

assessment is necessary, and neither will be prepared in this rulemaking.

V. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act¹³ generally requires the Commission to describe the impact that a proposed rule would have on small entities or to certify that the rule will not have a significant economic impact on a substantial number of small entities. An analysis is not required if a proposed rule will not have such an impact.¹⁴

Pursuant to section 605(b), the Commission certifies that the proposed rules and amendments, if promulgated, will not have a significant adverse economic impact on a substantial number of small entities.

VI. Information Collection Requirements

Office of Management and Budget (OMB) regulations require OMB to approve certain information collection requirements imposed by an agency.¹⁵ The information collection requirements in the final rule are contained in FERC-550 "Oil Pipeline Rates: Tariff filing" (1902-0089).

The Commission's Office of Pipeline Regulation uses the data collected in these information requirements filings to investigate the rates charged by oil pipeline companies subject to its jurisdiction, to determine the reasonableness of rates, and when appropriate, prescribe just and reasonable rates.

The final rule will not change the reporting requirements of FERC-550. This rule therefore is not subject to OMB review. The Commission is submitting a copy of the proposed rule to OMB for information purposes. Interested persons may obtain information on these reporting requirements by contacting the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426 [Attention: Michael Miller, Information Services Division, (202) 208-1415]. Comments on the requirements of this rule can be sent to the Office of Information and Regulatory Affairs of OMB [Attention: Desk Officer for the Federal Energy Regulatory Commission].

VII. Effective Date

This final rule will be effective August 26, 1996. The Commission has determined, with the concurrence of the Administrator of the Office of

Information and Regulatory Affairs of OMB, that this rule is not a "major rule" as defined in section 351 of the Small Business Regulatory Enforcement Fairness Act of 1996.

List of Subjects in 18 CFR Part 346

Pipelines, Reporting and recordkeeping requirements.

By the Commission.

Lois D. Cashell,
Secretary.

In consideration of the foregoing, Part 346, Chapter I, Title 18, Code of Federal Regulations, is amended, as set forth below.

PART 346—OIL PIPELINE COST-OF-SERVICE FILING REQUIREMENTS

1. The authority citation for Part 346 continues to read as follows:

Authority: 42 U.S.C. 7101-7352; 49 U.S.C. 60502; 49 App. U.S.C. 1-85.

2. Section 346.1 introductory text is revised to read as follows:

§ 346.1 Content of filing for cost-of-service rates.

A carrier that seeks to establish rates pursuant to § 342.2(a) of this chapter, or a carrier that seeks to change rates pursuant to § 342.4(a) of this chapter, or a carrier described in § 342.0(b) that seeks to establish or change rates by filing cost, revenue, and throughput data supporting such rates, other than pursuant to a Commission-approved settlement, must file:

* * * * *

3. Section 346.2 introductory text is revised to read as follows:

§ 346.2 Material in support of initial rates or change in rates.

A carrier that files for rates pursuant to § 342.2(a) or § 342.4(a) of this chapter, or a carrier described in § 342.0(b) that files to establish or change rates by filing cost, revenue, and throughput data supporting such rates, other than pursuant to a Commission-approved settlement, must file the following statements, schedules, and supporting workpapers. The statement, schedules, and workpapers must be based upon an appropriate test period.

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[FR Doc. 96-18900 Filed 7-24-96; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners: Transfer Treaty Cases

AGENCY: United States Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The U.S. Parole Commission is amending its regulations on transfer treaty cases by reducing the number of hearing examiners required to conduct a hearing for a prisoner transferred to the United States pursuant to treaty. The number is reduced from two hearing examiners to one hearing examiner. The recommended decision of the hearing examiner shall be reviewed by the executive hearing examiner, and the Commission will not act upon the case until a panel recommendation consisting of two concurring examiner votes is obtained. This change will not otherwise affect the procedures followed at a special transferee hearing. This procedural rule is necessary for the Commission to operate within the substantially reduced Congressional appropriation anticipated for Fiscal Year 1997.

EFFECTIVE DATE: August 26, 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 is a procedural rule change affecting only those prisoners who are transferred to the United States, pursuant to treaty, to serve a sentence imposed in the transferring country. For a prisoner who is serving a foreign sentence for a crime that was committed on or after November 1, 1987, the Parole Commission is obliged to conduct a special transferee hearing upon his return to the United States, and to determine a period of imprisonment and a period of supervised release, within the framework of the foreign sentence, according to the rules and guidelines of the U.S. Sentencing Commission. See 18 U.S.C. 4106A (1988).

Until now, the regulation governing such cases, 28 CFR 2.62, has required that special transferee hearings be conducted by panels of two hearing examiners. In all other hearings conducted by the Commission (including parole and parole revocation hearings for domestic prisoners) hearings are conducted by a single

¹³ 5 U.S.C. 601-612.

¹⁴ 5 U.S.C. 605(b).

¹⁵ 5 CFR 1320.11.

examiner. The recommended decision of the hearing examiner is reviewed by the executive hearing examiner, and the Commission is presented with a panel recommendation pursuant to 28 CFR 2.23. The same procedure is now extended to special transferee hearings.

The Commission originally decided to require panel-conducted hearings for transfer treaty prisoners because of the complexity of sentencing guideline issues and the absence of any statutorily-authorized administrative remedy procedure. The determination of the Commission becomes subject to direct appeal to a United States Court of Appeals pursuant to 18 U.S.C. 4106A(b)(2)(A). However, the Commission has improved its pre-hearing assessment procedure, and has added a review by its Office of General Counsel before each case is submitted to the Commission for decision. These additional safeguards have reduced the possibility of error which diminishes the need for two hearing examiners to conduct each hearing. Moreover, the Commission anticipates a severely reduced Congressional appropriation for Fiscal Year 1997, and it can no longer afford to send panels of hearing examiners to conduct each special transferee hearing. With the additional safeguards described above, the Commission believes that the hearing and decision making process for transfer treaty prisoners will continue to be as error-free as possible.

Implementation

This procedural rule change will apply to all special transferee hearings conducted on or 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:

(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).

§ 2.62 [Amended]

(2) Section 2.62 is amended by substituting "a hearing examiner" for "a panel of examiners" in paragraph (h), introductory text; by substituting "The examiner" for "The examiner panel" in paragraph (h)(1) introductory text; by substituting "The examiner" for "The examiner panel" in paragraph (h)(5).

(3) Section § 2.62(h)(6) is revised to read as follows:

§ 2.62 Prisoners transferred pursuant to treaty.

* * * * *

(h) Hearing procedures. * * *

(6) The transferee shall be notified of the examiner's recommending findings of fact, and the examiner's recommended determination and reasons therefore, at the conclusion at the hearing. The case shall thereafter be reviewed by the Executive Hearing Examiner pursuant to § 2.23, and the Commission shall make its determination upon a panel recommendation.

* * * * *

Dated: July 12, 1996.

Edward F. Reilly, Jr.,

Chairman, U.S. Parole Commission.

[FR Doc. 96-18861 Filed 7-24-96; 8:45 am]

BILLING CODE 4410-01-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

RIN 2900-AH75

Part-Time Career Employment Program

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) pursuant to 5 U.S.C. 3402 is required to maintain a program for part-time career employment within VA. VA has established regulations concerning this mandate (38 CFR 1.891 through 1.897). These regulations currently require field stations to provide a manual report to VA Central Office semiannually containing information concerning the number of part-time permanent positions established during the reporting period and the number of conversions from full-time to part-time. The purpose of the report is to monitor progress in attaining part-time career employment

goals. This requirement for field stations to provide a semiannual report is deleted since the same information is available through the automated personnel system. The part-time career employment program will be reviewed through regular employment reports to determine levels of part-time employment. This program will also be designated an item of special interest to be reviewed during personnel management reviews. The authority citation is also changed to state the correct citation.

EFFECTIVE DATE: July 25, 1996.

FOR FURTHER INFORMATION CONTACT:

Ellen Kollar, Title 5 Staffing Division (054C), Employment and Training Service, Office of Human Resources Management, Office of Human Resources and Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-9748.

SUPPLEMENTARY INFORMATION:

Administrative Procedure Act

This final rule consists of nonsubstantive changes and, therefore, is not subject to the notice and comment, and effective date provisions of 5 U.S.C. 553.

Regulatory Flexibility Act

The Secretary certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. This rule sets forth nonsubstantive changes. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

List of Subjects in 38 CFR Part 1

Administrative practice and procedure, Archives and records, Cemeteries, Claims, Courts, Flags, Freedom of information, Government contracts, Government employees, Government property, Infants and children, Inventions and patents, Investigations, Parking, Penalties, Postal Service, Privacy, Reporting and recordkeeping requirements, Seals and insignia, Security measures, Wages.

Approved: July 17, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 1 is amended as set forth below: