(application and amendment), or any adjustments to these licensing fees during the past year, do not have a significant impact on small entities. In issuing this final rule for FY 1996, the NRC concludes that the 10 CFR Part 170 materials license fees do not have a significant impact on a substantial number of small entities and that the 10 CFR Part 171 maximum annual small entity fee of $1,800 be continued.

By maintaining the maximum annual fee for small entities at $1,800, the annual fee for many small entities is reduced while at the same time materials licensees, including small entities, pay for most of the FY 1996 costs attributable to them. The costs not recovered from small entities are allocated to other materials licensees and to operating power reactors. However, the amount that must be recovered from other licensees as a result of maintaining the maximum annual fee is not expected to increase. Therefore, the NRC is continuing, for FY 1996, the maximum annual fee (base annual fee plus surcharge) for certain small entities at $1,800 for each fee category covered by each license issued to a small entity.

While reducing the impact on many small entities, the Commission agrees that the maximum annual fee of $1,800 for small entities, when added to the Part 170 license fees, may continue to have a significant impact on materials licensees with annual gross receipts in the thousands of dollars. Therefore, as in FY 1992–1995, the NRC is continuing the lower-tier small entity annual fee of $400 for small entities with relatively low gross annual receipts. The lower-tier small entity fee of $400 also applies to manufacturing concerns, and educational institutions not State or publicly supported, with less than 35 employees. This lower-tier small entity fee was first established in the final rule published in the Federal Register on April 17, 1992 (57 FR 13625) and now includes manufacturing companies with a relatively small number of employees.

III. Summary

The NRC has determined the 10 CFR Part 171 annual fees significantly impacts a substantial number of small entities. A maximum fee for small entities strikes a balance between the requirement to collect 100 percent of the NRC budget and the requirement to consider means of reducing the impact of the fee on small entities. On the basis of its regulatory flexibility analyses, the NRC concludes that a maximum annual fee of $1,800 for small entities and a lower-tier small entity annual fee of $400 for small businesses and not-for-profit organizations with gross annual receipts of less than $350,000, small governmental jurisdictions with a population of less than 20,000, small manufacturing entities that have less than 35 employees and educational institutions that are not State or publicly supported and have less than 35 employees reduces the impact on small entities. At the same time, these reduced annual fees are consistent with the objectives of OBRA–90. Thus, the revised fees for small entities maintain a balance between the objectives of OBRA–90 and the RFA. Therefore, the analysis and conclusions established in the FY 1991–1995 rules remain valid for this final rule for FY 1996.

[FR Doc. 96–9026 Filed 4–11–96; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–ANE–47; Amendment 39–9566; AD 95–24–05 R1]

Airworthiness Directives; McCauley Accessory Division, The Cessna Aircraft Company, Model C35, C72, C74, C75, C80, C86, C87, C92, and C93 Series Propellers

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to McCauley Accessory Division, The Cessna Aircraft Company, Model C35, C72, C74, C75, C80, C86, C87, C92, and C93 series propellers, that currently requires initial and repetitive visual and dye penetrant inspections of the propeller hub for cracks. This existing AD also requires a one-time eddy current inspection for cracks in the threaded areas of the propeller hub followed by modification of the hub to contain oil with red dye as a terminating action to the repetitive inspections. This amendment clarifies that a dye penetrant inspection is only necessary if crack indications are found or suspected during the visual inspection. This amendment is prompted by requests from operators for clarification of inspection procedures. The actions specified by this AD are intended to prevent propeller blade separation due to a cracked propeller hub, which could result in separation of the engine from the aircraft and subsequent loss of aircraft control.

DATES: Effective April 12, 1996.

The incorporation by reference of certain publications listed in the regulations was approved by the Director of the Federal Register as of December 18, 1995. (60 FR 61645, December 1, 1995).

Comments for inclusion in the Rules Docket must be received on or before June 11, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–ANE–47, 12 New England Executive Park, Burlington, MA 01803–5299.

The service information referenced in this AD may be obtained from McCauley Accessory Division, The Cessna Aircraft Company, 3535 McCauley Dr., Vandalia, OH 45377–0430; telephone (513) 890–5246, fax (513) 890–6001. This information may be examined 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.

FOR FURTHER INFORMATION CONTACT: Patricia Bonnen, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Ave., Room 232, Des Plaines, IL 60018; telephone (847) 294–7134, fax (847) 294–7834.

