is not subject to the requirements of
sections 202 and 205 of the UMRA. EPA
has determined that this rule contains
no regulatory requirements that might
significantly or uniquely affect small
governments because only the State
government has to take any action as a
result of today's rule.

C. Petition Language

Under section 307(b)(1) of the Act,
petitions for judicial review of this
action must be filed in the United States
Court of Appeals for the appropriate
circuit by September 26, 1995. Filing a
petition for reconsideration by the
Administrator of this final rule does not
affect the finality of this rule for the
purposes of judicial review nor does it
extend the time within which a petition
for judicial review may be filed, and
shall not postpone the effectiveness of
such rule or action. This action may not
be challenged later in proceedings to
enforce its requirements (see section
307(b)(2)).

Executive Order 12866

The OMB has exempted this action
from the requirements of Section 6 of
Executive Order 12866.

List of Subjects in 40 CFR Part 81

Environmental protection, Air
pollution control, National parks,
Wilderness areas.

Utah±PM±10 Nonattainment Areas

<table>
<thead>
<tr>
<th>Designated area</th>
<th>Designation date</th>
<th>Designation type</th>
<th>Classification date</th>
<th>Classification type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ogden Area Weber County (part)</td>
<td>September 26, 1995</td>
<td>Nonattainment</td>
<td>September 26, 1995</td>
<td>Moderate.</td>
</tr>
</tbody>
</table>

40 CFR Part 82

Protection of Stratospheric Ozone;
Acceptable Substitutes for the
Significant New Alternatives Policy (SNAP) Program

AGENCY: Environmental Protection
Agency.  
ACTION: Notice of acceptability.

SUMMARY: This notice expands the list of
acceptable substitutes for ozone
depleting substances (ODSs) under the
Environmental Protection Agency's
(EPA) Significant New Alternatives
Policy (SNAP) program. SNAP
implements section 612 of the amended
Clean Air Act of 1990, which requires
EPA to evaluate substitutes for the
ODSs, and regulate the use of
substitutes where other alternatives
exist that reduce overall risk to human
health and the environment. Through
these evaluations, SNAP generates lists of
acceptable and unacceptable
substitutes for each of the major
industrial use sectors.

On March 18, 1994, EPA promulgated
its plan for administering the SNAP
program, and issued decisions on the
acceptability and unacceptability of a
number of substitutes (59 FR 13044). In
today's Notice, EPA issues decisions on
the acceptability of substitutes not
previously reviewed by the Agency. The
intended effect of this action is to
deploy movement away from ozone
depleting compounds. To arrive at
determinations on the acceptability of
substitutes, the Agency completed a
cross-media sector end-use screening
assessment of risks to human health and
the environment.  


ADDRESSES: Information relevant to this
notice is contained in Air Docket A±91±
42, Central Docket Section, South
Conference Room 4, U.S. Environmental
Agency, 401 M Street SW., Washington,
D.C. 20460. Telephone: (202) 260±7548.
The docket may be inspected between
8:00 a.m. and 5:30 p.m. weekdays. As
provided in 40 CFR part 2, a reasonable
fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT:
Jeffrey Levy at (202) 233±9727 or fax
(202) 233±9577, U.S. EPA, Stratospheric
Protection Division, 401 M Street SW.,
Mail Code 6205J, Washington, D.C.
20460.

SUPPLEMENTARY INFORMATION:

I. Section 612 Program
   A. Statutory Requirements
   B. Regulatory History
II. Listing of Acceptable Substitutes
   A. Refrigeration and Air Conditioning
   B. Fire Suppression and Explosion
   Protection

C. Medical Sterilants

III. Substitutes Pending Review

IV. Additional Information

Appendix A: Summary of Acceptable and
Pending Decisions

Section 612 Program

Statutory Requirements

Section 612 of the Clean Air Act
authorizes EPA to develop a program for
evaluating alternatives to ozone-
depleting substances. EPA is referring to
this program as the Significant New
Alternatives Policy (SNAP) program. The
major provisions of section 612 are:

• Rulemaking—Section 612(c)
   requires EPA to promulgate rules
   making it unlawful to replace any class
I (chlorofluorocarbon, halon, carbon
tetrachloride, methyl chloroform,
methyl bromide, and
hydrobromofluorocarbon) or class II
(hydrochlorofluorocarbon) substance
with any substitute that the
Administrator determines may present
adverse effects to human health or the
environment where the Administrator
has identified an alternative that
(1) reduces the overall risk to human health
and the environment, and (2) is
currently or potentially available.

