[FR Doc. 95–18617 Filed 7–27–95; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Parts 201, 206, 246, 253, 275, 276, 285, and 290

[Docket No. R–160]

RIN 2133–AB20

Removal of Obsolete Regulations

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final Rule.

SUMMARY: In connection with the President's Regulatory Reinvention Initiative, the Maritime Administration (MARAD) has reviewed all of its existing regulations. This review identified regulations in 46 CFR Chapter II, or portions thereof, that are being removed because they are obsolete and noncontroversial.

DATES: This final rule is effective on July 28, 1995.

FOR FURTHER INFORMATION CONTACT: Edmund T. Sommer, Jr. Chief, Division of Regulations and Administrative Law, Telephone: 202–366–5181.

SUPPLEMENTARY INFORMATION: On March 4, 1995, President Clinton directed the heads of Federal departments and agencies, as part of the Administration's ongoing Regulatory Reinvention Initiative, ''to conduct a page-by-page review of all of your agency regulations now in force and eliminate or revise those that are outdated or otherwise in need of reform.'' As part of the Department of Transportation's effort, MARAD has conducted a page-by-page review of all of its regulations and has identified obsolete regulations for removal, by part, subpart, section or portion of a section, as follows:

46 CFR Part 201—Rules of Practice and Procedure

Sections 201.4. Inspection of records, 201.5 Searching, copying, and certification of record fees therefore, and 201.186 Charges for documents, are being removed since they cite sections in 46 CFR Part 380 that have been removed and/or concern fees that are covered by the Department's Freedom of Information Act regulations at 49 CFR Part 7, Subpart I—Fees.

Sections 201.21 and 201.23. Persons not attorneys at law and Hearings, respectively, are being removed since they cover the practice in MARAD proceedings by practitioners, other than attorneys, who have actually never represented parties in these proceedings.

Section 201.25. Statement of interest relates to disclosures by practitioners before MARAD. The last sentence is obsolete and is being removed since it cites section 807 of the Merchant Marine Act, 1936, which has been repealed.

46 CFR Part 206—Miscellaneous Fees

This Part is being removed. The fee charged for special statistical data in Subpart A is covered by the Department's Freedom of Information Act regulations at 46 CFR Part 7, Subpart I—Fees. Subpart B—Charges for Copies of Regulations—relates to obtaining copies of orders that MARAD no longer issues. MARAD no longer processes applications covered by Subpart C, which requires a fee of $400 to process applications by owners for the sale of subsidized vessels to a private party where appraisal is made for MARAD by an independent vessel appraiser.

46 CFR Part 246—Formulae for Determining Sea Speed of Vessels

This Part is being removed since MARAD no longer uses the procedure set forth.

46 CFR Part 253—Requirements for Maintaining Boom Lifting Capacities and Other Features, and Part 275—Outfitting Material and Equipment for Construction-Differential Subsidy Vessels

These Parts apply to the construction-differential subsidy (CDS) program. These Parts are being removed since CDS is no longer funded.

46 CFR Part 276—Construction-Differential Subsidy Repayment

Section 276.3. Total repayment is being removed since the regulation was time constrained and that time has expired (June 5, 1986).

46 CFR Part 285—Determination of Profit in Contracts and Subcontracts for Construction, Reconditioning and Reconstruction of Ships

This Part is being removed since MARAD no longer uses the procedure.

46 CFR Part 290—Forms

This Part is being removed since the construction-differential subsidy and operating-differential subsidy programs to which the forms relate are not subject to new contract awards.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review)

This rulemaking has been reviewed under Executive Order 12866 and Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). It is not considered to be an economically significant regulatory action under section 3(f) of E.O. 12866, since it has been determined that it is not likely to result in a rule that may have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. It is not considered to be a significant rule under the Department's Regulatory Policies and Procedures.

MARAD has determined that this rulemaking presents no substantive issue which it could reasonably expect would produce meaningful public comment since it is merely removing, pursuant to a Presidential directive, regulations or portions thereof that are obsolete, retention of which could serve no useful purpose. Accordingly, pursuant to 5 U.S.C. 553(c) and (d), Administrative Procedure Act, MARAD finds that good cause exists to publish this as a final rule, without opportunity for public comment, and to make it effective on the date of publication.

This rule has not been reviewed by the Office of Management and Budget under Executive Order 12866.

Federalism

The Maritime Administration has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Maritime Administration certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities.

Environmental Assessment

The Maritime Administration has considered the environmental impact of this rulemaking and has concluded that an environmental impact statement is not required under the National Environmental Policy Act of 1969.

Paperwork Reduction Act

This rulemaking contains no reporting requirement that is subject to OMB

approval under 5 CFR Part 1320, pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 46 CFR Parts 201, 206, 246, 253, 275, 276, 285 and 290

Part 201—Administrative practice and procedure.

Part 206—Administrative practice and procedure.

Part 246—Maritime carriers, Measurement standards, National defense.

Part 253—Maritime carriers, National defense.

