

(2) Tools, implements, and furniture used in the creation of a work of art such as brushes, chisels, easels, picture frames, drafting tables and chairs, canvas stretchers, potter's wheels, hammers, air pumps for air brushes, kilns, and molds.

(3) Surface materials upon which an art material is applied, such as coloring books and canvas, unless, as a result of processing or handling, the consumer is likely to be exposed to a chemical in or on the surface material in a manner which makes that chemical susceptible to being ingested, absorbed, or inhaled.

(4) The following materials whether used as a surface or applied to one, unless, as a result of processing or handling, the consumer is likely to be exposed to a chemical in or on the surface material in a manner which makes that chemical susceptible to being ingested, absorbed, or inhaled: paper, cloth, plastics, films, yarn, threads, rubber, sand, wood, stone, tile, masonry, and metal.

(B) For purposes of LHAMA enforcement policy, the Commission will enforce against materials including, but not limited to, paints, crayons, colored pencils, glues, adhesives, and putties, if such materials are sold as part of an art, craft, model, or hobby kit. The Commission will enforce the LHAMA requirements against paints or other materials sold separately which are intended to decorate art, craft, model, and hobby items. Adhesives, glues, and putties intended for general repair or construction uses are not subject to LHAMA. However, the Commission will enforce the LHAMA requirements against adhesives, glues, and putties sold separately (not part of a kit) if they are intended for art and craft and model construction uses. This paragraph (b)(8)(iv)(B) applies to products introduced into interstate commerce on or after August 14, 1995.

(C) Commission regulations at § 1500.14(b)(8)(i)(C)(7) require that a statement of conformance appear with art materials that have been reviewed in accordance with the Commission standard. The Commission interprets this provision to require a conformance statement regardless of the presence of any chronic hazard warnings.

(D) Nothing in this enforcement statement should be deemed to alter any of the requirements of the Federal Hazardous Substances Act ("FHSA"), such as, but not limited to, the requirement that any hazardous substance intended or packaged in a form suitable for household use must be labeled in accordance with section 2(p) of the FHSA.

Dated: February 6, 1995.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 95-3450 Filed 2-10-95; 8:45 am]

BILLING CODE 6355-01-P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 140

Delegation of Authority to the Director of the Division of Trading and Markets

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is delegating to the Director of the Division of Trading and Markets, and to such members of the Commission staff acting under the Director's direction as the Director may designate from time to time, the authority to perform all functions reserved to the Commission under the recently adopted risk assessment requirements for holding company systems in §§ 1.14 and 1.15 of the Commission's regulations. The delegation should result in more expeditious treatment of exemption requests, which will benefit futures commission merchants ("FCMs") and the Commission.

EFFECTIVE DATE: February 13, 1995.

FOR FURTHER INFORMATION CONTACT: Lawrence T. Eckert, Attorney Adviser, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street N.W., Washington D.C. 20581. Telephone (202) 254-8955.

SUPPLEMENTARY INFORMATION:

I. Delegation

On December 21, 1994, the Commission adopted Rules 1.14 and 1.15 to implement the risk assessment authority set forth in Section 4f(c) of the Commodity Exchange Act.¹ These rules generally require FCMs that are subject to the rules to maintain and file with the Commission certain information concerning their financial activities and the activities of their material affiliates.

In promulgating the risk assessment rules, and at the suggestion of commenters on the proposed rules, the Commission reserved, in Rules 1.14(d)(3) and 1.15(c)(3), the authority to exempt any FCM from any of the provisions of either Rule 1.14 or Rule 1.15 if the Commission finds that the

exemption is not contrary to the public interest and the purposes of the provisions from which the exemption is sought. Additionally, the rules permit the Commission to exempt an FCM affiliated with a "Reporting Futures Commission Merchant" from the recordkeeping and reporting requirements of the rules, and permit the Commission to request information to supplement an FCM's filings with the Commission if the Commission determines that additional information is necessary for a complete understanding of a particular affiliate's financial impact on the FCM's organizational structure.²

The Commission has determined to codify in Part 140 the delegation of its authority under the risk assessment rules to the Director of the Division of Trading and Markets.³ Accordingly, the Commission is hereby amending its delegation of authority to the Director of the Division of Trading and Markets set forth in Rule 140.91, which currently governs authority to perform functions on behalf of the Commission with respect to the minimum financial and related reporting requirements for FCMs and introducing brokers under Rules 1.10, 1.12, 1.16 and 1.17, by adding to it the authority to act on behalf of the Commission with respect to all functions reserved to the Commission under Rules 1.14 and 1.15. The Commission further notes that paragraph (b) of Rule 140.91 will continue to provide that the Director may submit any matter delegated under the rule to the Commission for its consideration.

II. Related Matters

A. Administrative Procedure Act

The Commission has determined that this delegation of authority relates solely to agency organization, procedure and practice. Therefore, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, which generally require notice of proposed rule making and which provide other opportunities for public participation, are not applicable. The Commission further finds that, because the rule has no adverse effect upon a member of the public, there is good cause to make it effective immediately upon publication in the **Federal Register**.

² Rules 1.14(d)(2), 1.15(c)(2) and 1.15(a)(2)(iii). For a complete discussion of the recently adopted risk assessment rules, see 59 FR 66674.

