

(definitions for the terms "lanyard", "lifeline" and "safety belt", respectively), insofar as those provisions relate to steel erection. Through this amendment, OSHA will maintain the existing fall protection requirements for steel erection activities pending rulemaking that addresses the steel erection industry.

B. Scope and Application—Subpart M

OSHA is amending § 1926.500(a), Scope and application, of subpart M to indicate clearly that the provisions of revised §§ 1926.501, Duty to have fall protection; 1926.502, Fall protection systems criteria and practices; and 1926.503, Training requirements, do not apply to steel erection activities. The revised provision clearly indicates that subpart R and specified provisions of subpart E cover steel erection.

Exemption From Delayed Effective Date Requirement

Under 5 U.S.C. 553, OSHA finds that there is good cause for making this amendment effective upon publication in the **Federal Register**. This amendment simply maintains the fall protection requirements which have applied to the steel erection industry, notwithstanding the promulgation of subpart M, Fall protection, so it does not increase the existing regulatory burden.

Authority

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

List of Subjects in 29 CFR Part 1926

Construction industry, Construction safety, Excavations, Fall protection, Hoisting safety, Occupational safety and Health, Protective equipment, Safety, Tools.

Accordingly, pursuant to sections 4, 6(b) and 8(g) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333); section 4 of the Administrative Procedure Act (5 U.S.C. 553); Secretary of Labor's Order No. 1-90 (55 FR 35736); and 29 CFR part 1911, the amendment to 29 CFR part 1926 made in the **Federal Register** on August 9, 1994 (59 FR 40672) is further amended as set forth below.

Signed at Washington, D.C. this 28th day of July 1995.

Joseph A. Dear,
Assistant Secretary of Labor.

PART 1926—[AMENDED]

Subpart E—[Amended]

1. The authority citation for subpart E of part 1926 continues to read as follows:

Authority: Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), or 1-90 (55 FR 9033), as applicable.

2. Amendatory items 4, 5, 6, and 7 to subpart E, published in the **Federal Register** issue of August 9, 1994 (59 FR 40729) and stayed in the issue of January 26, 1995 (60 FR 5131), are withdrawn.

Subpart M—Fall Protection

3. The authority citation for subpart M of part 1926 continues to read as follows:

Authority: Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 1-90 (55 FR 9033); and 29 CFR Part 1911.

4. Paragraphs (a)(2)(iii), (a)(3)(iv) and (a)(4) of § 1926.500 are revised to read as follows:

§ 1926.500 Scope, application, and definitions applicable to this subpart.

- (a) * * *
- (2) * * *
- (iii) Requirements relating to fall protection for employees performing steel erection work are provided in § 1926.105 and in subpart R of this part.

* * * * *

(3) * * *

(iv) Section 1926.502 does not apply to steel erection activities. (Note: Section 1926.104 sets the criteria for body belts, lanyards and lifelines used for fall protection in steel erection activities. Paragraphs (b), (c) and (f) of § 1926.107 provide definitions for the pertinent terms).

(4) Section 1926.503 sets forth requirements for training in the installation and use of fall protection systems, except in relation to steel erection activities.

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DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 515

Cuban Assets Control Regulations; Information and Informational Materials

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule; amendments.

SUMMARY: The Treasury Department is amending the Cuban Assets Control Regulations (the "Regulations") to bring the Regulations into conformity with amendments to the Trading with the Enemy Act concerning information and informational materials included in the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

EFFECTIVE DATE: August 2, 1995.

FOR FURTHER INFORMATION CONTACT: Steven I. Pinter, Chief of Licensing, tel.: 202/622-2480, or William B. Hoffman, Chief Counsel, tel.: 202/622-2410, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

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Background

Section 525 (b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Pub. L. 103-236, 108 Stat. 474, amended section 5(b)(4) of the Trading with the Enemy Act, 50 U.S.C. App. 1-44 ("TWEA"), to expand the list of items considered to be information or informational materials to include compact discs, CD ROMs, artworks, and news wire feeds. In addition, section 5(b)(4) of TWEA, as

amended, exempts from the authority granted to the President the authority to regulate or prohibit, directly or indirectly, the importation from any country or the exportation to any country, whether commercial or otherwise, of information or informational materials, regardless of format or medium of transmission.

Section 515.206 of the Regulations is amended to reflect the exemption that applies to transactions concerning information and informational materials. The definition of the term "information or informational materials" contained in § 515.332 is amended to conform the section to amended section 5(b)(4) of TWEA. Conforming amendments are also made to § 515.545, which authorizes transactions related to the importation and exportation of information and informational materials. Section 515.570, which authorizes the importation of paintings and drawings, is removed from the Regulations because the exemption contained in § 515.206, as amended, makes this separate authorization unnecessary.