SUPPLEMENTARY INFORMATION: On November 7, 1995, the Federal Aviation Administration (FAA) issued AD 95–24–05, Amendment 39–9437 (60 FR 61645, December 1, 1995), applicable to McCauley Accessory Division, The Cessna Aircraft Company, Model C35, C72, C74, C75, C80, C86, C87, C92, and C93 series propellers, to require initial and repetitive visual and dye penetrant inspections of the propeller hub for cracks. That AD also requires a one-time eddy current inspection for cracks in the threaded areas of the propeller hub followed by modification of the hub to contain oil with red dye, which constitutes terminating action to the repetitive visual and dye-penetrant inspections. That action was prompted by several reports of cracked propeller hubs. Additionally, two incidents have occurred where the propeller blades separated during flight. That condition, if not corrected, could result in propeller blade separation due to a cracked propeller hub, which could result in separation of the engine from the aircraft and subsequent loss of aircraft control.

Since the issuance of that AD, the FAA has received requests from

operators for clarification of inspection procedures. The AD as currently written could be interpreted to mean that both visual and dye penetrant inspections must be performed concurrently. As McCauley Accessory Division, The Cessna Aircraft Company, Service Bulletin (SB) No. 200C, dated January 20, 1994, states, dye penetrant inspection is only necessary if crack indications are found or suspected during the visual inspection. This revised AD clarifies the inspection procedures to show that the dye penetrant inspection need not be performed concurrently with the visual inspection, but sequentially, and only if the visual inspection reveals actual or suspected crack indications.

The FAA has reviewed and approved the technical contents of the following service documents: McCauley Accessory Division, The Cessna Aircraft Company, SB No. 200C, dated January 20, 1994, that describes procedures for an initial and repetitive visual and dye penetrant inspections of propeller hubs for cracks; and McCauley Service Letter (SL) No. 1993–11A, dated June 20, 1995, that describes procedures for eddy current inspection for cracks in the threaded areas of the propeller hub and modification of the hub to contain oil with red dye, which provides a built-in means of crack detection, as well as improved lubrication and corrosion protection.

Since an unsafe condition has been identified that is likely to exist or develop on other propellers of this same type design, this AD revises AD 95–24–05 to clarify that a dye penetrant inspection is only necessary if crack indications are found or suspected during the visual inspection. The other requirements of AD 95–24–05 remain unchanged. The actions are required to be accomplished in accordance with the service documents described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 94–ANE–47.'' The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and 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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, 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 removing Amendment 39–9437 (60 FR 61645, December 1, 1995) and by adding a new airworthiness directive, Amendment 39–9566, to read as follows:

95–24–05 R1 McCauley Accessory Division, The Cessna Aircraft Company: Amendment 39–95–24–05R1. Docket 94–ANE–47. Revises AD 95–24–05, Amendment 39–9437.

Applicability: McCauley Accessory Division, The Cessna Aircraft Company, Model C35, C72, C74, C75, C80, C86, C87, C92, and C93 series propellers, incorporating the following Hub Models:

D3AF32C35–( )
3AF32C72–( )
3AF34C74–( )
3AF32C75–( )
D3AF32C80–( )
3AF34C86–( )
3AF32C87–( )
D3AF32C87–( )
3AF34C92–( )
3AF32C93–( )

The parentheses used in the above list indicate the presence or absence of an additional letter(s) which vary the basic propeller hub model designation. These letter(s) define minor changes that do not affect interchangeability or eligibility, and therefore, this airworthiness directive (AD) still applies regardless of whether these letters are present or absent on the propeller hub model designation.

These propellers are installed on but not limited to the following aircraft:

Beech 58, 58A, 95–C55, –C55A, –D55, –D55A, –E55, –E55A.

British Aerospace B–206 Series 2.

Cessna 310K, 310L, 310N, 310P, 310Q, 310R, T310P, T310Q, T310R, 320D, 320E, 320F, 335, 340, 340A, 401, 401A, 401B, 402, 402A, 402B, 402C, 411, 411A, 414, 414A, 421, 421A, 421B.

Colemill Executive 600 (Conversion of Cessna 310I, 310J, 310K, 310L, 310N).

RAM Conversion of Cessna 340.

Note 1: The above is not an exhaustive list of aircraft which may contain the affected

McCauley Model C35, C72, C74, C75, C80, C86, C87, C92, and C93 series propellers, incorporating Models D3AF32C35, 3AF32C72, 3AF34C74, 3AF32C75, D3AF32C80, 3AF34C86, 3AF32C87, D3AF32C87, 3AF34C92, and 3AF32C93 propeller hubs because of installation approvals made by Supplemental Type Certificate or Federal Aviation Administration (FAA) Form 337 ''Major Repair and Alteration,'' etc. It is the responsibility of the owner, operator and person returning the aircraft to service to determine if an aircraft has an affected propeller.

