by the Commission's Recycled Oil Rule.[20]

II. Basis for Repeal of Rule

The Commission has decided to repeal the Used Oil Rule for the reasons discussed in the NPR. In sum, after reviewing the rulemaking record, and in light of promulgation of the Recycled Oil Rule, the Commission has determined that a separate Used Oil Rule is no longer necessary, and that its repeal will eliminate unnecessary duplication, and any inconsistency with EPCA's goals. While repealing the Used Oil Rule would eliminate the Commission's ability to obtain civil penalties for any future misrepresentations of the re-refined quality of oil, the Commission has determined that repealing the Rule would not seriously jeopardize the Commission's ability to act effectively. The Recycled Oil Rule defines re-refined oil to mean used oil from which physical and chemical contaminants acquired through use have been removed. Although this Rule does not further address re-refined oil or provide penalties for misrepresenting used oil as ''re-refined,'' it defines for the public how the Commission interprets this term. Any significant problems that may arise could be addressed on a case-by-case basis, administratively under Section 5 of the FTC Act, 15 U.S.C. 45, or through enforcement actions under Section 13(b), 15 U.S.C. 53(b), in federal district court. Prosecuting serious or knowing misrepresentations in district court allows the Commission to seek injunctive relief as well as equitable remedies, such as redress or disgorgement. Any necessary administrative or district court actions also would serve to provide industry members with additional guidance about what practices are unfair or deceptive. In addition, the Commission has concluded that eliminating the Used Oil Rule not only reduces duplication, but also streamlines the regulatory scheme, thereby responding to President Clinton's National Regulatory Reinvention Initiative, which, among other things, urges agencies to eliminate obsolete or unnecessary regulations. Accordingly, the Commission hereby announces the repeal of the Used Oil Rule.

III. Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–12, requires an analysis of the anticipated impact of the repeal of the Used Oil Rule on small businesses. The reasons for repeal of the Rule have been explained in this notice. Repeal of the Used Oil Rule would appear to have little or no effect on small businesses. Moreover, the Commission is not aware of any existing federal laws or regulations that would conflict with repeal of the Used Oil Rule. Further, no comments suggested any adverse effect on small business from repeal. For these reasons, the Commission certifies, pursuant to Section 605 of the RFA, 5 U.S.C. 605, that this action will not have a significant economic impact on a substantial number of small entities.

IV. Paperwork Reduction Act

The Used Oil Rule imposes third-party disclosure requirements that constitute ''information collection requirements'' under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* On October 15, 1980, however, the Used Oil Recycling Act suspended the provision of the Used Oil Rule requiring labels to disclose the origin of lubricants made from used oil,[21] until the Commission issued rules under EPCA. Further, on April 8, 1981, the Commission published a notice announcing the statutory suspension of the origin labeling requirements of the Used Oil Rule. In the same notice, the Commission suspended enforcement of those portions of the Used Oil Rule requiring that advertising and promotional material disclose the origin of lubricants made from used oil.[22] Since 1981, therefore, the Rule effectively has imposed no paperwork burdens on marketers of used lubricating oil. In any event, repeal of the Used Oil Rule will permanently eliminate any burdens on the public imposed by these disclosure requirements.

List of Subjects in 16 CFR Part 406

Advertising, Labeling, Trade practices, Used lubricating oil.

PART 406—[REMOVED]

The Commission, under authority of section 18 of the Federal Trade Commission Act, 15 U.S.C. 57a, amends chapter I of title 16 of the Code of Federal Regulations by removing part 406.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 96–27181 Filed 10–23–96; 8:45 am]

BILLING CODE 6750–01–M

[20] Id. at 2.

[21] U.S.C. 6363 note.

[22] 46 FR 20979.

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1315

New Restrictions on Lobbying

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Final rule.

SUMMARY: The Tennessee Valley Authority is amending its rules regarding restrictions on lobbying to make inflation adjustments in the range of civil monetary penalties it may assess against persons who violate these rules. These adjustments are required by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended.

EFFECTIVE DATE: October 24, 1996.

FOR FURTHER INFORMATION CONTACT: Charles L. Young, Senior Attorney, 423–632–7304.

SUPPLEMENTARY INFORMATION: Section 4 of the ''Federal Civil Penalties Inflation Adjustment Act of 1990'' (Pub. L. 101–410), as amended by the ''Debt Collection Improvement Act of 1996'' (Pub. L. 104–134), requires each Federal agency with statutory authority to assess a civil monetary penalty (CMP) to adjust each CMP by the inflation adjustment described in section 5 of the Act. Such adjustment is to be made by regulation published in the Federal Register. The first inflation adjustment is required by October 23, 1996—180 days after the enactment of the ''Debt Collection Improvement Act of 1996.'' Thereafter, agencies are to make inflation adjustments by regulation at least once every four years. Any increase in a CMP made pursuant to the Act applies only to violations that occur after the date the increase takes effect.

TVA's only statutory authority to assess a CMP is found at 31 U.S.C. 1352(c), which describes the range of penalties TVA may impose for a violation of that statute's prohibition against use of appropriated funds to pay any person for influencing or attempting to influence a Federal official in connection with any Federal action and for a failure to file a declaration or a declaration amendment as required by that statute. The penalties to be imposed for such violations and failures to file range from $10,000 to not more than $100,000. Application of the standard inflation adjustment formula in the Act would result in an increase in this CMP of approximately 22 percent; however, because the Act limits the initial inflation adjustment to a CMP to 10 percent of the penalty specified by statute, TVA is amending its rules at 18 CFR 1315.400 (a) and (b) to increase the minimum CMP it may assess under 31

U.S.C. 1352(c) to $11,000 and the maximum CMP it may assess under the statute to $110,000.

Matters of Regulatory Procedures

Notice and an opportunity for public comment are not necessary prior to issuance of this final rule because it implements a definitive statutory formula mandated by the Act.

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this rule does not contain any information collection requirements that require the approval of the Office of Management and Budget.

List of Subjects in 18 CFR Part 1315

Administrative practice and procedures, Penalties.

For the reasons set out in the preamble, 18 CFR part 1315 is amended as follows:

PART 1315—NEW RESTRICTIONS ON LOBBYING

1. The authority citation for part 1315 is revised to read as follows:

Authority: 16 U.S.C. 831–831dd; 31 U.S.C. 1352.

§ 1315.400 [Amended]

2. Section 1315.400 is amended by removing the figure ''$10,000'' and adding in its place ''$11,000'' each time it appears in paragraphs (a) and (b) and by removing the figure ''$100,000'' and adding in its place $110,000 each time it appears in paragraphs (a) and (b).

Dated: October 18, 1996.

William L. Osteen,

Associate General Counsel.

[FR Doc. 96–27274 Filed 10–23–96; 8:45 am]

BILLING CODE 8120–01–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Approved State Plans for Enforcement of State Standards Approval of Supplements to the Kentucky, Tennessee, Wyoming and Indiana State Plans

AGENCY: Department of Labor, Occupational Safety and Health Administration (OSHA).

ACTION: Final Rule.

SUMMARY: This document gives notice of Federal approval of State Plan supplements concerning the Kentucky, Tennessee, Wyoming and Indiana Voluntary Protection Programs (VPP). These programs are modeled on the OSHA VPP, which recognize excellence in worksite safety and health. Employers participating in VPP can realize lower workers' injury rates, lower workers' compensation costs and greater employee productivity.

EFFECTIVE DATE: October 24, 1996.

FOR FURTHER INFORMATION CONTACT: Ann Cyr, Acting Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3647, 200 Constitution Avenue, N. W., Washington, D.C., 20210, Telephone (202) 219–8148.

SUPPLEMENTARY INFORMATION

A. Background

Kentucky. The Kentucky Occupational Safety and Health Plan was approved under section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter referred to as the Act) and Part 1902 of this chapter on July 31,1973 (38 FR 20324). A determination of final approval was made under section 18(e) of the Act on June 13, 1985 (50 FR 24896).

Tennessee. The Tennessee Occupational Safety and Health Plan was approved under section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter referred to as the Act) and Part 1902 of this chapter on July 5, 1973 (38 FR 17840). A determination of final approval was made under section 18(e) of the Act on July 22, 1985 (50 FR 29669).

Wyoming. The Wyoming Occupational Safety and Health Plan was approved under section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter referred to as the Act) and Part 1902 of this chapter on April 25, 1974 (39 FR 15394). A determination of final approval was made under section 18(e) of the Act on June 27, 1985 (50 FR 26548).

Indiana. The Indiana Occupational Safety and Health Plan was approved under Section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter referred to as the Act) and Part 1902 of this chapter on March 6, 1974 (39 FR 8611). A determination of final approval was made under section 18(e) of the Act on September 26, 1986 (51 FR 34206). Part 1953 of this chapter provides procedures for the review and the approval of State change supplements by the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary).

B. Description of Supplements

The Federal Voluntary Protection Programs (VPP) are designed to recognize and promote effective safety and health program management. In the VPP, management, labor and OSHA establish cooperative relationships at workplaces that have implemented strong programs.

VPP participants are a select group of facilities that have designed and implemented outstanding safety and health programs. The Star Program is the most highly selective program and is for applicants with safety and health programs that are comprehensive and are successful in reducing workplace hazards. It is open to any industry and to companies with injury incidence and lost workday injury rates at or below the industry's national average. Star participants are evaluated onsite every three years, with annual injury rate reviews. The Merit Program provides a planned set of ''stepping stones'' to Star participation for those employers who have demonstrated the potential and willingness to achieve Star requirements. Open to sites with injury rates above the industry's national average, Merit participants are evaluated onsite annually. The Demonstration Program allows evaluation of criteria different from, but potentially as protective for workers as the Star criteria.

Approved VPP participants must meet all relevant OSHA standards and have an on-going safety program. OSHA will verify qualifications, exempt participants from regularly scheduled inspections, provide necessary technical support, investigate complaints and accidents, and evaluate the program. Participation does not diminish employer/employee rights or responsibilities under the Occupational Safety and Health Act of 1970. States operating OSHA approved State plans are encouraged to develop their own parallel programs.

Kentucky. On October 6, 1995, Bill Riggs, Former Secretary, Kentucky Labor Cabinet, submitted a plan change supplement concerning Kentucky's Voluntary Protection Programs (VPP). Kentucky's VPP was found to be generally identical to the Federal Voluntary Protection Program, with the exception that the State's VPP is limited to the Star Program in general industry, and excludes the Merit and Demonstration Programs. Kentucky will require that all elements of the employer's program be in place at least 12 months prior to application. The