³ See 59 FR 66674, at 66682, n.35 (Director of Division of Trading and Markets is generally delegated the authority to act on behalf of the Commission with respect to the risk assessment rules).

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601-611 (1988), requires that agencies, in proposing rules, consider the impact of those rules on small businesses. The rules discussed herein are only an administrative delegation and will have no impact on registered entities. Even if these rules were deemed to affect FCMs, the Commission already has established certain definitions of "small entities" to be used by the Commission in evaluating the impact of its rules on such small entities in accordance with the RFA and FCMs have been determined not to be small entities under the RFA.⁴ Accordingly, the Chairman, on behalf of the Commission, hereby certifies, pursuant to 5 U.S.C. 605(b), that these rule amendments will not have a significant impact on a substantial number of smaller entities.

List of Subjects in 17 CFR Part 140

Authority delegations (Government agencies).

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act, and, in particular, sections 2a and 8a, 7 U.S.C. 4a and 12a, the Commission is amending part 140 of Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMISSION

1. The authority citation for Part 140 continues to read as follows:

Authority: 7 U.S.C. 4a and 12a.

2. Section 140.91 is amended by redesignating paragraphs (a)(3) and (a)(4) as (a)(5) and (a)(6) and by adding new paragraphs (a)(3) and (a)(4) to read as follows:

§ 140.91 Delegation of authority to the Director of the Division of Trading and Markets.

(a) * * *

(3) All functions reserved to the Commission in § 1.14 of this chapter;

(4) All functions reserved to the Commission in § 1.15 of this chapter;

* * * * *

Issued in Washington, D.C. on February 7, 1995, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 95-3455 Filed 2-10-95; 8:45 am]

BILLING CODE 6351-01-U

TENNESSEE VALLEY AUTHORITY**18 CFR Part 1310****Administrative Cost Recovery**

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Final rule.

SUMMARY: This final rule amends TVA's administrative cost recovery regulations by adding a provision requiring payment to TVA of nonrefundable application processing fees to recover the costs of reviewing plans for the construction, operation, or maintenance of dams, appurtenant works, or other obstructions affecting navigation, flood control, or public lands or reservations in the Tennessee River system under Section 26a of the TVA Act; eliminating cost recovery exemptions for agricultural licenses, firewood cutting permits, permits for the nonexclusive short-term use of TVA land, conveyance or abandonment of TVA land or landrights to States, municipalities, and political subdivisions and agencies thereof, and use of TVA land for utility line crossings; authorizing the responsible land manager to establish a standard charge for each category of action rather than determining the actual administrative costs for each individual action; and increasing the range of fees for certain actions. These amendments will allow TVA to recover more of its administrative costs incurred in processing certain actions from those persons who directly benefit from the actions.

EFFECTIVE DATE: March 17, 1995.

FOR FURTHER INFORMATION CONTACT: David L. Pack, Manager of Reservoir Land Management, Tennessee Valley Authority, 17 Ridgeway Road, Norris, Tennessee 37828, (615) 632-1602.

SUPPLEMENTARY INFORMATION: TVA published the proposed rulemaking in the **Federal Register** on October 27 (59 FR 53948-49) and invited comments for 30 days ending November 28, 1994. No comments were received. Accordingly, TVA is promulgating this final rule as proposed.

In order to help ensure that TVA land management and permitting activities are self-sustaining to the fullest extent possible, the agency has determined that its administrative cost recovery regulations should be expanded to include a broader range of use, disposal, and permitting activities. This determination is consistent with national objectives to increase government efficiency and to recover the costs of government services from

those who most directly benefit from the services.

Persons who wish to construct dams, appurtenant works, or other obstructions in or along the Tennessee River system are required by Section 26a of the TVA Act of 1933, as amended, to obtain TVA's approval of plans for the proposed activity prior to construction. TVA's administrative cost recovery regulations previously provided for recovery of costs of actions taken by TVA to approve obstructions constructed without prior approval of plans. In order to help ensure that the agency's entire Section 26a permitting program is self-sustaining to the fullest extent possible, the amended regulations now provide for recovery of costs of processing permits for proposed obstructions as well as after-the-fact permit processing. The responsible TVA land manager has established standard permit processing fees that will be payable upon submission of a permit application and will be nonrefundable regardless of whether or not the plans are approved by TVA.

Initially, the standard application processing fee for private noncommercial Section 26a permit proposals will be \$100, and the standard fee for commercial, industrial, and public Section 26a permit application processing will be \$500. These fees are based in part upon a review of costs incurred by TVA in processing these permits. In addition, TVA examined prevailing permit application fees by conducting a comparative analysis survey of several other agencies and utilities. In adjusting application processing fees and in establishing standard fees for other applicable activities, the responsible land manager will examine average costs incurred in conducting the various activities.

The amended regulations also provide for increasing TVA's administrative fee for quota deer hunts and quota turkey hunts at Land Between The Lakes. The purpose of this fee is to recover the cost of processing applications, conducting a computerized drawing, and mailing notification of selection status. The hunting fee will increase from \$2 to a range of \$5 to \$25. This range will allow TVA to recover increasing costs of conducting the drawings and hunts, and allow a range of pricing for special hunts and drawings.

Applications received prior to March 17, 1995, will be processed under the regulations in effect at the time of receipt of the application.

List of Subjects in 18 CFR Part 1310

Government property, Hunting.

⁴ 47 FR 18618-18621 (April 30, 1982).