to Corp A programmers regarding program specifications. Corp H agrees to pay Corp A a fixed monthly sum during development of the program. If Corp H is dissatisfied with the development of the program it may cancel the contract at the end of any month. In the event of termination, Corp A will retain all payments, while any procedures, techniques or copyrightable interests will be the property of Corp H. All of the payments are labelled royalties. There is no provision in the agreement for any continuing relationship between Corp A and Corp H, such as the furnishing of updates of the program, after completion of the modification work.

(ii) *Analysis.* Taking into account all of the facts and circumstances, Corp A is treated as providing services to Corp H. Under paragraph (d) of this section, Corp A is treated as providing services to Corp H because Corp H bears all of the risks of loss associated with the development of modified Program X and is the owner of all copyright rights in modified Program X. Under paragraph (g)(1) of this section, the fact that the agreement is labelled a license is not controlling (nor is the fact that Corp A receives a sum labelled a royalty).

Example 16. (i) *Facts.* Corp A, a U.S. corporation, and Corp I, a Country Z corporation, agree that a development engineer employed by Corp A will travel to Country Z to provide know-how relating to certain techniques which are not generally known to computer programmers which will enable Corp I to more efficiently create computer programs. These techniques represent the product of experience gained by Corp A from working on many computer programming projects. Such information is not capable of being copyrighted, but it is subject to trade secret protection.

(ii) *Analysis.* This transaction contains the elements of know-how specified in paragraph (e) of this section. Therefore, this transaction will be classified as the provision of know-how.

(i) *Effective date.* This section applies to transactions occurring on or after the date that is sixty days after the date final regulations are published in the Federal Register.

Margaret Milner Richardson,

Commissioner of Internal Revenue.

[FR Doc. 96–29055 Filed 11–7–96; 3:11 pm]

BILLING CODE 4830–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 69

[AD–FRL–5645–2]

Proposed Conditional Special Exemption From Requirements of the Clean Air Act for the Territory of American Samoa, the Commonwealth of the Northern Mariana Islands, and the Territory of Guam

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On September 13, 1995 (60 FR 47515), EPA proposed to grant the Territory of American Samoa (American Samoa) and the Commonwealth of the Northern Mariana Islands (CNMI) a conditional exemption from title V requirements and to grant the Territory of Guam (Guam) an extension of time in which to adopt a title V permit program. EPA proposed these conditional exemptions and this extension under the authority of section 325 of the Clean Air Act. EPA received comments during the public comment period requesting that EPA grant a permanent exemption to Guam. EPA also received a letter on December 18, 1995 from the Administrator of the Guam Environmental Protection Agency stating that Guam would develop an alternate local permitting program in exchange for a permanent exemption. In response to these comments and this commitment, EPA is proposing to conditionally exempt Guam, as well as American Samoa and CNMI, from title V of the Clean Air Act.

In a separate part of this Federal Register, EPA is promulgating this action as a direct final rule without a prior proposal because the public comments received to date support granting a permanent exemption. A detailed rationale and conditions for this approval are set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, the direct final rule will take effect on January 13, 1997. If adverse comments are received during the comment period, EPA will publish timely notice in the Federal Register withdrawing the direct final rule for Guam, American Samoa and CNMI, and all public comments will be addressed in a subsequent final rule based on this proposal. The EPA will not institute an additional comment period on this action and any parties interested in commenting should do so at this time.

DATES: Comments on this proposed rule must be received in writing by December 13, 1996.

ADDRESSES: Written comments on this action should be addressed to: Norm Lovelace, Chief, Office of Pacific Islands and Native American Programs, US EPA-Region IX, 75 Hawthorne Street, San Francisco, California 94105. Supporting information used to develop the proposed conditional exemptions, including copies of the petitions, all comments received, and the response to comments document, are available for inspection during normal business hours at this location.

FOR FURTHER INFORMATION CONTACT: Norm Lovelace (telephone 415/744–1599, fax 415/744–1604), Chief, Office of Pacific Islands and Native American Programs or Sara Bartholomew (telephone 415/744–1250, fax 415/744–1076), Operating Permits Section, Air and Toxics Division, at the address above.

SUPPLEMENTARY INFORMATION: For additional information, please see the direct final rulemaking located in a separate part of this Federal Register.

Authority: 42 U.S.C. 7401–7671q.

List of Subjects in 40 CFR Part 69

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous air pollutants, Intergovernmental relations, Nitrogen oxides, Operating permits, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Dated: October 28, 1996.

Carol M. Browner,

Administrator.

[FR Doc. 96–28431 Filed 11–12–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

42 CFR Part 121

Organ Procurement and Transportation Network; Organ Allocation Policies

AGENCY: Health Resources and Services Administration, DHHS.

ACTION: Request for additional public comment on proposed rule; notice of public hearings.

SUMMARY: This document announces that the Secretary of Health and Human Services is formally inviting additional

public comment on the Notice of Proposed Rulemaking (NPRM) published on September 8, 1994, to establish rules governing the operation of the Organ Procurement and Transportation Network (OPTN). The Secretary is seeking additional comments on policies affecting the allocation of human livers for transplantation. In addition, this document announces that a public hearing will be held at which interested individuals may submit oral comments regarding such policies as well as regarding methods to increase organ donation.

DATES:

Hearing: The hearing will be held on December 10–11, 1996, beginning at 9 a.m. each day. Requests to testify must be submitted by December 2, 1996.

Comments: For those who choose to send written comments only, comments must be submitted by December 13, 1996 in order to ensure full consideration. Because the issue of organ donation is not part of the rulemaking process, we will accept comments and suggestions on this issue at any time.

ADDRESSES: Written requests to testify and written comments on allocation policies should be transmitted to: Ms. Judith Braslow, Director, HRSA Division of Transplantation, Room 7–29, 5600 Fishers Lane, Rockville, Maryland 20857.

In light of the short period for submitting requests to testify, such requests may also be submitted by telefax to Ms. Braslow at (301) 594–6095.

Comments will be available for public inspection three business days after their receipt in Room 7–29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland, Monday through Friday of each week from 8:00 a.m. to 4:30 p.m. To view public comments in Washington, D.C., call (202) 690–7890 to make an appointment for inspection in Room 309 G of the Hubert Humphrey Building, 200 Independence Avenue, S.W.

The hearing will be held at the Natcher Center on the National Institutes of Health campus in Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: Ms. Braslow at the address listed above. Telephone: (301) 443–7577.

SUPPLEMENTARY INFORMATION: Allocation of human livers for transplantation has been debated within the transplant community for several years. On September 8, 1994, the Department published an NPRM to establish rules governing the operation of the OPTN (59 FR 46482–99). The public comment period expired on December 7, 1994, although additional comments were received and accepted after that date.

As part of the preamble to the NPRM, the Department solicited comments on the organ-allocation policies used to distribute organs by the OPTN (59 FR 46487). Since that time, the OPTN has undertaken a major review of its policies governing the allocation of livers, and the Board of Directors of the OPTN has proposed a revised policy to allocate livers. The revisions proposed by the Board have generated considerable controversy within the transplant community. In view of sections 372–375 of the Public Health Service Act, 42 U.S.C. 274–274c, which vest responsibility in the Secretary of Health and Human Services for oversight of the OPTN, the Department has concluded that further public participation in the development of allocation policies related to livers is desirable. Accordingly, we have decided to seek additional comments on the NPRM and to accept oral testimony and written comments on liver allocation policies and the processes by which they may be developed.

In addition, we recognize that the difficult issues associated with establishing allocation policies stem from a central problem: the medical need for organs far exceeds organs donated. Accordingly, we have decided to use a public hearing as an opportunity to solicit public comments on methods to increase organ donation and general awareness of organ transplantation as a therapeutic alternative for end-stage organ disease.

Participants in the hearing will be limited to ten minutes per individual (or institution). Those requesting to testify should indicate whether their comments will address allocation policies, organ donation, or both. We are particularly interested in comments addressing the following issues:

1. Allocation of Human Livers for Transplantation

The Organ Procurement and Transplantation Network (OPTN) currently allocates human livers for transplantation in accordance with the following policy:

To local Status 1 patients first in descending point order; then to

local Status 2 patients in descending point order; then to

all other local patients in descending point order; then to

Status 1 patients in the Host OPO's (organ procurement organization) region in descending point order; then to Status 2 patients in that region in descending point order; then to

all other regional patients in descending point order; then to

Status 1 patients in all other regions in descending point order; then to

Status 2 patients in all other regions in descending point order; and finally to

all other patients in all other regions in descending point order.

The Status definitions, in pertinent part, are as follows:

A patient listed as Status 1 is in a hospital's Intensive Care Unit (ICU) due to acute or chronic liver failure with a life expectancy without a liver transplant of less than 7 days.

A patient listed as Status 2 is continuously hospitalized in an acute care bed for at least five days, or is ICU bound.

A patient listed as Status 3 requires continuous medical care.

A patient listed as Status 4 is at home and functioning normally.

A patient listed as Status 7 is temporarily inactive—patients who are temporarily unsuitable for transplant are listed as Status 7.

The OPTN Board's proposed policy would revise the definitions of several of the status groups and would revise the ''local'' area which constitutes the first allocation area. In seeking additional comment, the Secretary invites comments on the following questions:

a. Does the OPTN Board's policy achieve the best outcome that can reasonably be expected for the patients of America? If not, what revisions to the policy, alternative policy, or combination of policies would yield a superior result?

Please present data and other information that support your view; for example, success measures or factors mentioned in the NPRM which include (1) equitable distribution of organs; (2) improvement in graft and patient survival, and (3) enhanced patient choice among transplant programs. In particular, please indicate the measures you considered most important in assessing the relative efficacy of various policy options.

b. Would changes in other OPTN policies related to liver allocation, such as those noted below, yield a better outcome for the patients of America than the present system? Should such changes be implemented in addition to a change in the OPTN Board's allocation policy or phased in with a change?