Section 515.542, which concerns authorization for telecommunications is revised to generally license certain forms of telecommunications services between Cuba and the United States. The provision of, and payments for, telecommunications services between Cuba and the United States are governed exclusively by section 1705 of the Cuban Democracy Act, 22 U.S.C. 6001-6010 ("CDA"). That section authorizes such services, but permits the regulation of payments to Cuba for telecommunications. The CDA provision on telecommunications preempts the provisions of TWEA on information and informational materials to the extent that the provisions are inconsistent. The general license contained in § 515.542(b) authorizes the provision of telecommunications services between Cuba and the United States. Consistent with the authority provided in the CDA, § 515.542(c) requires the obtaining of specific licenses on a case-by-case basis as a condition for any full or partial payments to Cuba arising out of telecommunications services between the United States and Cuba.

Because the Regulations involve a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory

Flexibility Act, 5 U.S.C. 601-612, does not apply.

List of Subjects in 31 CFR Part 515

Administrative practice and procedure, Air carriers, Banks, banking, Cuba, Currency, Estates, Exports, Fines and penalties, Foreign investment in the United States, Foreign trade, Imports, Informational materials, Publications, Reporting and recordkeeping requirements, Securities, Shipping, Travel restrictions, Trusts and trustees, Vessels.

For the reasons set forth in the preamble, 31 CFR part 515 is amended as set forth below:

PART 515—CUBAN ASSETS CONTROL REGULATIONS

1. The authority citation for part 515 continues to read as follows:

Authority: 50 U.S.C. App. 1-44; 22 U.S.C. 6001-6010; 22 U.S.C. 2370(a); Proc. 3447, 27 FR 1085, 3 CFR, 1959-1963 Comp., p. 157; E.O. 9193, 7 FR 5205, 3 CFR, 1938-1943 Comp., p. 1147; E.O. 9989, 13 FR 4891, 3 CFR, 1943-1948 Comp., p. 748; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614.

Subpart B—Prohibitions

2. Section 515.206 is amended by revising the references to § 515.550 to read § 515.545 in Examples 2, 3, and 4; by removing paragraph (b) and redesignating paragraphs (c),(d), and (e) as paragraphs (b),(c), and (d) respectively; by adding the words, "information or" before the words, "informational materials," each time they are used in redesignated paragraph (b) and Example 3; by removing the word "synchronization" and the comma following it from Example 4; and by revising the section heading and paragraph (a) to read as follows:

§ 515.206 Exemption of information and informational materials.

(a) The importation from any country and the exportation to any country of information or informational materials as defined in § 515.332, whether commercial or otherwise, regardless of format or medium of transmission, are exempt from the prohibitions and regulations of this part except for payments owed to Cuba for telecommunications services between Cuba and the United States, which are subject to the provisions of § 515.542.

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Subpart C—General Definitions

3. Section 515.332 is revised to read as follows:

§ 515.332 Information and informational materials.

(a) For purposes of this part, the term *information and informational materials* means:

(1) Publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, news wire feeds, and other information and informational articles.

(2) To be considered informational materials, artworks must be classified under Chapter subheadings 9701, 9702, or 9703 of the Harmonized Tariff Schedule of the United States.

(b) The term *information and informational materials* does not include items:

(1) That would be controlled for export pursuant to section 5 of the Export Administration Act of 1979, 50 U.S.C. App. 2401-2420 (1993) (the "EAA"), or section 6 of the EAA to the extent that such controls promote nonproliferation of antiterrorism policies of the United States, including "software" that is not "publicly available" as these terms are defined in 15 CFR Parts 779 and 799.1 (1994); or

(2) With respect to which acts are prohibited by 18 U.S.C. chapter 37.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

4. The section heading and paragraphs (b) and (c) of § 515.542 are revised to read as follows:

§ 515.542 Telecommunications, information, and informational materials.

* * * * *

(b) Except as provided in paragraph (c) of this section, all transactions incident to the use of cables, satellite channels, radio signals, or other means of telecommunications for the provision of telecommunications services between Cuba and the United States, including telephone, telegraph and similar services, and the transmission of radio and television broadcasts and news wire feeds between Cuba and the United States, are authorized.

(c) Full or partial payments owed to Cuba as a result of telecommunications services authorized in paragraph (b) of this section are prohibited unless authorized pursuant to specific licenses, which will be issued on a case-by-case basis provided such payments are determined to be consistent with the public interest and the foreign policy of the United States.

5. The section heading and paragraph (a) of § 515.545 are revised to read as follows:

§ 515.545 Transactions related to information and informational materials.

(a) Except as provided in § 515.542(c), all financial and other transactions directly incident to the importation or exportation of information or informational materials are authorized.

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§ 515.570 [Removed]

6. Section 515.570 is removed.

Dated: July 14, 1995.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: July 18, 1995.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff & Trade Enforcement).

