

name, address, and telephone number of the petitioner and any such officer, attorney, or agent, and the names of all representatives of petitioner who will appear in the investigation.

(b) (1) The petition shall allege the elements necessary for the imposition of a duty under section 701(a) or section 731(a) of the Act and contain information reasonably available to the petitioner supporting the allegations.

(2) The petition shall also include the following specific information, to the extent reasonably available to the petitioner:

(i) Identification of the domestic like product(s) proposed by petitioner.

(ii) A listing of all U.S. producers of the proposed domestic like product(s), including a street address, phone number, contact person(s), and estimated share of U.S. production for each producer.

(iii) A listing of all U.S. importers of the subject merchandise, including street addresses, phone numbers, and estimated share of U.S. imports for each importer.

(iv) A table summarizing the proposed domestic industry's production, domestic shipments, share of domestic consumption, capacity, capacity utilization, inventories, employment levels, operating income, research and development expenses, and capital expenses for the three most recent calendar years preceding the filing of the petition for which data are available. If the most recent calendar year preceding the filing of the petition for which data are available concluded over eight months prior to the filing of the petition, the table should also include data for the first six months of both the calendar year in which the petition was filed and the preceding calendar year.

(v) Identification of each product on which the petitioner requests the Commission to seek pricing information in its questionnaires.

(vi) A listing of each petitioning firm's ten largest U.S. customers for each proposed domestic like product, including a street address, phone number, contact person(s), and share of the petitioning firm's total sales for each customer.

(vii) A listing of all sales or revenues lost by each petitioning firm by reason of the subject merchandise during the three years preceding filing of the petition.

(3) The petition shall contain a certification that each item of information specified in paragraph (b)(2) of this section that the petition does not provide was not reasonably available to the petitioner.

(4) Petitioners are also advised to refer to the administering authority's regulations concerning the contents of petitions.

c. Paragraphs (a), (b), and (c) of redesignated § 207.24 are revised to read as follows:

#### **§ 207.24 Hearing.**

(a) *In general.* The Commission shall hold a hearing concerning an investigation before making a final determination under section 705(b) or section 735(b) of the Act.

(b) *Procedures.* Any hearing shall be conducted after notice published in the Federal Register. The hearing shall not be subject to the provisions of 5 U.S.C. subchapter II, chapter 5, or to 5 U.S.C. 702. Each party shall limit its presentation at the hearing to a summary of the information and arguments contained in its prehearing brief, an analysis of the information and arguments contained in the prehearing briefs described in § 207.23, and information not available at the time its prehearing brief was filed. Unless a portion of the hearing is closed, presentations at the hearing shall not include business proprietary information. Notwithstanding § 201.13(f) of this chapter, in connection with its presentation a party may file witness testimony with the Secretary no later than three (3) business days before the hearing. In the case of testimony to be presented at a closed session held in response to a request under § 207.24(d), confidential and non-confidential versions shall be filed in accordance with § 207.3 of this chapter. Any person not a party may make a brief oral statement of information pertinent to the investigation.

(c) *Hearing Transcripts.*—(1) *In general.* A verbatim transcript shall be made of all hearings or conferences held in connection with Commission investigations conducted under this part.

(2) *Revision of transcripts.* Within ten (10) days of the completion of a hearing, but in any event at least one (1) day prior to the date for disclosure of information set pursuant to § 207.30(a), any person who testified at the hearing may submit proposed revisions to the transcript of his testimony to the Secretary. No substantive revisions shall be permitted. If in the judgment of the Secretary a proposed revision does not alter the substance of the testimony in question, he shall incorporate the revision into a revised transcript.

\* \* \* \* \*

d. Redesignated § 207.30 is revised to read as follows:

#### **§ 207.30 Comment on information.**

(a) In any final phase of an investigation under section 705 or section 735 of the Act, the Commission shall specify a date on which it will disclose to all parties to the investigation all information it has obtained on which the parties have not previously had an opportunity to comment. Any such information that is business proprietary information will be released to persons authorized to obtain such information pursuant to § 207.7. The date on which disclosure is made will occur after the filing of posthearing briefs pursuant to § 207.25.

