

(ii) Identify institutions unwilling to declare in writing, as a prerequisite to such an award of DoD funds for education and training, that the institution does not have a policy of denying, and that it does not effectively prevent, the Secretary of Defense from obtaining for military recruiting purposes entry to campuses, access to students on campuses, or access to student directory information.

(4) Notify the Defense Finance and Accounting Service of institutions, under paragraph (a)(1)(i) of this section, that either lose or regain eligibility to receive DoD funds under 10 U.S.C. 503 note and this part.

(b) The Under Secretary of Defense for Acquisition and Technology shall establish policy and procedures to:

(1) Deny DoD grant and contract awards to all institutions identified as ineligible under paragraph (a)(1)(i) of this section.

(2) Include terms or conditions in DoD grants and contracts awarded to institutions of higher education to make payments of DoD funds under such awards contingent on the institution's not being one so identified.

(c) The Under Secretary of Defense (Comptroller)/Chief Financial Officer shall establish and promulgate financial management policies and procedures to stop or reactivate payment of DoD funds through contracts, grants, and other agreements made by the Department of Defense or other Federal Agencies to institutions identified as ineligible under paragraph (a)(1)(i) of this section.

(d) The Secretaries of the Military Departments shall:

(1) Identify institutions that, by policy or practice, deny military recruiting personnel entry to the campus(es) of those institutions, access to students, or access to student directory information. When repeated requests to schedule recruiting visits or to obtain directory information are unsuccessful, the Military Service concerned shall seek written confirmation of the institution's present policy from the head of the institution through a letter of inquiry. The sample letter in Appendix A to the part shall be followed as closely as possible. If written confirmation cannot be obtained, oral policy statements or attempts to obtain such statements from an appropriate official of the institution shall be documented.

(2) Evaluate the responses to the letter of inquiry and of such other evidence obtained in accordance with this part and submit to the ASD(FMP) the names and addresses of institutions of higher education that are recommended to be declared ineligible to receive funds available to the Department of Defense

under 10 U.S.C. 503 note and this part. Full documentation shall be furnished to the ASD(FMP) for each such institution, including the institution's formal response to the letter of inquiry, or oral response or evidence showing attempts to obtain written confirmation or an oral statement of the institution's policies.

(e) The Heads of the DoD Components shall:

(1) Provide the ASD(FMP) with the names and addresses of institutions:

(i) Identified as ineligible as a result of implementing policies and procedures promulgated under paragraph (a)(3)(ii) of this section.

(ii) That do not accept terms or conditions of a DoD grant or contract specified under paragraph (b)(2) of this section.

(2) Take immediate action to deny DoD funds to institutions identified as ineligible under paragraph (a)(1)(i) of this section and to restore eligibility of institutions identified under paragraph (a)(2)(i) of this section.

Appendix A to Part 216—Sample Letter of Inquiry

Dr. John Doe
President
XYZ College
Anywhere, USA 12345-0123

Dear Dr. Doe: I understand that military recruiting personnel are unable to recruit on the campus of XYZ College and have been refused directory information on XYZ College students for military recruiting by official policy of the college. Title 10 U.S.C. 503 note, prohibits grant and contract awards of DoD funds to any institution of higher education that has a policy of denying, or that effectively prevents, military recruiting personnel entry to campuses, access to students on campuses, or access to directory information on students. DoD Directive 1322.13, "Military Recruiting at Institutions of Higher Education," (January 26, 1996) codified at 32 CFR part 216, implements 10 U.S.C. 503 note. A copy of 10 U.S.C. 503 note, and of DoD Directive 1322.13 are enclosed.

Under DoD Directive 1322.13, this letter provides you an opportunity to clarify your institution's policy on military recruiting on the campus of XYZ College. In that regard, I request the official written policy of the institution regarding visits of civilian employers (public or private) and military recruiting personnel to the campus for recruiting college students, and access to directory information on students.

Based on this information, a determination shall be made by the Assistant Secretary of Defense for Force Management Policy as to your institution's eligibility to receive DoD funds by grant or contract. Should it be determined that XYZ College is not qualified to receive such funds, all current programs requiring payment to XYZ College shall be stopped, and it shall be ineligible to receive future payments of DoD funds through

grants, contracts, and other applicable agreements.

I regret that this action may have to be taken. Successful recruiting requires that DoD recruiters have reasonable access to students on the campuses of colleges and universities, and at the same time to have effective relationships with the officials and student bodies of those institutions. I hope it will be possible for military recruiters to schedule recruiting visits at XYZ College in the near future. I am available to answer any questions.

Sincerely,

Enclosures

[Note: DoD Directive 1322.13 is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. This note is not a part of the sample letter of inquiry.]

Dated: March 4, 1996.

Patricia L. Toppings,
Alternate OSD Federal Register Liaison Officer.

