

CFR part or section where identified and described	Current OMB control No.
31.3406(e)-1	1545-0112
31.3406(f)-1	1545-0112
31.3406(g)-1	1545-0096
	1545-0112
31.3406(g)-2	1545-0112
31.3406(g)-3	1545-0112
31.3406(h)-1	1545-0112
31.3406(h)-2	1545-0112
31.3406(h)-3	1545-0112
31.3406(i)-1	1545-0112
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Margaret Milner Richardson,
Commissioner of Internal Revenue.

Approved: March 27, 1996

Leslie Samuels,

Assistant Secretary of the Treasury.

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DEPARTMENT OF JUSTICE

28 CFR Part 25

[AG Order No. 2002-95]

RIN 1105-AA41

Removal of 28 CFR Part 25— Recommendations to the President on Civil Aeronautics Board Decisions

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule removes 28 CFR part 25—Recommendations to the President on Civil Aeronautics Board Decisions—from the Code of Federal Regulations. Part 25 is unnecessary, and its removal will help to streamline the Code of Federal Regulations.

DATES: This final rule is effective April 22, 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: Title 28 CFR part 25 contains Department of Justice ("Department") regulations setting forth procedures for receiving comments from private parties on possible recommendations by the Department to the President concerning decisions by the Secretary of Transportation ("Secretary") submitted for Presidential approval pursuant to 49 U.S.C. 41307 and 41509. (At the time this regulation was promulgated, these duties were performed by the Civil

Aeronautics Board ("CAB") pursuant to 49 U.S.C. 1461, but the CAB's authority in this regard was subsequently transferred to the Secretary.) Under 49 U.S.C. 41307 and 41509, the Secretary must submit for Presidential review decisions made by the Secretary to issue, deny, amend, revoke, etc., certificates to domestic or foreign air carriers to provide foreign air transportation, or to suspend, cancel, or reject tariffs for foreign air transportation. The President may disapprove decisions of the Secretary only for reasons based on foreign relations or national defense considerations. E.O. 12597, 52 FR 18335 (1987), provides that the Department, along with certain other Executive Branch agencies, may make recommendations to the President concerning such decisions by the Secretary for reasons relating to the national defense or foreign relations. Any other concerns that the Department may have with the Secretary's decisions, including those related to regulatory policy, are to be presented to the Department of Transportation ("DOT") in accordance with the procedures of DOT.

Under section 8 of E.O. 12597, "[d]epartments and agencies * * * that regularly make recommendations in connection with the [above described] presidential review * * * shall * * * (a) establish public dockets for all written communications * * * between their officers and employees and private parties in connection with the preparation of such recommendations; and (b) prescribe such other procedures governing oral and written communications as they deem appropriate." (Emphasis added.) Essentially, 28 CFR part 25 provides that public comments concerning possible Department recommendations shall be in writing whenever possible, shall be submitted in duplicate, and shall, unless such communications are entitled to confidential treatment or are publicly available from DOT, be placed in a public docket established in the Legal Procedures Unit of the Antitrust Division.

The Department has had no occasion to make recommendations to the President concerning the national defense or foreign relations implications of the issuance of certificates to provide foreign air transportation or the rejection of tariffs for foreign air transportation, nor has it received comments from private parties on any such possible recommendations, for at least the last seven years. Furthermore, the Department does not anticipate doing so on a regular basis in the future.

Thus, 28 CFR part 25 is not required to be promulgated by E.O. 12597, and its inclusion in the Code of Federal Regulations is unnecessary. Private parties wishing to submit comments to the Department concerning possible recommendations by the Department under 49 U.S.C. 41307 and 41509 will be informed of the proper procedures to follow, and a public docket for comments will be created, on an ad hoc basis should such an occasion ever arise. Therefore, the Department is removing 28 CFR part 25.

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 Executive Order 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 Executive Order 12866, section 1(b), Principles of Regulation. The Department of Justice has determined that this rule is not a "significant regulatory action" under Executive Order 12866, section 3(f), and accordingly this rule has not been reviewed by the Office of Management and Budget.

List of Subjects in 28 CFR Part 25

Administrative practice and procedure, Air transportation, Antitrust.

Accordingly, for the reasons set forth in the preamble and pursuant to 28 U.S.C. 509, 510, and 5 U.S.C. 301, in Title 28 of the Code of Federal Regulations, part 25 is removed.

Dated: December 14, 1995.

Janet Reno,

Attorney General.

[FR Doc. 96-9749 Filed 4-19-96; 8:45 am]

BILLING CODE 4410-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1614

Federal Sector Equal Employment Opportunity

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal sector equal employment opportunity provisions concerning the time limit for a complainant to file an appeal with the Merit Systems Protection Board (Board) following an agency's final decision on a mixed case complaint. The rule is being amended because the Board lengthened the time limits for filing a timely appeal from a complaint raising issues of prohibited discrimination.

