

responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air Transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

96-18-17 AlliedSignal Inc.: Amendment 39-9743. Docket 95-ANE-68.

Applicability: AlliedSignal Inc. (formerly Garrett) Models TSCP700-4B, -4E, and -5 auxiliary power units (APUs), with high pressure turbine (HPT) disks identified by serial number in AlliedSignal Aerospace Service Bulletin (SB) No. TSCP700-49-A7168, dated November 7, 1995. These APUs are installed on, but not limited to, McDonnell Douglas DC-10, KC-10 (military), and MD-11 series, and Airbus A300 series aircraft.

Note: This airworthiness directive (AD) applies to each APU identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For APUs that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request

approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent an HPT disk rupture, accomplish the following:

(a) Prior to accumulating 7,500 cycles since new (CSN), or 3 years after the effective date of this AD, whichever occurs first, remove from service affected HPT disks and replace with a serviceable part.

(b) The definition of a disk cycle may be found in the applicable AlliedSignal Inc. APU Component Maintenance Manual.

(c) Auxiliary power unit maintenance records may be used to determine if the HPT disk installed in the APU has a serial number listed in AlliedSignal Aerospace SB No. TSCP700-49-A7168, dated November 7, 1995.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

(f) The actions required by this AD shall be done in accordance with the following AlliedSignal Aerospace SB:

Document No.	Pages	Date
TSCP700-49-A7168	1-8	Nov. 7, 1995.
Total Pages: 8.		

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from AlliedSignal Engines, P.O. Box 52181, Phoenix, AZ 85072-2181; telephone (800) 338-3378, fax (602) 231-4402. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(g) This amendment becomes effective on December 9, 1996.

Issued in Burlington, Massachusetts, on September 20, 1996.

James C. Jones,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 96-25168 Filed 10-8-96; 8:45 am]

BILLING CODE 4910-13-U

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1020

Small Business

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission is issuing a rule describing how its Small Business Ombudsman and Small Business Program will assist small businesses that interact with the Commission.

EFFECTIVE DATE: The rule is effective on October 9, 1996.

FOR FURTHER INFORMATION CONTACT:

Clarence T. Bishop, Deputy Executive Director and Small Business Ombudsman, Consumer Product Safety Commission, Washington, D.C. 20207; telephone 301-504-0550; telefax 301-504-0121; Web address <http://www.cpsc.gov>. Small businesses can obtain information from the Commission's hotline telephone system by calling 1-800-638-2772, extension 234.

SUPPLEMENTARY INFORMATION:

A. Background

In March 1996 Congress enacted the Small Business Regulatory Enforcement Fairness Act, Public Law 104-121. Congress found this legislation necessary because "small businesses bear a disproportionate share of regulatory costs and burdens" and "fundamental changes * * * are needed in the regulatory and enforcement culture of Federal agencies" to make them more responsive to small businesses. (Sections 202 (2) and (3) of the Act.)

The Consumer Product Safety Commission ("Commission" or "CPSC") has been evaluating the special needs of small businesses, and working to address them. In June 1996, the Commission co-sponsored a Small Business Conference with the International Consumer Product Health and Safety Organization. More than 130 representatives of small businesses participated in panels and heard

speeches by Philip Lader, Administrator of the U.S. Small Business Administration, and George Weise, Commissioner of the U.S. Customs Service.

At the conference, CPSC Chairman Ann Brown awarded three Commendation Awards to small business individuals and companies that have made contributions to product safety. In addition, the Commission announced its establishment of the new position of Small Business Ombudsman. Deputy Executive Director Clarence T. Bishop is now serving in this position. Its purpose is to have someone at CPSC who is directly responsible for addressing the needs and problems of small businesses, who can help small businesses comply with CPSC standards, and who can help small businesses receive needed technical assistance and guidance.

To help small businesses obtain information quickly, the Commission has established a new extension on its toll-free hotline. The telephone number is 1-800-638-2772, extension 234.