(b) The parties shall have an opportunity to file comments on any information disclosed to them after they have filed their posthearing brief pursuant to § 207.25. Comments shall only concern such information, and shall not exceed 15 pages of textual material, double spaced and single-sided, on stationery measuring 8 1/2 × 11 inches. A comment may address the accuracy, reliability, or probative value of such information by reference to information elsewhere in the record, in which case the comment shall identify where in the record such information is found. Comments containing new factual information or comments on information disclosed prior to the filing of the posthearing brief shall be disregarded. The date on which such comments must be filed will be specified by the Commission when it specifies the time that information will be disclosed pursuant to paragraph (a) of this section. The record shall close on the date such comments are due, except with respect to investigations subject to the provisions of section 771(7)(G)(iii) of the Act, and with respect to changes in bracketing of business proprietary information in the comments permitted by § 207.3. By Order of the Commission:

Issued: September 21, 1995.

Donna R. Koehnke,

Secretary.

[FR Doc. 95-24573 Filed 10-2-95; 8:45 am]

BILLING CODE 7020-02-P

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## **DEPARTMENT OF STATE**

### **22 CFR Part 51**

**[Public Notice 2262]**

#### **Bureau of Consular Affairs; Passports for Minors**

**AGENCY:** Department of State.

**ACTION:** Notice of proposed rule.

**SUMMARY:** This Notice proposes to amend regulations regarding the basis

for issuance and denial of passports to minors, both in custodial dispute and non-dispute situations. These amendments are being proposed to promote the well being of minors and to discourage persons from circumventing valid court orders affecting minors.

**DATES:** Written comments must be received on or before December 4, 1995.

**ADDRESSES:** Interested persons are invited to submit comments in duplicate to the Deputy Assistant Secretary for Passport Services, Bureau of Consular Affairs, Room 6811, U.S. Department of State, Washington, D.C. 20520.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Hunter, Deputy Assistant Secretary for Passport Services, Room 6811, U.S. Department of State, Washington, D.C. 20520; telephone: (202) 647-5366.

**SUPPLEMENTARY INFORMATION:** Present regulations prescribe the method of execution of a passport application for minors and address the issuance of passports to minors where a parent or guardian objects. 22 C.F.R. 51.27. Specifically, the current regulations provide for the denial of a U.S. passport to a minor who has been involved in a custodial dispute if the passport issuing office receives a court order from a court within the country in which passport services are sought. Such a court order must provide that the objecting parent, legal guardian or person in loco parentis has been granted custody, or forbid the child's departure from the country in which passport services are sought without the permission of the court.

The revised regulations would implement a policy of denying passport services to minors on the basis of a court order of competent jurisdiction that has been registered with the appropriate office at the Department of State. For the purpose of these regulations, the Department will consider a court of competent jurisdiction to be a U.S. state court or a foreign court having jurisdiction over child custody issues consistent with the principles of the Hague Convention on the Civil Aspects of International Child Abduction and the Uniform Child Custody Jurisdiction Act, which favor the exercise of custody jurisdiction by the court of the child's "habitual residence" or "home state." While the Department of State is not legally bound by U.S. state court and foreign court custody orders, the Department has determined that honoring such orders is generally appropriate to prevent unlawful child abductions. The revised regulations would however, also authorize the issuance of a passport to a minor who

is the subject of a custody dispute if compelling humanitarian or emergency reasons relating to the minor's welfare warrant the issuance of a passport.

Also included in the proposed amendments is information regarding release of information about a minor's passport application to an objecting parent.

This rule is not exempt from E.O. 12866, but has been reviewed and found to be consistent with the objectives thereof. This rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, 5 U.S.C. 605(b). In addition, this rule would not impose information collection requirements under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35. Nor does this rule have federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612. This rule has been reviewed as required by E.O. 12778 and certified to be in compliance therewith.

#### List of Subjects in 22 CFR Part 51

Passports, Infants and Children.

For the reasons set forth in the preamble, 22 CFR 51.27 is proposed to be amended as follows:

### PART 51—PASSPORTS

#### Subpart B—Application

1. The authority citation for section 51.27 continues to read as follows:

Authority: 22 U.S.C. 2658 and 3926; 31 FR 13540, Oct. 20, 1966, as amended at 43 FR 1791, Jan. 12, 1976; 44 FR 41777, July 18, 1979; 49 FR 16989, Apr. 23, 1984.

