July 18, 1996, the comment periods for two proposed rules, entitled ''Food Labeling: Nutrient Content Claims, General Principles; Health Claims, General Requirements and Other Special Requirements for Individual Health Claims'' (60 FR 66206, December 21, 1995) and ''Food Labeling: Nutrient Content Claims, Definition of Term: Healthy'' (61 FR 5349, February 12, 1996). This action is being taken in response to requests for additional time to conduct consumer research, to develop information requested by the agency, and to evaluate and comment on issues common to both proposals.

DATES: Submit written comments by July 18, 1996.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. Comments should be identified with the docket numbers found in brackets in the heading of this document. Received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: F. Edward Scarbrough, Center for Food Safety and Applied Nutrition (HFS–150), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4561.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 21, 1995 (60 FR 66206), FDA published a proposed rule entitled ''Food Labeling: Nutrient Content Claims, General Principles; Health Claims, General Requirements and Other Special Requirements for Individual Health Claims'' (the claims proposal) in response to petitions submitted by the National Food Processors Association (NFPA) and the American Bakers Association (ABA). In that proposal, FDA proposed to amend its regulations on nutrient content claims to provide additional flexibility in the use of these claims on food products. FDA had provided for interested persons to submit written comments on the proposal by March 20, 1996.

In the Federal Register of February 12, 1996, FDA published a proposed rule entitled ''Food Labeling: Nutrient Content Claims, Definition of Term: Healthy'' (the healthy proposal) in response to petitions submitted to the agency by the American Frozen Food Institute (AFFI), the National Food Processors Association (NFPA), and the American Bakers Association (ABA). In that proposal, FDA proposed to revise its food labeling regulations by amending the definition of the term ''healthy'' to permit certain processed fruits and vegetables and enriched cereal-grain products that conform to a standard of identity to bear this term. FDA had provided for interested persons to submit written comments on the proposal by April 29, 1996.

The agency has received requests from NFPA for extensions of the comment periods for both proposals. Although FDA has a policy of generally not extending such comment periods so that necessary regulations can be promulgated as expeditiously as possible, the agency agrees that additional time may be needed by the requestor to conduct consumer research, to develop information requested by the agency, and to evaluate issues common to both proposals so that meaningful comments may be submitted. Therefore, FDA is extending the comment period for the claims proposal an additional 120 days and the comment period for the healthy proposal an additional 80 days. Thus, comments received by July 18, 1996, will be considered by FDA during its completion of these rulemakings.

Interested persons may, on or before July 18, 1996, submit to the Dockets Management Branch (address above) written comments regarding either proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments regarding the healthy proposal are to be identified with docket numbers 91N–384H and 95P–0241. Comments regarding the claims proposal are to be identified with docket numbers 94P–0390 and 95P–0241. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 19, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–7046 Filed 3–19–96; 4:41 pm]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

National Highway Traffic Safety Administration

23 CFR Part 1206

[Docket No. 96–02; Notice 1]

RIN 2127–AG10

Rules of Procedure for Invoking Sanctions Under the Highway Safety Act of 1966

AGENCY: Federal Highway Administration (FHWA) and National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to replace the outdated rules of procedure contained in 23 CFR Part 1206 with new procedures as a part of the regulatory review directed by President Clinton on March 4, 1995. It proposes to change the regulation to reflect the current sanction authority of 23 U.S.C. 402 and to replace the present burdensome hearing process with a simplified review process.

DATES: Comments must be received no later than May 6, 1996.

ADDRESSES: Comments should refer to the docket number set forth above and be submitted (preferably in 10 copies) to the Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, DC 20590. Docket hours are from 9:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: In FHWA, Mila Plosky, Office of Highway Safety, 202–366–6902; or Raymond W. Cuprill, Office of the Chief Counsel, 202–366–1377. In NHTSA, Gary Butler, Office of State and Community Services, 202–366–2121; or Heidi L. Coleman, Office of the Chief Counsel, 202–366–1834.

SUPPLEMENTARY INFORMATION:

Background

On March 4, 1995, President Clinton directed all Federal Departments and agencies to overhaul the nation's regulatory system. One of the actions required by the directive was to revise any regulation that had become outdated or otherwise in need of reform. The Department has identified 23 CFR Part 1206 as a regulation that should be revised to conform to the current provisions of 23 U.S.C. 402.

This regulation was first promulgated in May 1974, and it has not been

changed since then. Since that time, 23 U.S.C. 402 has been amended to provide more flexibility to the States regarding the planning and implementation of highway safety programs.