[FR Doc. 96-5555 Filed 3-7-96; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD07-96-013]

RIN 2115-AA97

Security Zone; Coast Waters Adjacent to South Florida

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Pursuant to Presidential Proclamation No. 6867, declaring a national emergency, the Coast Guard is establishing a security zone, restricting the operation of vessels within the internal waters and territorial seas of the United States, adjacent to or within the coastal waters around southern Florida. The Coast Guard Captain of the Port (COTP) may exercise complete control over all vessel operations and movements within the security zone. Private, noncommercial vessels of less than 50 meters (165 feet) in length, may not depart the security zone with the intent to enter Cuban territorial waters, absent express authorization from the COTP. These vessel control measures are necessary to provide for the safety of United States citizens and residents and to prevent threatened disturbance of the international relations of the United States.

EFFECTIVE DATE: This rule is effective from 5:30 p.m., March 1996 and will terminate when the National Emergency as declared by the President in

Presidential Proclamation No. 6867, terminates. The Coast Guard will publish a separate document in the Federal Register announcing termination of this rule.

ADDRESSES: Permission of the COTP to depart the security zone with the intent of entering Cuban territorial waters may be obtained from the following U.S. Coast Guard units: Marine Safety Office Miami, 51 S.W. First Avenue, Miami, FL 33130, ph. (305) 536-5693; Marine Safety Office Tampa, 155 Columbia Drive, Tampa, FL 33603, ph. (813) 228-2195; Station Miami Beach, 100 MacArthur Causeway, Miami Beach, FL 33139, ph. (305) 535-4368; Station Fort Lauderdale, 7000 N. Ocean Dr., FL 33004, ph. (305) 927-1611; Station Marathon, 1800 Overseas Highway, Marathon, FL 33050, ph. (305) 743-1945; Station Islamorada, PO Box 547, 183 Palermo Dr., Islamorada, FL 33036, ph. (305) 292-8862; Station Key West, Key West, FL 33040, ph. (305) 292-8862; Station Fort Myers Beach, 719 San Carlos Drive, Fort Myers Beach, FL 33931, ph. (813) 463-5754. Additional locations may be established.

FOR FURTHER INFORMATION CONTACT: Chief, Marine Safety Division, Seventh Coast Guard District, 909 SE First Avenue, Brickell Plaza Federal Building, Miami, FL 33931, Phone (305) 536-5651.

SUPPLEMENTARY INFORMATION: On March 1, 1996, the President of the United States signed a Proclamation declaring a national emergency. To secure the rights and obligations of the United States and to protect its citizens and residents from the use of excessive force upon them by foreign powers, the Coast Guard is establishing a temporary security zone. In the Proclamation, the President authorized the Secretary of transportation to regulate the anchorage and movement of domestic and foreign vessels. This authority has been delegated to the Commander, Seventh Coast Guard District, Captain of the Port, Miami FL and Captain of the Port, Tampa FL, by Order of the Secretary of Transportation dated March 1, 1996. The Coast Guard is establishing a security zone pursuant to its normal regulatory authority in 50 U.S.C. § 191 and as supplemented by the authority delegated to the Secretary of Transportation in the Presidential Proclamation. This authority was re-delegated to the Commandant of the Coast Guard, as well as to appropriate District Commanders and Captains of the Port. The security zone includes the internal waters and territorial seas of the United States, adjacent to or within the State of Florida south of 26° 19' N

latitude and extending seaward three nautical miles from the baseline from which the territorial sea is measured.

The Coast Guard has determined that control of the departure of private noncommercial vessels less than 50 meters in length from the security zone, with the intent to enter Cuban territorial waters (hereinafter "subject vessels"), is necessary to protect the safety of United States citizens and residents and national security. Maintaining such control of vessel movement will necessitate some temporary limitations on traditional freedoms of navigation. Efforts will be made to keep these limitations to a minimum.

The COTP may control the launching, anchorage, docking, mooring, operation, and movement of all vessels within the security zone. Additionally, the COTP may remove all persons not specifically authorized by the COTP to go or remain on board the subject vessel, may place guards on the subject vessel and may take full or partial possession or control of any such vessel or part thereof. Such actions to be taken are in the discretion of the COTP as deemed necessary to ensure compliance with the provisions of the security zone or any other order issued under the authority of the COTP.

Under the special regulations included in this rule, subject vessels may not depart from the security zone without express authorization from the COTP. Authorization may be requested in person or in writing. If the request is approved, the COTP will issue a written authorization. For the reasons discussed below, commercial vessels 50 meters or greater in length are exempt from these security zone departure control regulations.

Past experiences, including the 13 July 1995 Flotilla and the 2 September 1995 attempted Flotilla, did not involve vessels outside the subject class of vessels.