• Listing of Unacceptable/Acceptable
Substitutes—Section 612(c) also
requires EPA to publish a list of the
substitutes unacceptable for specific
uses. EPA must publish a corresponding
list of acceptable alternatives for
specific uses.
Petition Process—Section 612(d) grants the right to any person to petition EPA to add a substance to or delete a substance from the lists published in accordance with section 612(c). The Agency has 90 days to grant or deny a petition. Where the Agency grants the petition, EPA must publish the revised lists within an additional 6 months.

90-day Notification—Section 612(e) requires EPA to notify any person who produces a chemical substitute for a class I substance to notify the Agency not less than 90 days before new or existing chemicals are introduced into interstate commerce for significant new uses as substitutes for a class I substance. The producer must also provide the Agency with the producer’s unpublished health and safety studies on such substitutes.

Outreach—Section 612(b)(1) states that the Administrator shall seek to maximize the use of federal research facilities and resources to assist users of class I and II substances in identifying and developing alternatives to the use of such substances in key commercial applications.

Clearinghouse—Section 612(b)(4) requires the Agency to set up a public clearinghouse of alternative chemicals, product substitutes, and alternative manufacturing processes that are available for products and manufacturing processes which use class I and II substances.

Regulatory History

On March 18, 1994, EPA published the Final Rulemaking (FRM) (59 FR 13044) which described the process for administering the SNAP program and issued EPA’s first acceptability lists for substances in the major industrial use sectors. These sectors include: refrigeration and air conditioning; foam blowing; solvent cleaning; fire suppression and explosion protection; sterilants; aerosols; adhesives, coatings and inks; and tobacco expansion. These sectors compose the principal industrial sectors that historically consumed the largest volumes of ozone-depleting compounds.

As described in the final rule for the SNAP program (59 FR 13044), EPA does not believe that rulemaking procedures are required to list alternatives as acceptable with no limitations. Such listings do not impose any sanction, nor do they remove any prior license to use a substance. Consequently, EPA is adding substances to the list of acceptable alternatives without first requesting comment on new listings. EPA does, however, believe that notice-and-comment rulemaking is required to place any substance on the list of prohibited substitutes, to list a substance as acceptable only under certain conditions, to list substances as acceptable only for certain uses, or to remove a substance from either the list of prohibited or acceptable substitutes. Updates to these lists are published as separate notices of rulemaking in the Federal Register.

The Agency defines a “substitute” as any chemical, product substitute, or alternative manufacturing process, whether existing or new, that could replace a class I or class II substance. Anyone who produces a substitute must provide the Agency with health and safety studies on the substitute at least 90 days before introducing it into interstate commerce for significant new use as an alternative. This requirement applies to substitute manufacturers, but may include importers, formulators or end-users, when they are responsible for introducing a substitute into commerce. EPA published Notices listing acceptable alternatives on August 26, 1994, and January 13, 1995, and published a Notice of Proposed Rulemaking restricting the use of certain substances on September 26, 1994.

II. Listing of Acceptable Substitutes

This section presents EPA’s most recent acceptable listing decisions for substitutes for class I substances in the following industrial sectors: refrigeration and air conditioning, foam blowing, fire suppression and explosion protection; sterilants. These decisions represent substitutes not previously reviewed and add to the lists of acceptable substitutes under SNAP. For copies of the full list, contact the EPA Stratospheric Protection Hotline at the number listed in Section IV of this Notice.

