special local regulations and security zones have been exempted from review under E.O. 12866 because of their emergency nature, or limited scope and temporary effectiveness.