- Criteria for entering patients on the waiting list for liver transplant.
- Definition of the status categories for patients on the waiting list for liver transplant.
- Procedures for ensuring compliance with OPTN policies affecting liver allocation.

• Use of performance measures, e.g., quality of transplant outcomes and annual number of transplants performed, in determining the eligibility of transplant centers to receive donor livers.

2. Donation of Organs for Transplantation

The medical need for livers and other human organs for transplantation continues to exceed the number of donor organs by a considerable margin. No organ allocation policies, no matter how well crafted or effectively implemented, can be expected to compensate for serious short-falls in the supply of organs relative to the demand.

a. What are the major impediments to organ donation?

b. How can the Department, organ procurement organizations, hospitals, and other entities improve current efforts to promote organ donation?

c. Where and to what extent are further initiatives necessary to ensure that members of racial and ethnic minority groups are appropriately apprised regarding such matters as the role of organ transplantation within the health-care system, the unique health benefits that can ensue from successful transplantation, the limitations associated with transplant procedures, and the challenges involved in recruiting organ donors?

Dated: November 6, 1996.

Ciro V. Sumaya,

Administrator.

Approved: November 7, 1996.

Donna E. Shalala,

Secretary.

[FR Doc. 96–29145 Filed 11–8–96; 10:52 am]

BILLING CODE 4160–15–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 1600, 1820, 1840, 1850, 1860, 1880, 2090, 2200, 2300, 2520, 2540, 2560, 2620, 2720, 2800, 2810, 2880, 2910, 2920, 3000, 3100, 3120, 3150, 3160, 3180, 3200, 3240, 3250, 3260, 3280, 3410, 3420, 3430, 3450, 3470, 3480, 3500, 3510, 3520, 3530, 3540, 3550, 3560, 3590, 3710, 3730, 3740, 3800, 3810, 3830, 3870, 4200, 4300, 4700, 5000, 5470, 5510, 8370, 9180 and 9230

[WO–130–1820–00 24 1A]

RIN 1004–AC99

Appeals Procedures; Hearings Procedures

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed regulations, extension of comment period.

SUMMARY: On October 17, 1996, the Bureau of Land Management (BLM) published a document in the Federal Register announcing a proposed rule to revise and consolidate existing procedures for hearings and appeals into a single, streamlined administrative review process covering most of BLM's decisions (61 FR 54120). The 30-day comment period for the proposed rule expires on November 18, 1996. BLM has received several requests from the public for additional time to comment and is extending the comment period for an additional 60 days.

DATES: Submit comments by January 17, 1997.

ADDRESSES: If you wish to comment, you may:

(a) Hand-deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L St., NW., Washington, DC.;

(b) Mail comments to the Bureau of Land Management, Administrative Record, Room 401LS, 1849 C Street, NW., Washington, DC 20240; or

(c) Send comments through the Internet to WOComment@wo.blm.gov. Please include ''attn: AC99'', and your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, please contact us directly at (202)452–5030.

You will be able to review comments at BLM's Regulatory Affairs Group office, Room 401, 1620 L Street, N.W., Washington, D.C., during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Jeff Holdren 202–452–7779, or Bernie Hyde 202–452–5057.

Dated: November 6, 1996.

Annetta Cheek,

Regulatory Affairs Group Manager.

[FR Doc. 96–29028 Filed 11–12–96; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL MARITIME COMMISSION

46 CFR Part 586

[Docket No. 96–20]

Port Restrictions and Requirements in the United States/Japan Trade

AGENCY: Federal Maritime Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Maritime Commission, in response to apparent unfavorable conditions in the foreign oceanborne trade between the United States and Japan, proposes the imposition of fees on liner vessels operated by Japanese carriers calling at United States ports. The effect of the rule will be to adjust or meet unfavorable conditions caused by Japanese port restrictions and requirements by imposing countervailing burdens on Japanese carriers.

DATES: Comments due on or before January 13, 1997.

ADDRESSES: Send comments (original and 15 copies) to: Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, D.C. 20573, (202) 523–5725.

FOR FURTHER INFORMATION CONTACT: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, D.C. 20573, (202) 523–5740.

SUPPLEMENTARY INFORMATION:

Background

Information Demand Orders

On September 12, 1995, the Federal Maritime Commission (''Commission'' or ''FMC'') issued information demand orders to carriers in the U.S./Japan trade,[1] inquiring about certain restrictions and requirements for the use

[1] NYK Line (North America) Inc.; Mitsui O.S.K. Lines (America), Inc.; K Line America Inc.; Sea-Land Service, Inc.; American President Line; Westwood Shipping Lines; Evergreen Line; Hanjin Shipping Co. Ltd.; Maersk Inc.; China Ocean Shipping Co.; Hyundai Merchant Marine; Orient Overseas Container Line (''OOCL''); Yangming Marine Line; Neptune Orient Lines; Senator Linie (USA) Inc.; Mexican Line (TMM); Hapag-Lloyd (America) Inc.; Zim Container; and Cho Yang Line.