date, but it would delay implementation of labeling changes thus decreasing the value of any benefits. A minimum compliance period of 6 months, although providing earlier labeling changes that would increase the value of the benefits, would be twice as expensive as the proposed 1 year.

Therefore, the agency finds that the proposed rule is not a significant regulatory action as defined by the Executive Order. Similarly, the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

This proposed action is not intended to change existing requirements for compliance dates contained in final rules published before the publication of a final rule in this proceeding. Therefore, all final FDA regulations published in the Federal Register before April 15, 1996, that have effective dates other than January 1, 1998, will still go into effect on the date stated in the respective final rule.

Interested persons may, on or before July 1, 1996, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 10, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–9319 Filed 4–10–96; 5:08 pm]

BILLING CODE 4160–01–F

21 CFR Part 101

[Docket Nos. 95N–0282, 95N–0347, 95N–0245]

Food Labeling; Extension of Comment Periods

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rules; extension of comment periods.

SUMMARY: The Food and Drug Administration (FDA) is announcing that it is extending to June 10, 1996, the comment periods for certain proposed regulations regarding food labeling that appeared in the Federal Register of December 28, 1995. This action is being taken in response to several requests for brief extensions of the comment periods on these documents.

DATES: Comments by June 10, 1996.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments should be identified with the appropriate docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Camille Brewer, Center for Food Safety and Applied Nutrition (HFS–165), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5966, or Susan Thompson (address above), 202–205–5587.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 28, 1995, FDA published the following proposed rules:

(1) Food Labeling; Requirements for Nutrient Content Claims, Health Claims, and Statements of Nutritional Support for Dietary Supplements (Docket No. 95N–0282 (see 60 FR 67176));

(2) Food Labeling; Nutrient Content Claims: Definition for ''High Potency'' Claim for Dietary Supplements and Definition of ''Antioxidant'' for Use in Nutrient Content Claims for Dietary Supplements and Conventional Foods (Docket No. 95N–0347 (see 60 FR 67184)); and

(3) Food Labeling; Statement of Identity, Nutrition Labeling and Ingredient Labeling of Dietary Supplements (Docket No. 95N–0245 (see 60 FR 67194)).

Interested persons were given until March 13, 1996, to comment on the proposals. FDA received several requests for brief extensions of the comment periods to properly respond to the proposals. After careful consideration, FDA decided to extend the comment periods to April 11, 1996 (61 FR 11349, March 20, 1996). FDA placed a memorandum, dated March 13, 1996, that reflected that decision in each of the referenced dockets.

During the extended comment period, FDA has received additional requests for longer extensions of the comment periods. The dietary supplement industry has stated that it is conducting consumer research to determine how consumers perceive nutrition label terms and what label approaches are most usable by average consumers. Having carefully considered these requests, the agency has decided to grant a further extension of the comment period until June 10, 1996.

This extension will mean that it will be extremely difficult for the agency to publish final rules and the industry to comply with these final rules before the January 1, 1997 compliance date established in the Dietary Supplement Health and Education Act (the DSHEA). Given this fact, FDA is now considering exercising its enforcement discretion with respect to the DSHEA such that it will not enforce the provisions of the DSHEA until January 1, 1998, which coincides with the next uniform compliance date for food labeling regulations that FDA is proposing elsewhere in this issue of the Federal Register. FDA requests comments on this use of its enforcement discretion.

Dated: April 10, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–9318 Filed 4–10–96; 5:08 pm]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[FRL–5457–6]

Approval of Colorado's Petition to Relax the Federal Gasoline Reid Vapor Pressure Volatility Standard for 1996 and 1997

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (''EPA'' or the ''Agency'') is proposing a limited approval of the State of Colorado's petition to relax the Reid Vapor Pressure (RVP) standard that applies to gasoline introduced into commerce in the Denver-Boulder ozone nonattainment area from June 1 to September 15. It is proposed that the standard be relaxed from 7.8 pounds per square inches (psi) to 9.0 psi for the years 1996 and 1997. Pursuant to the Clean Air Act Amendments of 1990, Federal RVP standards were promulgated by EPA on June 11, 1990 and revised on December 12, 1991. Colorado's petition is based on evidence that the Denver-Boulder area does not need the 7.8 psi standard to maintain ozone attainment in the near term and that the 7.8 psi standard would impose significant costs on industry and

consumers. Colorado's petition requests a continuation of previous relaxations of the RVP standard. EPA has approved relaxations in the Denver-Boulder area for the past four years, from 1992 through 1995.