When the Section 402 program was first established, under the Highway Safety Act of 1966, the Act required DOT to establish uniform standards for State highway safety programs to assist States and local communities in organizing their highway safety programs. Eighteen such standards were established. Until 1976, the Section 402 program was principally directed towards achieving State and local compliance with these 18 standards, which were considered mandatory requirements with financial sanctions for non-compliance.

Under the Highway Safety Act of 1976, Congress provided for a more flexible implementation of the program so the Department would not have to require State compliance with every uniform standard or with each element of every uniform standard. As a result, the standards become more like guidelines for use by the States, and management of the program shifted from enforcing standards, to problem identification and countermeasure development and evaluation, using the standards as a framework for State programs. In 1987, Section 402 of the Highway Safety Act was formally amended to provide that the standards be changed to guidelines.

To reflect these changes, this notice proposes to amend the regulation by removing from Section 1206.1, Scope, the requirement that States must comply with highway safety program standards, and by removing the term ''highway safety program standards'' from the definitions contained in Section 1206.3. The notice also proposes to remove from Section 1206.3, definitions of other terms which are proposed to no longer appear in the regulation.

The notice also proposes to make additional revisions to the regulation to reflect other changes that have been made to the Section 402 statute, and to the manner in which the Section 402 program is implemented.

In 1974, when Part 1206 was first promulgated, States were required to submit to DOT both a Comprehensive Highway Safety Plan (a multi-year plan of the State and its political subdivisions for implementing the highway safety program standards) and an Annual Highway Safety Work Program (detailing the activities and proposed expenditures of the State and its political subdivisions for implementing selected components of the State's Comprehensive Highway Safety Plan during the year) for approval. Any state which was not implementing a highway safety program approved by DOT would be subject to the reduction of its Federal aid highway Section 104 apportionments by 10 percent.

The documentation States are required to submit for approval has since been dramatically reduced, and the sanction contained in Section 402 has been changed. The 10 percent reduction in Section 104 (Federal aid highway) apportionments was replaced in 1976 by a 50 percent reduction of Section 402 (highway safety grant) apportionments. The NPRM proposes to revise the definition of the term ''highway safety program'' contained in Section 1206.3, and provisions in Section 1206.4, Sanctions, to reflect these changes and to conform the regulation to the current provisions of 23 U.S.C. 402.

The existing regulation requires that extensive procedures be followed to determine whether a sanction is to be invoked against a State. The regulation provides, for example, that upon making a proposed recommended determination to invoke sanctions against a State, DOT must send to the Governor of that State and publish in the Federal Register a notice proposing the recommended determination. A hearing must be held before a three-member hearing board, and a prehearing conference and consent determination may be sought by the State or by DOT.

These procedures have not been followed since 1976, when the Section 402 program changed, as described above. Accordingly, this notice proposes to update and streamline these outdated procedures. It proposes to replace the extensive hearing process with a simplified process based on documentation. The agencies believe this revision to the regulation will continue to ensure that States have a full and fair opportunity to be heard on the issues involved, should the agencies propose to invoke sanctions against a State, but in a manner that would be less costly and burdensome for the State and the Federal agencies.

Regulatory Analyses and Notices

Executive Order 12778 (Civil Justice Reform)

This proposed rule would not have any preemptive or retroactive effect. It imposes no requirements on the States, but rather simply proposes to revise outdated or burdensome provisions in the regulation. The enabling legislation does not establish a procedure for judicial review of final rules promulgated under its provisions. There is no requirement that individuals submit a petition for reconsideration or other administrative proceedings before they may file suit in court.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The agencies have determined that this proposed action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of Department of Transportation Regulatory Policies and Procedures. This proposed rule would not impose any additional burden on the public. It is technical in nature and would not change the requirements of the program. It is anticipated that there would be no economic impact as a result of this rulemaking. Accordingly, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601–612), the agencies have evaluated the effects of this proposed action on small entities. Based on the evaluation, we certify that this proposed action would not have a significant impact on a substantial number of small entities. Accordingly, the preparation of a Regulatory Flexibility Analysis is unnecessary.

Paperwork Reduction Act

This proposed action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

The agencies have analyzed this proposed action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and have determined that it would not have any significant impact on the quality of the human environment.

Executive Order 12612 (Federalism Assessment)

This proposed action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this proposed action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. Accordingly, the preparation of a Federalism Assessment is not warranted.

