adopted ground rules for the Committee. In addition, the Committee set forth substantive issues that needed to be resolved, established work groups and began discussing scope and application, fire prevention and fire fighting.

II. The Key Issues in this Rulemaking

The key issues to be addressed as part of these negotiations include:

1. *Scope and Application*

Should Subpart P apply to all shipyard employment? How will the standard affect out-of-yard/plant firefighters such as those employed by a municipal fire department?

2. *Controls and Work Practices*

What controls and work practices will provide adequate protection for employees? Should OSHA require hot work permits? Should OSHA require training for all fire fighters? Should OSHA incorporate U.S. Coast Guard regulations in this standard? Is there any difference in controls and work practices on landside vs. onboard vessels and vessel sections? Should OSHA require the employer to secure (deactivate) all fire fighting systems onboard vessels when they arrive in the yard?

3. *Fire Brigades*

Should OSHA require each shipyard to have an in-yard/plant fire brigade?

4. *Written Fire Plans*

Should OSHA require written fire plans for landside and onboard vessels? If so, what provisions need to be included in the plans? Should OSHA include a requirement for de-watering (removal of firefighting water from the vessel) of vessels when fighting a fire on board a vessel?

5. *Technological Advances*

What advances in fire technology have occurred since OSHA's general industry standards were promulgated? Which of these advances should be incorporated into the shipyard standard?

6. *Costs of Fire Protection*

What costs would be incurred by shipyards in meeting the various provisions of a new standard? Calculations should include costs of acquiring new equipment, instituting new engineering controls and work practices, and costs of training employees. Are there cost savings or other benefits that could be expected with the promulgation of identical rules for all of shipyard employment? If so, what would be the magnitude of savings?

7. *Appendices*

Should OSHA include technical information in an appendix or appendices? If so, should it (they) be mandatory?

III. The Agenda for the February 4–6, 1996, Meeting

1. The meeting will be opened and the roll taken.
2. The minutes from the first meeting which was held October 15–17, 1996, in Portland, Oregon will be presented for acceptance by the Committee.
3. The tentative agenda for this meeting will be reviewed and changes made, if necessary.
4. The Fire Watches work group will present its draft regulatory text and preamble.
5. Each work group chairperson will report on his or her work group's progress.
6. The draft Scope and Application section will be presented for the Committee's review.
7. Breakout sessions will occur as needed throughout the meeting.
8. The Committee will establish the time and date for the next meeting.

The Advisory Committee's facilitator, relying on the information presented to him by OSHA as well as the considerable input from the various interests during convening efforts, will identify and present other substantive issues to be resolved by this Committee, as time permits. OSHA requests that all interested parties bring their calendars to facilitate the development of a tentative schedule of committee meetings, site visits and workgroup meetings.

IV. Public Participation

All interested parties are invited to attend this public meeting at the time and place indicated above. No advanced registration is required. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact Ms. Theda Kenney at (202) 219–8061 to obtain appropriate accommodations no later than January 17, 1997.

In addition, members of the general public may request an opportunity to make oral presentations to the Committee. The facilitator of the Committee will decide to what extent oral presentations by members of the public may be permitted at the meeting. Oral presentations may include statements of fact and opinions, but shall not include any questioning of the Committee Members or other participants unless these questions have been specifically approved by the facilitator.

Part 1912 of Title 29 of the Code of Federal Regulations will apply generally. The reporting requirements of § 1912.33 have been changed pursuant to § 1912.42 to help meet the special needs of this Committee. Specifically, § 1912.33 requires that verbatim transcripts be kept of all advisory committee meetings. Producing a coherent transcript requires a certain degree of formality. The Assistant Secretary has determined pursuant to § 1912.42 that such formality might interfere with the free exchange of information and ideas during the negotiations, and that the OSH Act would be better served by simply requiring detailed minutes of the proceedings without a formal transcript.

Minutes of the previous meeting and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, N–2625, 200 Constitution Ave., NW., Washington, D.C. 20210; Telephone (202) 219–7894.

Any written comments should be directed to Docket No. S–051, and sent in quadruplicate to the following address: OSHA Docket Office, U.S. Department of Labor, Room N–2625, 200 Constitution Ave., NW., Washington, DC 20210; Telephone (202) 219–7894.

V. Authority

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, pursuant to section 3 of the Negotiated Rulemaking Act of 1990, 104 Stat. 4969, Title 5 U.S.C. 561 *et seq.*; and Section 7(b) of the Occupational Safety and Health Act of 1970, 84 Stat. 1597, Title 29 U.S.C. 656.

Signed at Washington, D.C., this 24th day of December, 1996.

Joseph A. Dear,

*Assistant Secretary of Labor.*

[FR Doc. 96–33223 Filed 12–30–96; 8:45 am]

BILLING CODE 4510–26–M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 244 and 245

**[FRL–5670–7]**

## Solid Waste Programs; Management Guidelines for Beverage Containers and Resource Recovery Facilities Guidelines; Removal of Obsolete Guidelines

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** On March 4, 1995, the President directed all Federal agencies

and departments to conduct a comprehensive review of the regulations they administer and, by June 1, 1995, to identify those rules that are obsolete or unduly burdensome. EPA has conducted a review of its rules, including rules issued under the Resource Conservation and Recovery Act (RCRA). Based on the review, EPA is today proposing to remove from the Code of Federal Regulations (CFR) two guidelines pertaining to solid waste management which are obsolete. The activities addressed in these 1976 guidelines have been included in numerous state and local statutes and regulations and other Federal rules, or have been superseded by such Presidential actions as Executive Order 12873, ''Federal Acquisition, Recycling, and Waste Prevention.'' These guidelines are now obsolete because: the need for Part 244 guidelines for Federal facilities on beverage containers has passed with the implementation of state and local recycling mandates and requirements, RCRA Section 6001 requirements, and Executive Order 12873, and Part 245 requirements are incorporated into state and local laws and Part 256, which addresses the requirements for facility planning and implementation of resource recovery programs.

Therefore, deleting these guidelines from the CFR will have no measurable impact on solid waste management.

In the rules and regulations section of today's Federal Register, EPA is also promulgating a direct final rule to withdraw Parts 244 and 245 from Title 40 of the Code of Federal Regulations (CFR). A detailed rationale for the removal of these guidelines is set forth in the direct final rule and is incorporated herein. Potential commenters should consult that notice. If no adverse comments are received in response to this notice, no further activity is contemplated in relation to this proposed rule and Parts 244 and 245 will be withdrawn. 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 the 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:** Written comments on this proposed rule must be received by January 30, 1997.

**ADDRESSES:** Written comments (one original and two copies) should reference docket number F–96–MRBP-FFFFF and be addressed to: RCRA Docket and Information Center (RIC), Office of Solid Waste (5305W), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Supporting docket materials can be viewed at and hand deliveries of comments can be made to the following address: Crystal Gateway I, first floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m. Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling 703 603–9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost $0.15/page.

**FOR FURTHER INFORMATION CONTACT:** Deborah Gallman (703) 308–7276, U.S. EPA, Office of Solid Waste and Emergency Response, 401 M Street, S.W., (5306W), Washington, D.C. 20460, or the RCRA Hotline, phone (800) 424–9346 or TDD (800) 553–7672 hearing impaired or (703) 412–9810 or TDD (703) 412–3323 in the Washington, D.C., metropolitan area.

**SUPPLEMENTARY INFORMATION:**

I. Authority

This rule is being proposed under the authority of sections 1008, 2002, 6001, and 6004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 and the Hazardous and Solid Waste Amendments of 1984; 42 U.S.C. 6961.

II. Additional Information

For additional information, see the corresponding direct final rule published in the rules and regulations section of this Federal Register.

III. Analysis under Executive Order (E.O.) 12866, the Unfunded Mandates Reform Act of 1995, and the Paperwork Reduction Act

Because the withdrawal of these guidelines from the CFR reflects their current obsolescence and has no regulatory impact, this action is not a ''significant'' regulatory action within the meaning of E.O. 12866, and does not impose any Federal mandate on state, local, or tribal governments or the private sector within the meaning of the Unfunded Mandates Reform Act of 1995. For the same reasons, their deletion from the CFR does not affect requirements under the Paperwork Reduction Act.

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, generally requires an agency to prepare, and make available for public comment, a regulatory flexibility analysis that describes the impact of a proposed or final rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant adverse economic impact on a substantial number of small entities. This proposed rule is deregulatory in nature. The effect of the proposed rule is to remove obsolete guidelines which are mandatory only for Federal facilities. Therefore, I certify that this proposed rule will not have a significant economic impact on a substantial number of small entities. As a result, no Regulatory Flexibility Analysis is needed.

List of Subjects

*40 CFR Part 244*

Environmental protection, Beverages, Government property, Recycling.

*40 CFR Part 245*

Government property, Recycling.

Dated: December 20, 1996.

Carol M. Browner,

*Administrator.*

[FR Doc. 96–32968 Filed 12–30 –96; 8:45 am]

BILLING CODE 6560–50–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of Inspector General

### 42 CFR Part 1001

### Solicitation of New Safe Harbors and Modifications to Existing Safe Harbors

**AGENCY:** Office of Inspector General (OIG), HHS.

**ACTION:** Notice of intent to develop regulations.

**SUMMARY:** In accordance with section 205 of the Health Insurance Portability and Accountability Act of 1996, this notice solicits proposals and recommendations for developing new and modifying existing safe harbor provisions under the Medicare and State health care programs' anti-kickback statute, as well as developing new OIG Special Fraud Alerts.

**DATES:** To assure consideration, public comments must be delivered to the address provided below by no later than 5 p.m. on March 3, 1997.

**ADDRESSES:** Please mail or deliver your written comments to the following