Any private noncommercial vessel less than 50 meters in length found to have departed from the security zone, with the intent to enter Cuban territorial waters, without having express authorization from the COTP will be in violation of the security zone. Failure to comply with the regulations or orders issued under the authority of the COTP may result in seizure and forfeiture of the vessel, suspension or revocation of Coast Guard licenses, and/or criminal fines and imprisonment.

This rule is published as a temporary final rule, which is effective upon the signing of this rule. It is based upon a Presidential declaration of a national emergency. This rule remains in effect for the duration of the national emergency. Immediate action is needed

to protect the safety of lives and property at sea and to prevent threatened disturbance of the international relations of the United States. For this reason, the Coast Guard finds good cause, under 5 U.S.C. 553 (b) and (d), that notice and public comment on the rule before the effective date of this rule are, impractical, unnecessary, contrary to the public interest and this rule should be made effective in less than 30 days after publication.

Regulatory Process Matters

This final rule, designed under the emergency conditions, is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. Therefore a regulator evaluation is not included. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The USCG certifies that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This rule does not impose unfounded mandates or contain reporting or record keeping requirements that require approval under the Paperwork Reduction Act.

Collection of Information

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et. seq.*).

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2 of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rule will not have sufficient federalism implication to warrant preparation of a Federalism Assessment.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Security measures and Waterways.

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 USC 1231; 50 USC 191; 33 CFR 1.05-1(g). 6.04-1 6.04-6, and 160.5; 49 CFR 1.46.

2. Section 165.T07-013 is added to read as follows:

§ 165.T07-013 Security Zone: Territorial waters adjacent to Florida south of 26°19' N latitude.

(a) *Location.* The following area is established as a security zone: All U.S. territorial waters adjacent to the State of Florida south of 26°19' N latitude. In general, these are the U.S. territorial seas adjacent to Collier, Dade, Monroe and Broward Counties of the State of Florida.

(b) *Applicability.* For the purpose of this section, this section applies to private noncommercial vessels less than 50 meters in length departing the security zone with intent to enter Cuban territorial waters. Any vessel operating without current documentation of commercial status issued by the United States, a State or territory of the United States, or a foreign government is considered to be a noncommercial vessel for the purposes of this section.

(c) *Regulations.* (1) The general regulations in § 165.33 of this part do not apply to this security zone.

(2) Private noncommercial vessels less than 50 meters in length may not depart from the security zone with the intent to enter Cuban territorial waters without express authorization from one of the following designated officials or their designees; Commander, Seventh Coast Guard District; the Captain of the Port Miami; or the Captain of the Port Tampa.

(3) Express authorization to depart from the security zone may be obtained from any designated official or designee.

(4) The owner/operator or person in charge of the vessel shall maintain the express authorization on board the vessel.

(d) *Enforcement.* Vessels and or persons violating this section may be subject to:

(1) Seizure and forfeiture of the vessel;

(2) A monetary penalty of not more than \$10,000; and

(3) Imprisonment for not more than 10 years.

(e) This section implements Presidential Proclamation No. 6867. This section is issued under the authority delegated in Department of Transportation Order dated March 1, 1996.

Dated: March 1, 1996.

R.T. Rufe, Jr.,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 96-5741 Filed 3-6-96; 2:43 pm]

BILLING CODE 4910-14-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-5435-2]

Approval and Promulgation of Implementation Plans; Utah; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This document corrects an error in the Code of Federal Regulations for Utah. An amendment to 40 CFR 52.2320 at 59 FR 64330, on December 14, 1994, added a second paragraph to (c)(26). This second paragraph should be (c)(27).

EFFECTIVE DATE: This action is effective March 8, 1996.

FOR FURTHER INFORMATION CONTACT: Vicki Stamper, 8ART-AP, U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466, (303) 312-6445.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Environmental protection, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 15, 1996.

Patricia D. Hull,

Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart TT—Utah

§ 52.2320 [Corrected]

2. Section 52.2320(c) is revised by redesignating the second paragraph of (c)(26) as (c)(27).

[FR Doc. 96-5455 Filed 3-7-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 180

[PP 4F4354/R2196; FRL-4993-5]

RIN 2070-AB78

Pesticide Tolerance; Avermectin B₁ and Its Delta-8,9-Isomer

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for combined residues of the insecticide avermectin B₁ and its delta-8,9-isomer in or on the raw agricultural commodities cucurbit vegetables group (cucumbers, melons, and squashes). The regulation to establish a maximum permissible level for residues of the insecticide was requested in a petition submitted by the Merck Research Laboratories.

EFFECTIVE DATE: This regulation becomes effective March 8, 1996.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 4F4354/R2196], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the docket control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

An electronic copy of objections and hearing requests filed with the Hearing Clerk may be submitted to OPP by sending electronic mail (e-mail) to:

opp-docket@epamail.epa.gov

Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket number [PP 4F4354/R2196]. No Confidential Business Information (CBI) should be submitted through e-mail.