Comments to the Docket

The agencies are providing a 30-day comment period for interested parties to present data, views, and arguments on the proposed action. The agencies invite comments on the issues raised in this notice and any other issues commenters believe are relevant to this action. All comments must not exceed 15 pages in length (49 CFR 553.21). This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion. Necessary attachments may be appended to these submissions without regard to the 15-page limit.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule, if one is issued, will be considered as suggestions for further rulemaking action. The agencies will continue to file relevant information in the docket as it becomes available after the closing date and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified of receipt of their comments by the docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receipt of the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 23 CFR Part 1206

Grant programs—transportation, Highway safety.

In accordance with the foregoing, Part 1206 of Title 23 of the Code of Federal Regulations would be revised to read as follows:

PART 1206—RULES OF PROCEDURE FOR INVOKING SANCTIONS UNDER THE HIGHWAY SAFETY ACT OF 1966

Sec.
1206.1 Scope
1206.2 Purpose
1206.3 Definitions
1206.4 Sanctions
1206.5 Review Process

Authority: 23 U.S.C. 402; delegation of authority at 49 CFR 1.48 and 1.50.

§ 1206.1 Scope.

This part establishes procedures governing determinations to invoke the sanctions applicable to any State that does not comply with the highway safety program requirements in the Highway Safety Act of 1966, as amended (23 U.S.C. 402).

§ 1206.2 Purpose.

The purpose of this part is to prescribe procedures for determining whether and the extent to which the 23 U.S.C. 402 sanctions should be invoked, and to ensure that, should sanctions be proposed to be invoked against a State, the State has a full and fair opportunity to be heard on the issues involved.

§ 1206.3 Definitions.

As used in this part:

(a) *Administrators* means the Administrators of the Federal Highway Administration and the National Highway Traffic Safety Administration.

(b) *Highway safety program* means an approved program in accordance with 23 U.S.C. 402, which is designed by a State to reduce traffic accidents, and death, injuries and property damage resulting therefrom.

(c) *Implementing* means both having and putting into effect an approved highway safety program.

§ 1206.4 Sanctions.

(a) The Administrators shall not apportion any funds under 23 U.S.C. 402 to any State which is not implementing a highway safety program.

(b) If the Administrators have apportioned funds to a State and subsequently determine that the State is not implementing a highway safety program, the Administrators shall reduce the funds apportioned under 23 U.S.C. 402 to the State by amounts equal to not less than 50 per centum, until such time as the Administrators determine that the State is implementing a highway safety program.

(c) The Administrators shall consider the gravity of the State's failure to implement a highway safety program in determining the amount of the reduction.

(d) If the Administrators determine that a State has begun implementing a highway safety program before the end of the fiscal year for which the funds were withheld, they shall promptly apportion to the State the funds withheld from its apportionment.

(e) If the Administrators determine that the State did not correct its failure before the end of the fiscal year for which the funds were withheld, the Administrators shall reapportion the withheld funds to the other States, in accordance with the formula specified in 23 U.S.C. 402(c), not later than 30 days after such determination.

§ 1206.5 Review process.

(a) In any fiscal year, if the Administrators determine, based on a preliminary review, that a State is not implementing a highway safety program in accordance with 23 U.S.C. 402, the Administrators shall issue jointly to the State an advance notice, advising the State that the Administrators expect to either withhold funds from apportionment under 23 U.S.C. 402, or reduce the State's apportioned funds under 23 U.S.C. 402. The Administrators shall state the amount of the expected withholding or reduction. The advance notice will normally be sent not later than ninety days prior to final apportionment.

(b) If the Administrators issue an advance notice to a State, based on a preliminary review, the State may, within 30 days of its receipt of the advance notice, submit documentation demonstrating that it is implementing a highway safety program. Documentation shall be submitted to the Administrator for NHTSA, 400 Seventh Street SW, Washington, D.C. 20590.

(c) If the Administrators decide, after reviewing all relevant information, that a State is not implementing a highway safety program in accordance with 23 U.S.C. 402, they shall issue a final notice, advising the State either of the funds being withheld from apportionment under 23 U.S.C. 402, or of the apportioned funds being reduced under 23 U.S.C. 402 and the amount of the withholding or reduction. The final notice of a withholding will normally be issued on October 1. The final notice of a reduction will be issued at the time of a final decision.

Issued on: March 19, 1996.

Rodney E. Slater,

Administrator, Federal Highway Administration.

Ricardo Martinez,

Administrator, National Highway Traffic Safety Administration.

[FR Doc. 96–7020 Filed 3–21–96; 8:45 am]

BILLING CODE 4910–59–P

Coast Guard

33 CFR Part 100

[CGD01–96–016]

RIN 2115–AE46

Special Local Regulations; Revision

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to permanently amend a number of special local regulations governing marine