B. The Rule

The rule issued below provides in one place all of the Commission's small business policies:

1. The rule highlights the Commission's objectives for its treatment of small businesses (§ 1020.1).

2. The rule summarizes the qualifications and responsibilities of the Commission's Small Business Ombudsman (§ 1020.3).

3. The rule establishes a framework and some basic principles for the Commission's small business program (§ 1020.4). And, it gives examples of how the Commission will assist small businesses.

4. The rule describes the Commission's enforcement policy for waiving or reducing penalties, in appropriate cases, that small businesses must pay when they violate the law (§ 1020.5).

The rule issued below is not intended to create any right or benefit, substantive or procedural, enforceable at law or in equity, by a party against the United States, its agencies, its officers, or any other person. More specifically, it is not intended to expand any rights or benefits conferred on a person by section 223 of the Small Business Regulatory Enforcement Fairness Act of 1996, entitled "Rights of Small Entities in Enforcement Actions."

Generally, the Administrative Procedure Act (APA) requires agencies to publish a notice of proposed rulemaking and provide opportunity for public comment before issuing a rule. 5

U.S.C. § 553. However, these requirements do not apply when the agency finds for good cause that they are "impracticable, unnecessary, or contrary to the public interest." 5 U.S.C. § 553(b)(B). The Commission finds for good cause that notice of proposed rulemaking and public participation are unnecessary because the rule issued below simply compiles small business policies that are already in effect.

C. Effective Date

The rule shall be effective on October 9, 1996. The APA requires that a substantive rule be published at least 30 days before its effective date, unless the agency finds for good cause that such delay is not needed. 5 U.S.C. § 553(d)(3). The Commission finds good cause for the rule issued below to become effective immediately because it simply compiles small business policies that are already in effect.

D. Economic Impact on Small Businesses

When an agency undertakes a rulemaking proceeding, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, generally requires that proposed and final regulatory flexibility analyses describe the impact of the rule on small businesses and other small entities. The purpose is to require agencies, consistent with their objectives, to fit the requirements of rules to the scale of the businesses, organizations, and governmental jurisdictions subject to such rules. 5 U.S.C. 602 note.

However, the Act does not require an agency to prepare a regulatory flexibility analysis if the agency's head certifies that the rule will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. § 605.

This small business rule is designed to help small entities when they interact with the Commission. While some economic benefits may result from improvements in such contacts, the Commission does not believe that the rule will have a significant economic impact on a substantial number of small entities.

E. Environmental Impact

Under the National Environmental Policy Act (42 U.S.C. §§ 4321-4347), the Council on Environmental Quality's regulations (40 CFR Part 1500), and CPSC's procedures for environmental review (16 CFR Part 1021), the Commission has assessed the possible environmental effects associated with the small business rule. Because this rule will not change the way that firms manufacture, retrofit, or destroy products, the Commission expects no

significant environmental effects from it. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 16 CFR Part 1020

Consumer protection, Penalties, Small businesses, Trade practices.

F. Conclusion

Under the authority of the Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. 104-121, 100 Stat. 857-874, the Commission hereby amends Title 16 of the Code of Federal Regulations, Chapter II, Subchapter A by adding a new part as follows:

PART 1020—SMALL BUSINESS

Sec.

1020.1 Why is the Commission issuing this rule?

1020.2 What is the definition of "small business"?

1020.3 What are the qualifications and duties of the Small Business Ombudsman?

1020.4 What is the Small Business Program?

1020.5 What is the Small Business Enforcement Policy?

Authority: 5 U.S.C. 601 note.

§ 1020.1 Why is the Commission issuing this rule?

(a) To state the Commission's policies on small businesses;

(b) To assure that the Commission continues to treat small businesses fairly;

(c) To assure that small businesses do not bear a disproportionate share of any burden or cost created by a Commission regulatory, enforcement, or other action; and

(d) To assure that small businesses are given every opportunity to participate fully in the Commission's regulatory process.

§ 1020.2 What is the definition of "small business"?

As used in this part, the term "small business" means any entity that is either a "small business," "small organization," or "small governmental jurisdiction," as those terms are defined at 5 U.S.C. 601(3), (4), and (5), respectively.

§ 1020.3 What are the qualifications and duties of the Small Business Ombudsman?

(a) The Chairman will appoint a senior, full-time Commission employee as Small Business Ombudsman. The Ombudsman must:

(1) Have a working knowledge of the Commission's statutes and regulations;

(2) Be familiar with the industries and products that the Commission regulates;

(3) Develop a working knowledge of the regulatory problems that small businesses experience;

(4) Perform the Ombudsman duties in addition to, and consistently with, other Commission responsibilities; and

(5) Not work in the Office of Compliance or Office of Hazard Identification and Reduction.

(b) The duties of the Small Business Ombudsman will include, but not be limited to, the following:

(1) Developing and implementing a program to assist small businesses that is consistent with § 1020.4;

(2) Working to expedite Commission responses to small businesses and providing information, guidance, and technical assistance to small businesses;

(3) Performing a review, at least twice a year, of the Commission's regulatory agenda for actions likely to have a significant impact on small businesses; and

(4) Pursuing the interests of small businesses by maintaining a working relationship with appropriate officials in the Small Business Administration, in national trade associations that represent small businesses, and in the Commission.

§ 1020.4 What is the Small Business Program?

(a) Whenever the Commission is aware of the interests of small businesses, it will consider those interests before taking any action that will likely have a significant effect on small businesses.

(b) Small businesses may request and receive special assistance from the Commission, as appropriate and consistent with Commission resources. Examples of such assistance are:

(1) Small businesses may contact the Small Business Ombudsman to obtain information about Commission statutes, regulations, or programs; to obtain technical assistance; to determine who in the agency has particular expertise that might be helpful to the small business; or to help expedite a small business's request.

(2) Small businesses may request assistance from the Commission by using the small business extension on the Commission's hotline telephone system. The number is 1-800-638-2772, extension 234.

(3) The Small Business Ombudsman will directly provide small businesses with the requested assistance, or will direct the small business to the appropriate Commission staff for help.

(c) Whenever the Commission issues a final regulatory flexibility analysis for

a rule, under the Regulatory Flexibility Act (5 U.S.C. 604), the Commission will publish a compliance guide for small businesses. The guide will explain in easy-to-understand language what action a small business must take to comply with the rule.

(d) The Commission may take other appropriate actions to assist small businesses, but such actions will not treat any other Commission constituent unfairly.

§ 1020.5 What is the Small Business Enforcement Policy?

(a) When appropriate, the Commission will, subject to all applicable statutes and regulations and paragraph (b) of this section:

(1) Waive or reduce civil penalties for violations of a statutory or regulatory requirement by a small business and/or

(2) Consider a small business's ability to pay in determining a penalty assessment against that small business,

(b) The Commission may decline to waive civil penalties or consider a small business's ability to pay, under paragraph (a) of this section, when one or more of the following circumstances applies:

(1) The small business's violations posed serious health or safety threats.

(2) The small business was subject to multiple enforcement actions by the Commission.

(3) The small business's violations involved willful or criminal conduct.

(4) The small business failed to correct violations within a reasonable time.

(5) The small business failed to make a good faith effort to comply with the law.

(6) The small business acted in any other way that would make it unfair or inappropriate for the Commission to provide a benefit under paragraph (a) of this section.

Dated: October 3, 1996.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 96-25807 Filed 10-8-96; 8:45 am]

BILLING CODE 6355-01-P

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that certain vessels of the CSP Class and the SLWT Class are vessels of the Navy which, due to their special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with their special function as naval ships. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: September 13, 1996.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander M. W. Kerns, JAGC, U.S. Navy, Assistant Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (703) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that certain vessels of the CSP Class and SLWT Class are vessels of the Navy which, due to their special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with their special function as naval ships: Rules 21(a) and 23(a)(i) pertaining to placement of the masthead light; and, Annex I, paragraph 3(b) pertaining to the placement of the sidelights. The Deputy Assistant Judge Advocate General (Admiralty) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on these vessels in a manner differently from that prescribed herein will adversely affect the vessels' ability to perform their military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows: