

factor will also be considered in exercising discretion under this section.

4. Section 118.22 revised to read as follows:

§ 118.22 Notice of immediate suspension or proposed revocation and cancellation action.

Adverse action pursuant to the provisions of § 118.21(a) or (b) is initiated when the port director serves written notice on the operator or entity selected to operate the CES. The notice shall be in the form of a statement specifically setting forth the grounds for the adverse action and shall inform the operator of the appeal procedures under § 118.23 of this part.

5. Section 118.23 revised to read as follows:

§ 118.23 Appeal to the Assistant Commissioner; procedure; status of CES operations.

(a) *Appeal to the Assistant Commissioner.* Appeal of a port director's decision under § 118.21(a) or (b) must be taken to the Assistant Commissioner, Office of Field Operations, within 10 calendar days of receipt of the written notice of the adverse action. The appeal shall be filed in duplicate and shall set forth the CES operator's or entity's responses to the grounds specified by the port director in his written notice letter for the adverse action initiated. The Assistant Commissioner, Office of Field Operations, or his designee, shall render a written decision to the CES operator or entity, stating the reasons for the decision, by letter mailed within 30 working days following receipt of the appeal, unless the period for decision is extended with due notification to the CES operator or entity.

(b) *Status of CES operations during appeal.* During this appeal period, an immediate suspension of a CES operator's or entity's selection and written agreement pursuant to § 118.21(a) of this part shall remain in effect. A proposed revocation of a CES operator's or entity's selection and cancellation of the written agreement pursuant to § 118.21(b)(1)-(5) of this part shall not take effect unless the appeal process under this paragraph has been concluded with a decision adverse to the operator.

(c) *Effect of suspension or revocation.* Once a suspension or revocation action takes effect, the CES operator must cease CES operations. However, when CES operations are suspended or revoked and cancelled by Customs, it is the CES operator's responsibility to ensure that merchandise already at the CES is properly consigned to another location

for inspection, as directed by the importer and approved by the port director.

Approved: December 13, 1995.
Michael H. Lane,
Acting Commissioner of Customs.
Dennis M. O'Connell,
Acting Deputy Assistant Secretary of the Treasury.
[FR Doc. 96-1048 Filed 1-23-96; 8:45 am]
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DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

29 CFR Part 2510

Proposed Regulation Relating to Definition of Plan Assets; Participant Contributions

AGENCY: Pension and Welfare Benefits Administration, Department of Labor.

ACTION: Notice of rescheduling of date for public hearing.

SUMMARY: This document reschedules the date for a public hearing on the proposed rule under Title I of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. 1001-1461 (the Act), relating to revision of the definition of when certain monies which a participant pays to, or has withheld by, an employer for contribution to an employee benefit plan are "plan assets" for purposes of Title I of the Act. The proposed rule was set forth in a notice of proposed rulemaking published in the Federal Register at 60 FR 66036 (December 20, 1995).

DATES: The public hearing on this proposed rule is rescheduled to Thursday, February 22, 1996, and, if necessary based on the volume of requests by the public to testify, to Friday, February 23, 1996. The hearing will begin at 10:00 a.m. on both days.

ADDRESSES: Written requests to present public testimony concerning the proposed rule should be submitted by February 14, 1996 to: Pension and Welfare Benefits Administration, Room N-5669, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, DC 20210. Attention: Proposed Participant Contribution Regulation. All submissions will be open to public inspection at the Public Documents Room, Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N-5638, 200 Constitution Ave., N.W., Washington, DC 20210. The rescheduled hearing on the proposed

regulation will be held in Room N-3437 A and B, 200 Constitution Ave., N.W., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Rudy Nuissl, Office of Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor, Rm N-5669, 200 Constitution Ave., N.W., Washington, DC 20210 (telephone (202) 219-7461) or William W. Taylor, Office of the Solicitor, Plan Benefits Security Division, U.S. Department of Labor, Rm N-4611, 200 Constitution Ave., N.W., Washington, DC 20210 (telephone (202) 219-9141). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: On December 20, 1995, the Department of Labor (the Department) published a notice of proposed rulemaking in the Federal Register (60 FR 66036) which would revise the definition of when certain monies which a participant pays to, or has withheld by, an employer for contribution to an employee benefit plan are "plan assets" for purposes of Title I of the Act. In that notice the Department scheduled a public hearing with respect to the proposal, to be held on January 24 and January 25, 1996, and invited interested persons to submit written requests to testify at the hearing.

The Department has received requests from some members of the public for additional time for preparation of testimony on the proposed rule, and the Department believes that it is appropriate to grant such additional time. Accordingly, this notice reschedules the public hearing on the proposed rule to Thursday, February 22, 1996 and, if necessary, to Friday, February 23, 1996. Requests to present public testimony should be submitted by February 14. Unless otherwise advised, the Department will assume that persons who have already submitted written requests to testify at the January 24-25 hearing will wish to testify at the hearing rescheduled for February 22-23.

The December 20, 1995 Federal Register notice also stated that written comments concerning the proposed regulation must be received by February 5, 1996. The Department has determined that the February 5 deadline for submission of written comments will continue to apply, notwithstanding the rescheduling of the public hearing.

Notice of Rescheduling of Date for Public Hearing

Notice is hereby given that the public hearing for the proposed rule (published at 60 FR 66036, December 20, 1995) relating to revision of the definition of

when certain monies which a participant pays to, or has withheld by, an employer for contribution to an employee benefit plan are "plan assets" for purposes of Title I of the Act is rescheduled to Thursday, February 22, 1996 and, if necessary, to Friday, February 23, 1996.

Signed at Washington, DC, this 19th day of January 1996.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 96-1136 Filed 1-23-96; 8:45 am]

BILLING CODE 4510-29-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE24-1-7156b; FRL-5401-3]

Approval and Promulgation of Air Quality Implementation Plans; Delaware Ozone Emission Inventory

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revisions submitted by the State of Delaware for the purpose of establishing 1990 ozone base year emission inventories for the Delaware ozone nonattainment areas. In the Final Rules section of this Federal Register, EPA is approving the State's SIP revisions as a direct final rule without prior proposal because the Agency views them as noncontroversial SIP revisions and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity 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 final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by February 23, 1996.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public

inspection during normal business hours at the EPA office listed above; and the Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 597-3164, at the EPA Region III address above.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title (Delaware Ozone Emission Inventory) which is located in the Rules and Regulations section of this Federal Register.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7671q.

Dated: November 27, 1995.

Stanley Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 96-921 Filed 1-23-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[VA25-1; A-1-FRL-5402-1]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia—Prevention of Significant Deterioration Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to disapprove or, in the alternative, to conditionally approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. This revision, consisting of two parts, establishes a program for prevention of significant deterioration of air quality (PSD). The first part includes Virginia's regulations and procedures for a PSD program. The second part includes amendments to those regulations submitted as part of the SIP revision. The intended effect of this action is to propose disapproval or, in the alternative, approval of Virginia's request to amend its SIP to satisfy federal new source review requirements for the preconstruction permitting of new sources and modifications in attainment and unclassifiable areas, on the condition that deficiencies in the state program are corrected and submitted within one year of approval.

This action is being taken under the Clean Air Act (CAA).

DATES: Comments must be received on or before February 23, 1996. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107, and at the Virginia Department of Environmental Quality, P.O. Box 10089, Richmond, Virginia, 23240.

FOR FURTHER INFORMATION CONTACT: Lisa M. Donahue (215) 597-2923, at the EPA Region III address above.

SUPPLEMENTARY INFORMATION: In a series of submittals, the Virginia Department of Air Pollution Control (DAPC), now known as the Department of Environmental Quality (VDEQ), submitted the elements for a revision to its SIP that would establish a program for the prevention of significant deterioration of air quality (PSD) in the review and permitting of new major sources and major modifications (the PSD program). On December 17 and 18, 1992, the VDEQ transmitted a request for the approval of the Commonwealth's regulations for PSD and its "Procedures for Implementation of Prevention of Significant Deterioration (PSD) of Air Quality Program (AQP-11)", a non-regulatory procedures document, as a revision to the Virginia State Implementation Plan. Specifically, the December 17, 1992 submittal included AQP-11, and the December 18, 1992 submittal consisted of Virginia Regulation for the Control and Abatement of Air Pollution, § 120-08-02 Permits—Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas. On February 3, 1993, DAPC sent a Summary of Public Testimony and Response Thereto in order to satisfy federal SIP revision completeness criteria. On February 18, 1993 DAPC sent Virginia Regulations Appendix L, also to be included in the SIP revision. On August 16, 1993 the VDEQ submitted a supplementary revision to § 120-01-01 and 120-08-02 to correct deficiencies in its earlier PSD regulations.