

SUPPLEMENTARY INFORMATION:**Background**

The final regulations that are the subject of this correction are under section 6311 of the Internal Revenue Code.

Need for Correction

As published, TD 8595 contains an error that is in need of clarification.

Correction of Publication

Accordingly, the publication of final regulations which are the subject of FR Doc. 95-10410, is corrected as follows:

On page 20899, column 3, in amendatory instruction "Par. 2.", line 8, the amendatory language "5. Adding paragraphs (d) and (e)." is corrected to read "5. Adding paragraph (d).".

Cynthia E. Grigsby,
Chief, Regulations Unit, Assistant Chief
Counsel (Corporate).

[FR Doc. 96-7389 Filed 3-27-96; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF JUSTICE**Parole Commission****28 CFR Part 2****Paroling, Recommitting, and Supervising Federal Prisoners: Original Jurisdiction Cases**

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The U.S. Parole Commission is amending the voting quorum required for initial parole decisions under 28 CFR 2.17. In addition, the appeal from such decisions that is available to prisoners under 28 CFR 2.27 is replaced by a petition for reconsideration. These are the procedures for deciding original jurisdiction cases, which involve high profile and extremely serious offenders. The Commission has determined that both initial decisions and petitions for reconsideration in these cases are appropriately decided by a majority vote of the Commission. These changes are necessary in view of the fact that the Commission is downsizing, and only four Commissioners are currently holding office.

EFFECTIVE DATE: April 1, 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: This action changes the quorum of Commissioner votes required to decide

on original jurisdiction cases, in keeping with the reduction in the number of U.S. Parole Commissioners from six to four that will become effective April 1, 1996. The early effective date shown above has been ordered by the Commission pursuant to 5 U.S.C. 553(d)(3), and is necessary to permit the Commission to continue making its decisions within statutory deadlines notwithstanding the reduction in the number of Commissioners holding office. This is a procedural change only, and will not implicate the merits of any prisoner's case for parole or affect the way in which hearings are conducted. Hence, notice and public comment is not required. See 5 U.S.C. 553(b)(A). The guidelines at 28 CFR 2.20 will continue to govern the Commission's decisions to grant, deny, and revoke parole.

Implementation

This procedural rule change will apply to all original jurisdiction cases decided under 28 CFR 2.17 or 28 CFR 2.27, after the effective date shown above.

Executive Order 12866 and Regulatory Flexibility Statement

The U.S. Parole Commission has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866, and the rule has, accordingly, not been reviewed by the Office of Management and Budget. The rule will not have a significant economic impact upon a substantial number of small entities, within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, probation and parole, prisoners.

The Final Rule

Accordingly, the U.S. Parole Commission makes the following changes to 28 CFR Part 2:

PART 2—[AMENDED]

(1) The authority citation for 28 CFR Part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

§ 2.17 [Amended]

(2) 28 CFR Part 2, § 2.17(a) is amended by substituting the words "the concurrence of three votes (or a majority vote of Commissioners holding office if such majority is less than three Commissioners)" for the words "the concurrence of three votes".

(3) 28 CFR Part 2, § 2.17(c)(2) is amended by substituting the words "a petition for reconsideration" for the words "an appeal".

(4) 28 CFR Part 2, § 2.27 is revised to read as follows:

§ 2.27 Petition for reconsideration of original jurisdiction decisions.

(a) A petition for reconsideration may be filed with the Commission in cases decided under the procedure specified in § 2.17 within thirty days of the date of such decision. A form is provided for this purpose. A petition for reconsideration will be reviewed at the next regularly scheduled meeting of the Commission provided the petition is received thirty days in advance of such meeting. Petitions received by the Commission less than thirty days in advance of a regularly scheduled meeting will be reviewed at the next regularly scheduled meeting. The concurrence of three Commissioners (or a majority of Commissioners holding office if such majority is less than three Commissioners) shall be required to render a decision on a petition for reconsideration. In case the required concurrence is not reached, the previous decision shall stand. A decision under this rule shall be final.

(b) Attorneys, relatives, and other interested parties who wish to submit written information concerning a petition for reconsideration should send such information to the National Appeals Board, United States Parole Commission, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815. Petitions and all supporting material are to be submitted thirty days in advance of the meeting at which such petitions will be considered.

(c) If no petition for reconsideration is filed within 30 days of the entry of a decision under § 2.17, that decision shall stand as the final decision of the Commission.

Dated: March 15, 1996.

Edward F. Reilly, Jr.,
Chairman, Parole Commission.

[FR Doc. 96-7527 Filed 3-27-96; 8:45 am]

BILLING CODE 4410-01-P

28 CFR Part 50

[AG ORDER NO. 2013-96]

RIN 1105-AA40

Removal of Procedures for Receipt and Consideration of Written Comments Submitted Under Subsection 2(b) of the Antitrust Procedures and Penalties Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule removes procedures for receipt and consideration of written comments submitted under subsection 2(b) of the Antitrust Procedures and Penalties Act from the Code of Federal Regulations. The regulation is unnecessary, and its removal will help to streamline the Code of Federal Regulations.

EFFECTIVE DATE: This final rule is effective March 28, 1996.

FOR FURTHER INFORMATION CONTACT: Howard Blumenthal, Assistant Chief, Legal Policy Section, Antitrust Division, Room 3121 Main Justice Building, 10th & Pennsylvania Avenue NW., Washington, DC 20530; telephone (202) 514-2513.

SUPPLEMENTARY INFORMATION: 28 CFR 50.13 was promulgated pursuant to section 2 of the Antitrust Procedures and Penalties Act ("Tunney Act" or "Act"), Pub. L. No. 93-528 (codified at 15 U.S.C. 16(b)-(h), as amended). The Tunney Act requires that the Department of Justice ("Department") file proposed consent judgments in civil cases brought under the antitrust laws with the district court before which such cases are pending for a judicial determination that entry of such judgments would be in the public interest. At least 60 days prior to the effective date of any such judgment, the Department must publish in the Federal Register the proposed judgment and a competitive impact statement ("CIS") setting forth certain additional information including the background of the violation, an explanation of the proposed consent judgment, and an evaluation of alternatives to the proposed judgment actually considered by the United States. Summaries of the judgment and CIS must also be published in several appropriate newspapers. Both the Federal Register and newspaper notices must solicit public comments concerning the proposed consent judgment. The Department must supply the court with, and publish in the Federal Register, copies of any comments received and the response of the Department of such comments.

The Act requires the Attorney General or his designee to establish procedures to carry out the Act's provisions concerning the receipt and consideration of comments. 15 U.S.C. 16(d). In response, the Department promulgated 28 CFR 50.13, which provides that comments should be directed to the chief of the litigating section of the Antitrust Division ("Division") to which the case is

assigned, and sets out certain general procedures for handling such comments once they have been received by the Division.

This regulation is not necessary, nor is it particularly helpful. First, while the regulation provides generally that comments should be sent to the chief of the section of the Antitrust Division handling the case, the name and address of the Division attorney to whom comments should be sent concerning particular proposed consent judgments is always set out in the Federal Register and newspaper notices requesting such comments. Second, more complete Division procedures for handling Tunney Act comments once they have been received than are set out in 28 CFR 50.13 can be established by the Department without the need for a regulation, and these procedures can then be adjusted without the need formally to revise a regulation.

Therefore, because 28 CFR 50.13 is unnecessary and is not required to be promulgated by the Tunney Act, the Department is removing this provision from the Code of Federal Regulations.

Administrative Procedure Act, 5 U.S.C. 553

Because this regulation imposes no new requirements or restrictions, the Department of Justice finds good cause for exempting it from the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment, and delay in effective date.

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

Executive Order 12612

This regulation will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with E.O. 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12866

This regulation has been drafted and reviewed in accordance with E.O. 12866, § 1(b), Principles of Regulation. The Department of Justice has

determined that this rule is not a "significant regulatory action" under E.O. 12866, § 3(f), and accordingly this rule has not been reviewed by the Office of Management and Budget.

List of Subjects in 28 CFR Part 50

Administrative practice and procedure, Antitrust.

Accordingly, for the reasons set forth in the preamble, part 50 of chapter I of title 28 of the Code of Federal Regulations is amended as follows:

PART 50—STATEMENTS OF POLICY

1. The authority citation for part 50 is revised to read as follows:

Authority: 5 U.S.C. 301, 552, 552a; 21 U.S.C. 881(f)(2); 28 U.S.C. 508, 509, 510, 516, 517, 518, 519; E.O. 12250, 45 FR 72995, 3 CFR, 1980 Comp., p. 298.

§ 50.13 [Removed]

2. Section 50.13 is removed.

Dated: March 19, 1996.

Janet Reno,

Attorney General.

[FR Doc. 96-7364 Filed 3-27-96; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 102

Procedural Rules

AGENCY: National Labor Relations Board.

ACTION: Final Rule.

SUMMARY: The National Labor Relations Board is revising its rules that govern charges for responding to requests for information made pursuant to the Freedom of Information Act, 5 U.S.C. 552 ("FOIA"). The revisions are being adopted in order to bring these charges into line with the current costs to the Agency for processing such requests. The intended effect of the revisions is to permit the Agency to charge requesters rates that reflect the actual current costs for processing FOIA requests and for duplicating responsive documents.

EFFECTIVE DATE: April 29, 1996.

FOR FURTHER INFORMATION CONTACT: John J. Toner, Executive Secretary, 1099 14th Street, N.W. Room 11602, Washington, D.C. 20570-0001, Telephone: (202) 273-1934.

SUPPLEMENTARY INFORMATION: Section 102.117(d)(2)(i) of the National Labor Relations Board's Rules and Regulations, 29 CFR 102.117(d)(2)(i), sets forth the rates to be charged to persons requesting information from the