Part 276—Grant programs—transportation, Maritime carriers.

Part 285—Administrative practice and procedure, Maritime carriers, Reporting requirements, Uniform system of accounts.

Part 290—Government contracts, Maritime carriers.

Accordingly, for the reasons set forth in the preamble, MARAD is taking the following action:

1. The authority for 46 CFR Part 201 is revised to read as follows:

Authority: 46 App. U.S.C. 1114(b); 49 CFR 1.66.

2. The authority for 46 CFR Part 276 is revised to read as follows:

Authority: 46 App. U.S.C. 1114(b), 1117, 1156, and 1204; 49 CFR 1.66.

TITLE 46

PARTS 201, 276—[AMENDED]

PARTS 206, 246 253, 275, 285, 290—[REMOVED]

3. In Title 46 of the Code of Federal Regulations, in part 201, remove and reserve sections 201.4, 201.5, 201.23 and 201.86, and remove the last sentence of section 201.25.

4. In part 276, remove section 276.3.

5. Under the authority of 46 app. U.S.C. 1114(b) parts 206, 246, 253, 275, 285 and 290 are removed.

By Order of the Maritime Administrator.

Dated: July 24, 1995.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 95–18555 Filed 7–27–95; 8:45 am]

BILLING CODE 4910–81–P

46 CFR Parts 345, 346, and 347

[Docket No. R–155]

RIN No. 2133–AB15

Federal Port Controllers; Clarification of the Event That Allows the Activation of the Federal Port Controller Service Agreements

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This final rule amends the Maritime Administration's (MARAD) Federal Port Controllers regulations at 46 CFR Part 346, and provides a harmonizing amendment to the definition of ''Federal Port Controller'' in Part 345. These regulations now provide that, when needed during the existence of a state of war or national emergency proclaimed by the President of the United States, certain port facilities in the United States shall be controlled and used exclusively by the Federal Government, operating through the National Shipping Authority (NSA) of MARAD, pursuant to provisions of service agreements between the Director, NSA, and Federal Port Controllers appointed by MARAD. The regulations in Part 340 establish procedures for assigning priority for use by defense agencies, when appropriate, on commercial terms, of commercial shipping services, containers and chassis, port facilities and services, and for allocating commercial vessels services, containers and chassis, and port facilities and services for exclusive use by defense agencies. The amendments to Parts 345 and 346 will allow, at MARAD's discretion, the activation of standby service agreements between the United States of America and port authorities or private corporations in connection with the deployment of the Armed Forces of the United States or other requirements of the nation's defense. This is the same activation trigger as in Part 340—Priority Use and Allocation of Shipping Services, Containers and Chassis, and Port Facilities and Services for National Security and National Defense Related Operations.

DATES: This final rule is effective on August 28, 1995.

FOR FURTHER INFORMATION CONTACT: John Pisani, Director, Office of Ports and Domestic Shipping, Maritime Administration, Washington, DC. 20590. Telephone: (202) 366–4357.

SUPPLEMENTARY INFORMATION: These amendments to MARAD's regulations at 46 CFR subchapter I–B are necessary because the event that allows activation of the Federal Port Controller service agreements is not consistent with the event that activates the priority use and allocation regulations in part 340.

Under non-emergency conditions, the public ports of the United States are administered, under a wide variety of authorities, by their respective state governments. The wide variance in their responsibilities, jurisdictions, operations and managements reflects the differences of the various governing bodies. The various contingency Federal procedures administered by MARAD are intended to assert reasonable, uniform, limited Federal administration of the otherwise diverse U.S. network of public ports in an emergency which affects the national interest. The procedures are set forth under three interdependent documents:

1. Special inter-agency coordination required under emergency circumstances is established through the Memorandum of Understanding on Port Readiness. These procedures are in effect at all times.
2. Use of real port property and related services are assured through the regulations at 46 CFR part 340, addressing the priority use and allocation of port facilities, as well as shipping services and containers and chassis. These procedures can become operative in the event of the deployment of the Armed Forces of the United States or other requirements of the nation's defense.
3. Limited Federal administration of the U.S. network of public ports is achieved by the standby Federal Port Controller procedures set forth in a ''Service Agreement, Federal Port Controller'', in 46 CFR part 346. At present, these procedures can only be activated upon the declaration of war or national emergency.

Proposed Rule and Comments

MARAD published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on November 18, 1994 (59 FR 59742), noting that the present disparity with respect to the event that triggers the activation of contingency Federal procedures under 46 CFR parts 340 and 346, respectively, can create confusion. The present procedures set forth in 46 CFR part 340 can become operative without a Presidential declaration of emergency to eliminate potential adverse delay, while the activation of Federal Port Controller service agreements in 46 CFR part 346 requires a ''declaration of war or national emergency.'' The NPRM noted that events during Operations DESERT SHIELD/DESERT STORM showed that the Government would not have had the authority to obtain needed priority utilization of port facilities, shipping services and containers in a timely manner with the present Part 346