

~~FAR 158~~

Authority may hold the licensee liable for the difference between the Number 11 contract price and the Number 14 contract price, per pound of raw sugar, in effect on the last market day before the date of entry of the sugar or the last market day before the end of the period during which export was required, whichever difference is greater, times the quantity of sugar used in the production of such polyhydric alcohol. In the event no Number 11 contract price or Number 14 contract price is reported by the New York Coffee, Sugar and Cocoa Exchange for the relevant market day, the Licensing Authority may estimate such price as he or she deems appropriate.

Signed at Washington, DC on May 29, 1991.
 Duane Acker,
 Administrator.
 [FR Doc. 91-16133 Filed 7-5-91; 8:45 am]
 BILLING CODE 3410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 158

[Docket No. 26385; Part 158(New)]

RIN 2120-AD87

Passenger Facility Charges

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Final rule; technical amendment.

SUMMARY: This action corrects errors which appeared in a final rule, published on May 29, 1991 (56 FR 24254) which adopted new regulations to establish a passenger facility charge program. This amendment corrects language in § 158.27 which inadvertently referenced a nonexistent paragraph. It also corrects the legal citation of the National Environmental Policy Act of 1969.

EFFECTIVE DATE: June 28, 1991.

FOR FURTHER INFORMATION CONTACT: Lowell H. Johnson, Office of Airport Planning and Programming, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3831.

SUPPLEMENTARY INFORMATION:

Background

On May 29, 1991, the FAA published new regulations to establish a passenger facility charge program (56 FR 24254). The language in § 158.27(c)(4) contained a reference to paragraph (g) of this

section. However, there is no paragraph (g) in that section. Earlier drafts of the rule included a paragraph (g) allowing the Administrator to request additional information if it were needed to evaluate an application. Since the Administrator has that authority without the provision, the paragraph was removed from the final rule. The reference remained inadvertently.

Section 158.29(b)(iv) contained a reference to the National Environmental Policy Act of 1969 (NEPA), 40 U.S.C. The U.S. Code cite used in that reference was in error. The cite should have been 42 U.S.C. 4321.

Need for Immediate Adoption

This amendment corrects errors and restores an agency regulation to its intended version. Because this action is a technical amendment, I find that good cause exists for making the amendment effective in less than 30 days to eliminate the possibility of misinterpretation of the intent of published agency regulations.

List of Subjects in 14 CFR Part 158

Air carriers, Airport, Air transportation, Passenger facility charge.

The Amendments

For the reasons set forth above, part 158 of the Federal Aviation Regulations (14 CFR part 158) is amended as follows:

PART 158—PASSENGER FACILITY CHARGES (PFC's)

1. The authority citation for part 158 continues to read as follows:

Authority: 49 U.S.C. App. 1513 (as amended by the Aviation Safety and Capacity Expansion Act of 1990, Pub. L. 101-508, title II, subtitle B, November 5, 1990); 49 U.S.C. App. 2206 (as amended by the Aviation Safety and Capacity Expansion Act of 1990); 49 U.S.C. App. 2218; sections 9304(e) and 9307 of the Airport Noise and Capacity Act of 1990, Pub. L. 101-508, title IX, subtitle D.

2. Section 158.27(c)(4) is revised to read as follows:

§ 158.27 Review of applications.

(c) * * *
 (4) Following review of the application and public comments, the Administrator issues a final decision approving or disapproving the application, in whole or in part, no later than 120 days after the application was received by the FAA Airports office.

3. Section 158.29(b)(1)(iv) is revised to read as follows:

§ 158.29 The Administrator's decision.

(b) * * *
 (1) * * *
 (iv) All applicable requirements pertaining to the ALP for the airport, airspace studies for the project, and the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 have been satisfied.

158-1A

Issued in Washington, DC on June 28, 1991.
 Donald P. Byrne,
 Assistant Chief Counsel for Regulations and Enforcement, Office of the Chief Counsel.
 [FR Doc. 91-15957 Filed 7-5-91; 8:45 am]
 BILLING CODE 4910-13-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners; Effect of Acquittals on Admissibility of Evidence in Parole Hearings

AGENCY: Parole Commission, Justice.
ACTION: Final rule.

SUMMARY: The Commission is removing a provision in its regulations that prohibited (with certain exceptions) consideration of charges upon which a prisoner was found not guilty after trial. The revised regulation substitutes a statement of general policy with respect to the use of such charges. The change reflects recent federal court decisions concerning the authority of a sentencing judge to consider the same type of evidence. The rule is intended to prevent certain situations in which the application of the prohibition has produced parole results inconsistent with the statutory criteria for parole at 18 U.S.C. 4206.

EFFECTIVE DATE: August 7, 1991.

FOR FURTHER INFORMATION CONTACT: Richard K. Preston, Attorney, Telephone (301) 492-5959.

SUPPLEMENTARY INFORMATION: At 44 FR 26548 (May 4, 1979), the Commission added to 28 CFR 2.19(c) a provision that prohibited it from considering, in any determination, charges upon which a prisoner was found not guilty after trial, unless reliable information was presented that was not introduced into evidence at that trial. In the years following the adoption of this regulation, the Commission found it necessary to add to two more exceptions, covering the situations in which the not guilty verdict was by reason of the prisoner's