2. Section 51.27 is amended by revising paragraphs (b), (c) and (d) to read as follows:

#### § 51.27 Minors.

\* \* \* \* \*

(b) Execution of application for minors.

(1) A minor of age 13 years or above shall execute an application on his or her own behalf unless in the judgment of the person before whom the application is executed it is not desirable for the minor to execute his or her own application. In such case it must be executed by a parent or guardian of the minor, or by a person in loco parentis.

(2) A parent, a guardian, or person in loco parentis shall execute the application for minors under the age of 13 years. Applications may be executed by either parent, regardless of the parent's citizenship. Permission of or

notification to the other parent will not be required unless such permission or notification is required by a court order which has been registered with the Department of State by an objecting parent as provided in 51.27 (d)(1).

(3) The passport issuing office may require a minor under the age of 18 years to obtain and submit the written consent of a parent, a legal guardian or a person in loco parentis to the issuance of the passport.

(c) Objection by parent, guardian or person in loco parentis in cases not involving a custody dispute. At any time prior to the issuance of a passport to a minor, the application may be disapproved and a passport will be denied upon receipt of a written objection from a person having legal custody of the minor.

(d) Objection by parent, guardian or person in loco parentis in cases where minors are the subject of a custody dispute.

(1) (i) When there is a dispute concerning the custody of a minor, a passport may be denied if the Department has on file a court order granted by a court of competent jurisdiction in the United States or abroad which:

(A) Grants sole custody to the objecting parent; or,

(B) Establishes joint legal custody; or,

(C) Prohibits the child's travel without the permission of both parents or the court; or,

(D) Requires the permission of both parents or the court for important decisions, unless permission is granted in writing as provided therein.

(ii) For passport issuance purposes, a court order providing for joint legal custody will be interpreted as requiring the permission of both parents. The Department will consider a court of competent jurisdiction to be a U.S. state court or a foreign court located in the child's home state or place of habitual residence. Notwithstanding the existence of any such court order, a passport may be issued when compelling humanitarian or emergency reasons relating to the welfare of the child exist.

(2) Either parent may obtain information regarding the application for and issuance of a passport to a minor unless the inquiring parent's parental rights have been registered with the appropriate office at the Department of State; provided, however, that the Department may deny such information to any parent if it determines that the minor is of sufficient maturity to assert a privacy interest in his/her own right, in which case the minor's written consent to disclosure shall be required.

(3) The Department may require that conflicts regarding custody orders, whether domestic or foreign, be settled by the appropriate court before a passport may be issued.

Dated: September 21, 1995.

Mary Ryan,

Assistant Secretary of State for Consular Affairs.

[FR Doc. 95-24344 Filed 10-2-95; 8:45 am]

BILLING CODE 4710-06-M

## **EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

### **29 CFR Part 1625**

#### **Coverage of Apprenticeship Programs Under the Age Discrimination in Employment Act (ADEA)**

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** Due to changing circumstances in the workforce and structural changes in the workplace, the Commission has decided to review its interpretation excluding apprenticeship programs from coverage under the ADEA to determine whether it is required by the language of the Act and to assess the policy considerations involved, i.e., does the interpretation implement sound policy under present day conditions. In order to conduct that review and in accordance with Executive Order 12866 the Commission proposes to seek public comment on rescinding the existing interpretation and issuing a legislative rule covering apprenticeship programs under the ADEA. The Commission hopes to determine from the comments whether a proposed rule covering apprenticeship programs would better advance the ADEA's objectives of promoting the employment of older persons based on their ability rather than age, and prohibiting arbitrary age discrimination in employment or whether there are sound policy reasons for retaining the current interpretation.

**DATES:** To be assured of consideration by the Commission, comments must be in writing and must be received on or before December 4, 1995.

**ADDRESSES:** Written comments should be submitted to Frances M. Hart, Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 1801 "L" Street, NW., Washington, DC 20507.