Note 2: This AD applies to each propeller 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 propellers that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (g) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any propeller from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent propeller blade separation due to a cracked propeller hub, which could result in separation of the engine from the aircraft and subsequent loss of aircraft control, accomplish the following:

(a) Within the next 25 hours time in service (TIS) after December 18, 1995 (the effective date of AD 95–24–05), unless already accomplished within the last 35 hours TIS, and thereafter at intervals not to exceed 60 hours TIS, perform a visual inspection for cracks and, if crack indications are found or suspected, confirm cracks by a dye penetrant inspection on propeller hubs in accordance with McCauley Accessory Division, The Cessna Aircraft Company, Service Bulletin (SB) No. 200C, dated January 20, 1994. Any propeller hubs found cracked during this inspection are to be permanently retired from service and replaced with a serviceable hub modified in accordance with paragraph (c) of this AD, or with an equivalent initial production propeller which has incorporated a hub containing oil with red dye.

(b) For affected propellers identified with the change letter ''R'' following the hub model designation and having an oil-fill plug in the side of the hub, compliance is required only with paragraphs (d) and (f) of this AD.

(c) Perform a one-time eddy current inspection and modify serviceable propeller hubs in accordance with the following schedule and requirements:

Propeller time-in-service (TIS) on the effective date of this AD	Compliance required
Greater than 900 hours or 59 calendar months since last overhaul/penetrant inspection or installed new, or prior TIS unknown.	Within the next 300 hours or at the next annual inspection or by December 31, 1996, whichever occurs first.
Less than or equal to both 900 hours and 59 calendar months since last overhaul/penetrant inspection or installed new.	Prior to the accumulation of 1,200 hours or 60 calendar months since last overhaul/penetrant inspection or installed new, whichever occurs first.

(1) Perform a one-time eddy current inspection for cracks in the threaded areas of the propeller hubs in accordance with McCauley Accessory Division, The Cessna Aircraft Company, Service Letter (SL) No. 1993–11A, dated June 20, 1995.

(2) Any propeller hubs found cracked during the eddy current inspection are to be permanently retired from service and replaced with a serviceable hub modified in accordance with paragraph (c) of this AD, or with an equivalent initial production propeller which has incorporated a hub containing oil with red dye.

(3) Modify affected propeller hubs to contain oil with red dye, in accordance with McCauley Accessory Division, The Cessna Aircraft Company, SL No. 1993–11A, dated June 20, 1995. Completion of this modification of the hub to contain oil with red dye constitutes terminating action to the repetitive inspections required by paragraph (a) of this AD.

Note: The modification of the propeller hub assembly to contain oil with a red dye provides an ''on-condition'' (in- service) means of early crack detection of the propeller assembly and also improves lubrication and corrosion protection. The oil will add approximately 4.0 lbs. to the weight of the propeller assembly.

(4) Previous compliance with McCauley Accessory Division, SL 1993–11, dated September 15, 1993, also constitutes compliance with paragraphs (a) and (c) of this AD.

(5) Install Decal-Warning ''Oil Filled'', part number B–6493, in accordance with McCauley Accessory Division, The Cessna Aircraft Company, SL No. 1993–11A, dated June 20, 1995, Figure F–9.

(d) If leakage of oil containing red dye is detected in service (whether during flight or while on the ground), determine, prior to further flight, the source of leakage in accordance with the procedures specified in Section A–7 of McCauley SL No. 1993–11A, dated June 20, 1995. Remove from service, prior to further flight, propeller assemblies that exhibit cracks and replace with a serviceable unit, modified in accordance with paragraph (c) of this AD, or with an equivalent initial production propeller that has incorporated a hub containing oil with red dye. Oil-filled propellers are identified with the change letter ''R'' following the Hub Model Designation and have an oil-fill plug in the side of the hub.

(e) The ''calendar month'' compliance times stated in this AD allow the performance of the required action up to the last day of the month in which compliance is required. For example, a required eddy current inspection and modification 60 calendar months from last overhaul/penetrant inspection that was performed on December 15, 1991, would allow the eddy current inspection and modification to be performed no later than December 31, 1996.

(f) Report in writing any cracks found during the accomplishment of paragraphs (a), (c) or (d) of this AD to the Manager, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Avenue, Room 232, Des Plaines, IL 60018; telephone (847) 294–7134, fax (847) 294–7834, within 10 days of the inspection. Information collection requirements contained in the regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (P.L. 96–511) and has been assigned OMB Control Number 2120–0056.

(g) 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, Chicago Aircraft Certification Office. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Chicago 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 Chicago Aircraft Certification Office.

(h) Special flight permits may be issued in accordance with §§ 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.