EFFECTIVE DATE: April 22, 1996.

FOR FURTHER INFORMATION CONTACT: Thomas J. Schlageter, Assistant Legal Counsel, or Daniel T. Riordan, Senior Attorney, Advice and External Litigation Division, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, D.C. 20507; telephone (202) 663-4669 or (202) 663-7026 (TDD). Copies of this final rule are also available in the following formats: Large print, braille, audio-tape and electronic file on computer disk. Requests for this notice in an alternative format should be made to the Publications Information Center at (800) 669-3362 (Voice) or (800) 800-3302 (TDD).

SUPPLEMENTARY INFORMATION: This change in the EEOC's procedures came about as a result of the Board's revision of its procedures for accepting appeals following a final decision by an agency on a mixed case complaint. The Board enlarged the time limit for accepting such appeals in a final rule at 59 FR 31109, June 17, 1994, which amended 5 CFR § 1201.154(b)(1) of its regulations. The Board changed the time limit for filing initial appeals to bring the Board's procedures more in line with the legal and regulatory time limits for filing with the Federal Courts and EEOC, and also to make the Board's appellate processes more accessible to Federal employees. 59 FR 31109. EEOC is therefore amending its regulation to conform with

the new time limit established by the Board.

We are issuing a final rule rather than a notice of proposed rulemaking because we have determined, for good cause, that publication of a proposed rule and solicitation of comments is not necessary. The Board initially announced this change as a proposed rule at 59 FR 18764, April 20, 1994, and asked for comments; a significant majority of the comments received favored or were not opposed to the change.

Regulatory Procedures

Executive Order 12866

The Commission has determined that this regulatory action is not "significant" as defined by Executive Order 12866, and is therefore not subject to review by the Office of Management and Budget.

Regulatory Flexibility Act

In addition, the Commission also certifies under 5 U.S.C. 605(b), enacted by the Regulatory Flexibility Act (Pub. L. 96-354), that this rule will not have a significant economic impact on a substantial number of small entities. For this reason, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

This regulation contains no information collection requirements which are subject to review and approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35).

List of Subjects in 29 CFR Part 1614

Administrative practice and procedure, Aged, Equal employment opportunity, Government employees, Individuals with disabilities, Religious discrimination, Sex discrimination. Gilbert F. Casellas, *Chairman*.

Accordingly, for the reasons set forth in the preamble, the Equal Employment Opportunity Commission is amending 29 CFR Part 1614 as follows:

PART 1614—FEDERAL SECTOR EQUAL EMPLOYMENT OPPORTUNITY

1. The authority citation for 29 CFR Part 1614 continues to read as follows:

Authority: 29 U.S.C. 206(d), 633a, 791 and 794a; 42 U.S.C. 2000e-16; E.O. 10577, 3 CFR, 1954-1958 Comp., p. 218; E.O. 11222, 3 CFR, 1964-1965 Comp., p. 306; E.O. 11478, 3 CFR, 1969 Comp., p. 133; E.O. 12106, 3 CFR, 1978 Comp., p. 263; Reorg. Plan No. 1 of 1978, 3 CFR, 1978 Comp., p. 321.

§ 1614.302 [Amended]

2. Section 1614.302 is amended by removing the number "20" in paragraphs (d)(1)(ii) and (d)(3) and adding in their place the number "30."

[FR Doc. 96-9570 Filed 4-19-96; 8:45 am]

BILLING CODE 6750-06-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH97-1; FRL-5462-2]

Interim Final Determination That State Has Corrected the Deficiency; Ohio

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Interim final determination.

SUMMARY: In the proposed rules section of this Federal Register, USEPA has proposed conditional approval of the State of Ohio's New Source Review (NSR) program rules. Based on the proposed conditional approval, USEPA is making an interim final determination by this action that Ohio has corrected the deficiency for which a sanctions clock began on October 21, 1994. This action will defer application of the offset sanction and defer the application of the highway sanction. Although this action is effective upon publication, USEPA will take comment and will publish a final rule taking into consideration any comments received on this interim final rule.

DATES: This action will be effective April 22, 1996. Comments must be received by May 22, 1996.

ADDRESSES: Comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604. The State submittal and USEPA's analysis for that submittal, which are the basis for this action, are available for public review at the above address.

FOR FURTHER INFORMATION CONTACT: Genevieve Nearmyer, Permits and Grants Section, Air Programs Branch, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604. (312) 353-4761.

SUPPLEMENTARY INFORMATION:

I. Background

On August 20, 1993 the State submitted an NSR plan revision request which USEPA disapproved in full on September 24, 1994 (59 FR 48392). The USEPA's disapproval action started an