DATES: Comments on this proposed rule must be received in writing by May 15, 1996.

ADDRESSES: Materials relevant to this rulemaking have been placed in Docket A–96–10 by EPA. The docket is located at the Docket Office of the U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, Room M–1500 in Waterside Mall and may be inspected from 8:30am to 5:30 pm, Monday through Friday. A reasonable fee may be charged for copying docket material.

Comments should be submitted (in duplicate if possible) to the Air Docket Section at the above address. A copy should also be sent to the EPA contact person listed below at the following address: U.S. Environmental Protection Agency, Office of Air and Radiation, 401 M Street, SW. (6406–J), Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Marilyn Winstead McCall of the Fuels and Energy Division at 202–233–9029 at the above address.

SUPPLEMENTARY INFORMATION: For more detailed information on this proposal, please see EPA's Direct Final Rulemaking published in the Final Rules section of this Federal Register which approves for a limited time period Colorado's petition to relax the Reid Vapor Pressure standard in the Denver-Boulder area from 7.8 psi to 9.0 psi for the summer ozone season beginning June 1, 1996. The Agency views this as a noncontroversial action due to the limited scope of this proposed rulemaking, Colorado's continued attainment of the ozone standard and for the reasons discussed in the direct final rulemaking published in today's Federal Register. If no adverse comments are received in response to this proposed rule, no further action is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

Authority: 42 U.S.C. 7545 and 7601(a).

Dated: April 4, 1996.

Carol M. Browner,

Administrator.

[FR Doc. 96–9177 Filed 4–12–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[GC Docket No. 96–55, FCC 96–109]

Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has adopted a Notice of Inquiry and a Notice of Proposed Rulemaking to begin a proceeding to evaluate its practices and policies concerning the treatment of competitively sensitive information that has been provided to the Commission. The Commission's objective is to develop a policy that will guide it in evaluating an increasing number of requests that it afford confidential treatment to information that has been provided to it by regulated entities and others. The central issue that confronts the Commission is how to avoid unnecessary competitive harm that could be caused by the disclosures of such information and still fulfill its regulatory duties in a manner that is efficient and fair to the parties and members of the public who have an interest in its proceedings.

DATES: Comments are due on or before June 14, 1996 and Reply comments are due on or before July 15, 1996.

FOR FURTHER INFORMATION CONTACT: Joel Kaufman, Office of General Counsel, (202) 418–1720.

SUPPLEMENTARY INFORMATION: The complete text of this Notice of Inquiry and Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service at (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Synopsis

I. Background

A. Authority To Disclose and Withhold Competitively Sensitive Information

1. Freedom of Information Act

1. Under the Freedom of Information Act (FOIA), 5 U.S.C. 552, the Commission is required to disclose reasonably described agency records requested by any person, unless the records contain information that fits within one or more of the nine exemptions from disclosure provided in the Act. For the purposes of this proceeding, the most important of the FOIA exemptions is commonly referred to Exemption 4. Exemption 4 provides that the government need not disclose ''trade secrets and commercial or financial information obtained from a person and privileged or confidential.'' 5 U.S.C. § 552(b)(4).

2. For many years, the applicable standard for whether commercial or financial information was ''confidential'' under Exemption 4 of FOIA was set forth in *National Parks and Conservation Association* v. *Morton*, 498 F.2d 765 (D.C. Cir. 1974). In National Parks, the Court set forth a two-part test, stating that ''[c]ommercial or financial matter is 'confidential' * * * if disclosure of the information is likely * * * either * * * (1) to impair the Government's ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained.'' Id. at 770. In *Critical Mass Energy Project* v. *Nuclear Regulatory Commission*, 975 F.2d 871 (D.C. Cir. 1992), *cert. denied*, 113 S.Ct. 1579 (1993), the court limited National Parks to situations where a party must submit information to a federal agency. Under Critical Mass, ''financial or commercial information provided to the Government on a voluntary basis is 'confidential' for the purpose of Exemption 4 if it is of a kind that would customarily not be released to the public by the person from whom it was obtained.'' *Id.* at 879.

2. The Trade Secrets Act and Commission Authority To Disclose Exemption 4 Records

3. While FOIA Exemption 4 allows an agency to withhold business competitive information from public disclosure, the Trade Secrets Act, 18 U.S.C. 1905, acts as an affirmative restraint on an agency's ability to release such information. It states:

Whoever, being an officer or employee of the United States or of any department or