(i) The inspections and modification required by this AD shall be done in accordance with the following McCauley Accessory Division, The Cessna Aircraft Company, service documents:

Document No.	Pages	Date
SB 200C	1–4	Jan. 20, 1994.
Total pages:	4	
SL 1993–11A:		
Cover Page	1	June 20, 1995.
Section A	1–4	June 20, 1995.
Section B	1	June 20, 1995.
Section C	1	June 20, 1995.
Section D	1–7	June 20, 1995.
Section E	1–10	June 20, 1995.
Section F	1–15	June 20, 1995.
Section G	1	June 20, 1995.
Section H	1–4	June 20, 1995.
Section I	1–4	June 20, 1995.
Total pages:	48	

This incorporation by reference was approved by the Director of the Federal

Register as of December 18, 1995. (60 FR 61645, December 1, 1995) in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McCauley Accessory Division, The Cessna Aircraft Company, 3535 McCauley Dr., Vandalia, OH 45377–0430; telephone (513) 890–5246, fax (513) 890–6001. 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.

(j) This amendment becomes effective on April 12, 1996.

Issued in Burlington, Massachusetts, on April 1, 1996.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 96–8951 Filed 4–11–96; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MI40–02–7253; FRL–5456–2]

State of Michigan: Withdrawal of Direct Final Action

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Withdrawal of direct final action.

SUMMARY: On February 14, 1996, the USEPA published a proposed rule (61 FR 5724) and a direct final rule (61 FR 5694) approving State Implementation Plan (SIP) revision for the State of Michigan which was submitted pursuant to the USEPA transportation conformity rules set forth at 40 CFR part 51 subpart T—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act. The USEPA is withdrawing the final rule due to adverse comments and will summarize and address all public comments received in a subsequent final rule (based upon the proposed rule cited above).

EFFECTIVE DATE: This withdrawal of the direct final action will be effective April 12, 1996.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following location: United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

FOR FURTHER INFORMATION CONTACT: Michael G. Leslie, Regulation Development Section, Air Programs Branch (AR–18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604. Telephone: (312) 353–6680.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Transportation conformity, Hydrocarbons, Intergovernmental relations, Oxides of Nitrogen, Ozone, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 21, 1996.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 96–9163 Filed 4–11–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 95–471]

Authority To Issue Subpoenas

AGENCY: Federal Communications Commission.

ACTION: Final rule; Order on Reconsideration.

SUMMARY: The Commission ruled on two petitions for reconsideration of its earlier order (FCC 94–319; released November 21, 1994) adopting rules to permit the Chief, Common Carrier Bureau, to issue subpoenas in matters involving allegations of unlawful conduct by common carriers under Title II of the Communications Act of 1934, as amended. One petitioner argued that the Commission should reconsider its delegation of authority and should issue a notice of proposed rulemaking to solicit comments on the proper scope of delegation. The other petitioner argued that the delegation of subpoena power is unconstitutional and that the Commission should limit the scope of subpoena power granted to the Bureau accordingly. The Commission found that the petitioners arguments were without merit. The Commission decided on reconsideration, however, that some modification of the earlier order was appropriate. On its own motion, the Commission issued an order (''*Amendment of Part 0*'') delegating similar authority to other bureaus within the Commission (FCC 95–213; released June 9, 1995). This modification of the rules required that the delegation of authority to other bureaus be conditioned on an approval from the Office of General Counsel, that the bureaus only be authorized to issue ''non-hearing-related'' subpoenas, and that the bureaus have a broad delegation of subpoena authority over matters within their jurisdiction. The Commission will amend its rules for the purpose of authorizing the Chief of the Common Carrier Bureau, with the approval of the Office of the General Counsel, to issue non-hearing related subpoenas for the attendance of witnesses and the production of documents deemed relevant by the Bureau, to add language making it consistent with the Commission's *Amendment of Part 0.*

EFFECTIVE DATE: April 12, 1996.

FOR FURTHER INFORMATION CONTACT: Heather McDowell, Enforcement Division, Common Carrier Bureau, (202) 418–0960.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's order in FCC 95–471, adopted November 27, 1995, and released February 9, 1996. The full text of the rule is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554. The full text of this rule may also be purchased from the Commission's duplicating contractor, International Transcription Services, 2100 M Street, N.W., Suite 140, Washington, D. C. 20037, (202) 857–3800.

Summary of Order

1. In this Order on Reconsideration, the Commission addresses petitions filed by ICORE and the Personal Communications Industry Association (''PCIA'') seeking reconsideration of the Commission's order (''*Subpoena Order*'') (59 FR 66487, published December 27, 1994) delegating certain investigative authority to the Chief, Common Carrier Bureau (''Bureau''). For the reasons set forth below, the Commission denies both petitions. The Commission does, however, on its own motion, add several modifications to the Bureau's delegated authority to issue subpoenas.

2. In its petition, PCIA argues that the Commission should reconsider its delegation of subpoena authority to the Bureau and should instead issue a notice of proposed rulemaking to solicit comment on the proper scope of the delegation and to allow for an exploration of the concerns as well of the benefits of such a delegation. ICORE, in its petition, asserts that the delegation of subpoena authority to the Bureau is unconstitutional to the extent that it can be construed as applicable to the