As a convenience to commenters, the Executive Secretariat will accept public comments transmitted by facsimile

("FAX") machine. The telephone number of the FAX receiver is (202) 663-4114. (Telephone numbers published in this Notice are not toll-free). Only public comments of six or fewer pages will be accepted via FAX transmittal. This limitation is necessary in order to assure access to the equipment. Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat Staff at (202) 663-4078.

Comments received will be available for public inspection in the EEOC Library, room 6502, by appointment only, from 9 a.m. to 5 p.m., Monday through Friday except legal holidays, from December 4, 1995 until the Commission publishes the rule in final form. Persons who need assistance to review the comments will be provided with appropriate aids such as readers or print magnifiers. To schedule an appointment call (202) 663-4630 (voice), (202) 663-4630 (TDD).

Copies of this notice of proposed rulemaking are available in the following alternate formats: large print, braille, electronic file on computer disk, and audio tape. Copies may be obtained from the Office of Equal Employment Opportunity by calling (202) 663-4395 (voice) or (202) 663-4399 (TDD).

**FOR FURTHER INFORMATION CONTACT:** Joseph N. Cleary, Assistant Legal Counsel or James E. Cooks, Senior Attorney Advisor, (202) 663-4690 (voice), (202) 663-7026 (TDD).

#### **SUPPLEMENTARY INFORMATION:**

##### **Historical Background**

The Department of Labor (DOL) was initially given jurisdiction over the enforcement of the ADEA. In 1969, DOL published an interpretation that excluded apprenticeship programs from the ADEA. See 34 FR 323 (January 9, 1969). The rationale given by DOL for the "no-coverage" position was that apprenticeship programs had been traditionally limited to youths under a specified age in recognition of apprenticeship as an extension of the educational process.

The Commission assumed responsibility for enforcing the ADEA pursuant to Reorganization Plan No. 1 of 1978. See 45 FR 19807 (May 9, 1978). In June of 1979, the Commission published a notice in the Federal Register advising the public that all DOL interpretive guidelines on the ADEA would remain in effect until such time as the Commission could issue its own guidelines. See 44 FR 37974 (June 29, 1979). In November of 1979, the Commission published its own

proposed ADEA Guidelines, but did not include a proposal on the apprenticeship issue. See 44 FR 68858 (Nov. 30, 1979).

On September 23, 1980, the Commission preliminarily approved a proposed revision of the DOL position on apprenticeship and voted to replace it with a legislative rule providing for coverage of apprenticeship programs. The Commission then published for comment a proposed legislative rule stating that age limitations in apprenticeship programs would be unlawful under the ADEA unless justified as a BFOQ or specifically exempted by the Commission under section 9 of the Act. See 45 FR 64212 (Sept. 29, 1980).

After considering the public comments submitted in response to this proposal, the Commission declined to adopt it by a vote of 2-2. It then republished the DOL interpretive rule as part of its final ADEA interpretations. See 46 FR 47726 (Sept. 29, 1981).

In August of 1983, a United States District Court in New York reviewed the Commission's position on the applicability of the ADEA to apprenticeship programs in *Quinn v. New York State Electric and Gas Corp.*, 569 F. Supp. 655 (1983). The *Quinn* court, *inter alia*, found the interpretation invalid because it was not supported by "the language, purpose, and legislative history of the ADEA." *Quinn*, 569 F. Supp. at 664. The Commission, however, was not a party in this case, and the court's decision did not require that the Agency take any action regarding its apprenticeship interpretation.

In 1984 the Commission revisited the issue, expressing serious concern about the interpretation. Prompted by this concern, the Commission voted 4-0 to send a proposal to the Office of Management and Budget (OMB) that would rescind the apprenticeship interpretation and replace it with a legislative rule covering apprenticeship programs under the Act. However, the proposal was never published in the Federal Register for public comment. On July 30, 1987, the Commission voted 3-1 to terminate the proposed regulatory action and affirmatively approved the interpretation excluding apprenticeship programs. See 52 FR 33809 (Sept. 8, 1987).

In 1995, a lawsuit was filed challenging the interpretation as an arbitrary and capricious agency action within the meaning of the Administrative Procedure Act. 5 U.S.C. sec. 551 *et seq.* The Commission is of the view that its prior actions with respect to the difficult issue of the