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DEPARTMENT OF THE INTERIOR**National Park Service****36 CFR Part 7**

RIN 1024-AC23

Voyageurs National Park; Aircraft Operations—Designation of Areas

AGENCY: National Park Service, Interior.

ACTION: Interim rule.

SUMMARY: The National Park Service (NPS) is adopting this interim rule for Voyageurs National Park to allow an activity that has been identified in the 1980 Master Plan and the 1992 Wilderness Plan. The interim rule will designate certain areas open to aircraft use within the park for a limited duration of time while the agency develops a special regulation to address the activity through public notice and comment rulemaking. This addition is necessary because NPS general regulations require special regulatory designations for areas in parks open to the operation or use by aircraft. The intended effects are to ensure safety, protect resources and provide appropriate enjoyment to park users.

DATES: This rule is effective on August 2, 1995 and will expire upon the publication of a final rule developed through the normal public notice and comment rulemaking process. Written comments will be accepted through October 2, 1995.

ADDRESSES: Comments should be addressed to: Superintendent, Voyageurs National Park, 3131 Highway 53, International Falls, MN 56649-8904.

FOR FURTHER INFORMATION CONTACT: Chief Ranger, Voyageurs National Park,

3131 Highway 53, International Falls, MN 56649-8904, Telephone: (218) 283-9821.

SUPPLEMENTARY INFORMATION:**Background**

The enabling legislation for Voyageurs National Park states "The Secretary may, when planning for development of the park, include appropriate provisions for * * * use by seaplanes * * *." 16 U.S.C. Section 160h. The 1980 Master Plan for the park states that float planes and ski planes will be allowed upon all lakes deemed safe by the Minnesota Department of Transportation. It also states that this allowance would be subject to the findings of the wilderness study. The 1992 wilderness study recommended that planes be allowed on the four major lakes (Rainy, Kabetogama, Namakan and Sand Point), as well as the following interior lakes: Locator, War Club, Quill, Loiten, Shoepack, Little Trout and Mukooda. The park has received several requests for permission to land float planes on park lakes this summer.

Public aircraft use on park waters occurred prior to the designation of the park in 1971. This use is primarily related to fishing, camping, transportation to resorts and summer dwellings and is typical for the area. Float plane use is mainly associated with the four major lakes with use of the interior lakes constituting less than 1% of the park's use. Aircraft are currently prohibited from using about 22 small interior lakes that have been determined to be too small to use safely by the Minnesota Department of Transportation. Three other lakes that have been used periodically and are accessible by hiking trails will not be opened to float plane use by this regulation. The closing of these three interior lakes will allow the park to manage the interior lakes on an equitable basis since other motorized uses are prohibited. Section 2.17 of 36 CFR prohibits the operation or use of aircraft on lands and waters within park areas except at locations designated through the special rulemaking process.

This interim rule will allow the park to grant appropriate requests for aircraft operation this summer. It will also increase public safety by identifying where and under what conditions aircraft are allowed to operate and improving information to the public on where they may expect to see aircraft within the park. This will lessen potential conflicts among user groups and encourage those that do not want to associate with aircraft operations to select areas within the park that are

closed to aircraft use. There will be increased enjoyment among users by delineating areas appropriate to specialized uses. By identifying areas open to aircraft use, the park will be able to limit aircraft use to less sensitive areas and improve protection of resources. The park will also be able to improve information to pilots on what areas are open and what areas are closed to aircraft operations as well as information on sensitive areas that would be affected by aircraft use. This regulation will allow the park to identify those areas where appropriate use may occur, improve public information and protect area resources.

The NPS is adopting this interim rule to allow an activity that has been identified as compatible with the establishment of the park and an activity that was specifically identified in the park's enabling legislation as an acceptable activity in the park. Because of the time requirements associated with the normal rulemaking process, and the fact that the NPS has been unable to proceed in a timely manner with a proposed rule this summer, the agency has determined that an interim rule would allow for aircraft use in a more expeditious manner. The interim rule will allow aircraft use to occur while the agency proceeds with the required rulemaking to adopt a permanent special regulation for Voyageurs National Park.

The NPS is adopting this interim rule pursuant to the "good cause" exception of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) from general notice and comment rulemaking. As discussed above, the NPS believes that this exception is warranted in order to authorize float plane use this summer, insofar as such use is identified in the park's enabling legislation, management plan, wilderness plan, environmental assessment and environmental impact statement. Moreover, the development of these documents solicited and provided ample opportunity for public comment, and the public comment revealed support for appropriate aircraft use.

Because public comment is a principal reason for the general regulation requirement of special regulations to allow the designation of locations for this activity, the NPS finds that notice and comment are unnecessary and contrary to the public interest for this interim rule. Furthermore, the NPS is developing and will be publishing soon in the **Federal Register** a proposed rule requesting public comment on a special regulation to allow the use of aircraft in Voyageurs National Park. This interim rule is