

**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]

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#### 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

Agency pursuant to the Freedom of Information Act, 5 U.S.C. 552 ("FOIA"). These rates were last revised more than seven years ago, since which time our actual costs have increased.

Section 102.117(d)(2)(i) is being revised to set forth new rates which are based on the following calculations:

The typical clerical employee who works on the processing of a FOIA request is a GS-6, step 3. The present rate for that grade and step is \$10.70 per hour. Adding the cost to the Agency for benefits (budgeted at 17.5%) brings the total rate to \$12.50 per hour, or \$3.10 per quarter-hour.

The typical professional employee who works on the processing of a FOIA request is a GS-14, step 5. The present rate for that grade and step is \$31.50 per hour. Adding the cost to the Agency for benefits (budgeted at 17.5%) brings the total rate to \$37.00 per hour, or \$9.25 per quarter-hour.

The current cost of reproducing documents is \$0.12 per page, up from \$0.10 per page the last time the regulations were revised.

All other direct costs for responding to a FOIA request are to be billed at their actual cost to the Agency, as presently set forth in subsection 102.117(d)(2)(i)(D). That subsection is being revised, however, to explicitly provide that such actual costs shall include, where applicable, the cost of conducting computer searches for information and for providing information in electronic format.

Accordingly, subsection (d)(2)(i) of § 102.117 is being revised to reflect the foregoing changes in the costs for processing a FOIA request.

On a related subject, we have revised downwards our estimate of the cost of processing a check in payment of a FOIA fee from \$11.00 to \$5.00. Consequently, subsection (d)(iii)(A) of § 102.117 is being revised to provide that fees shall not be imposed on a requester when the total charges are less than \$5.00.

In all other respects, 102.117 remains unchanged.

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the NLRB certifies that this rule will not have a significant impact on a substantial number of small businesses.

#### List of Subjects in 29 CFR Part 102

Administrative practice and procedure, Labor management relations.

Accordingly, 29 CFR part 102 is amended as follows:

#### PART 102—[AMENDED]

1. The authority citation for 29 CFR part 102 continues to read as follows:

Authority: Section 6, National Labor Relations Act, as amended (29 U.S.C. 151, 156). Section 102.117(c) also issued under section 552(a)(4)(A) of the Freedom of Information Act, as amended (5 U.S.C. 552(a)(4)(A)). Sections 102.143 through 102.155 also issued under section 504(c)(1) of the Equal Access to Justice Act, as amended (5 U.S.C. 504(c)(1)).

2. Section 102.117(d)(2)(i) and (d)(2)(iii)(A) are revised to read as follows:

**§ 102.117 Board materials and formal documents available for public inspection and copying; requests for described records; time limit for response; appeal from denial of request; fees for document search, duplication, and review; files and records not subject to inspection.**

\* \* \* \* \*

(d) \* \* \*

(2) Persons requesting records from this Agency shall be subject to a charge of fees for the full allowable direct costs of document search, review, and duplicating, as appropriate, in accordance with the following schedules, procedures, and conditions:

(i) Schedule of charges:

(A) For each one-quarter hour or portion thereof of clerical time—\$3.10

(B) For each one-quarter hour or portion thereof of professional time—\$9.25

(C) For each sheet of duplication (not to exceed 8½ by 14 inches) of requested records—\$0.12

(D) All other direct costs of preparing a response to a request shall be charged to the requester in the same amount as incurred by the Agency. Such costs shall include, but not be limited to: certifying that records are true copies; sending records to requesters or receiving records from the Federal records storage centers by special methods such as express mail; and, where applicable, the cost of conducting computer searches for information and for providing information in electronic format.

\* \* \* \* \*

(iii)(A) In no event shall fees be imposed on any requester when the total charges are less than \$5.00, which is the Agency's cost of collecting and processing the fee itself.

\* \* \* \* \*

Dated, Washington, DC, March 21, 1996.

By Direction of the Board.

John J. Toner,

*Executive Secretary, National Labor Relations Board.*

[FR Doc. 96-7410 Filed 3-27-96; 8:45 am]

BILLING CODE 7545-01-P

## POSTAL SERVICE

### 39 CFR Part 20

#### Implementation of International Package Consignment Service

**AGENCY:** Postal Service.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** International Package Consignment Service (IPCS) is an international mail service designed for companies sending merchandise to other countries. The service was previously available only to Japan, Canada and the United Kingdom (U.K.) are now being added as additional destination countries. The countries that are included in the United Kingdom are England, Scotland, Wales, Northern Ireland, Isle of Man, and Channel Islands. To use IPCS, a customer is required to mail at least 25,000 packages a year to Canada, or at least 10,000 packages a year to the U.K., and agree to link its information systems with the Postal Service's so that the Postal Service can extract certain information about the contents of the customer's packages for customs clearance and other purposes. Initially, two levels of service to Canada and three levels of service to the U.K. will be offered to customers. Interim regulations have been developed and are set forth below for comment and suggested revision prior to adoption in final form.

**DATES:** The interim regulations take effect March 28, 1996. Comments must be received on or before May 31, 1996.

**ADDRESSES:** Written comments should be mailed or delivered to International Package Consignment Service, U.S. Postal Service, 475 L'Enfant Plaza SW., Room EB4400, Washington, DC 20260-6500. Copies of all written comments will be available for public inspection and photocopying at the above address between 9 a.m. and 4 p.m., Monday through Friday, after May 31, 1996.

#### FOR FURTHER INFORMATION CONTACT:

Mike Opiela (Canada) at the above address. Telephone: (202) 268-3860. Tim Gribben (United Kingdom) at the above address. Telephone: (202) 268-3035.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

One of the most important goals of the Postal Service's international mission is the development of services that enhance the ability of U.S. companies to do business in other countries. This responsibility was delineated in 39 U.S.C. 403(b)(2) which makes it the