Parts A through C below present a detailed discussion of the substitute listing determinations by major use sector. Tables summarizing listing decisions in this Notice are in Appendix A. The comments contained in Appendix A provide additional information on a substitute, but like the listings themselves, are not regulatory in nature. Thus, adherence to recommendations in the comments are not mandatory for use of a substitute. In addition, the comments should not be considered comprehensive with respect to other legal obligations pertaining to the use of the substitute. However, EPA encourages users of acceptable substitutes to apply all comments to their use of these substitutes. In many instances, the comments simply allude to sound operating practices that have already been identified in existing industry and/or building-code standards. Thus, many of the comments, if adopted, would not require significant changes in existing operating practices for the affected industry.

A. Refrigeration and Air Conditioning

Please refer to the final SNAP rule for detailed information pertaining to the designation of end-uses, additional requirements imposed under sections 608 and 609, and other information related to the use of alternative refrigerants.

1. Acceptable

a. Volatile Methylsiloxanes.

OCTANE-METHYLSILASXANES and decaMethylCyclopentasiloxanes are acceptable as substitutes for CFC-11, CFC-12, CFC-113, CFC-114, and CFC-115 in new and retrofitted heat transfer systems. This class of compounds was reviewed under the risk screen for acceptable alternatives and was found acceptable. That end-use is generally more emissive than heat transfer uses. Thus, EPA anticipates that VMS will pose lower risk in this end-use.
b. Water. Water is acceptable as a substitute for CFC-11, CFC-12, CFC-113, CFC-114, and CFC-115 in new and retrofitted heat transfer systems.
c. Mineral Oil. Mineral oil is acceptable as a substitute for CFC-11, CFC-12, CFC-113, CFC-114, and CFC-115 in new and retrofitted heat transfer systems.
d. R-508. R-508, which contains HFC-23 and R-116, is acceptable as a substitute for CFC-13, R-1381, and R-503 in retrofitted and new industrial process refrigeration. Both components of this blend exhibit extremely high GWPs and long lifetimes. HFC-23 has a GWP of 9,000 and a lifetime of 200 years, and R-116, perfluorohexane, has a GWP of 9,000 and a lifetime of 10,000 years. EPA believes this blend could significantly contribute to global warming if allowed to escape refrigeration systems. In addition, the long lifetimes of R-116 and HFC-23 mean any global warming or other effects would be essentially irreversible.

While the current rule issued under section 608 of the CAA does not require recycling and recovery of this blend, or leak repair for systems using it, EPA strongly encourages users to anticipate future rulemakings with voluntary compliance. In particular, EPA urges users to reduce leakage and recover and recycle this blend during equipment
servicing and upon the retirement of equipment. This blend is nonflammable and does not deplete ozone.

e. Ammonia Absorption. Ammonia absorption is acceptable as an alternative technology to household refrigerators and freezers using CFC-12 as a refrigerant. This technology has been used for years in hotels, college dormitories, and other small spaces.

B. Fire Suppression and Explosion Protection

1. Acceptable

a. Total Flooding Agents. (1) Water Mist Using Potable Water or Natural Seawater. Water Mist Systems using Potable Water or Natural Seawater are acceptable as a Halon 1301 substitute. At EPA's request, manufacturers of water mist systems and other industry partners convened a medical panel to address questions posed by EPA concerning the potential physiological effects of inhaling very small water droplets in fire and non-fire scenarios. Disciplines represented on the panel included inhalation toxicology, pulmonary medicine, physiology, aerosol physics, fire toxicity, smoke dynamics, and chemistry, with members coming from the commercial, university and military sectors.

The Executive Summary (draft "Water Mist Fire Suppression Systems Health Hazard Evaluation") states: "The overall conclusion of the Health Panel's review is that ... water mist systems using pure water do not present a toxicological or physiological hazard and are safe for use in occupied areas. The Panel does not believe that additional studies are necessary to reach this conclusion. The Health Panel recommends that additives be evaluated on a case-by-case basis depending on the toxic properties of the additive and the concentration at which it is used."

EPA has determined that the panel's findings are credible and significant, and thus is adopting its conclusions as the basis to this ruling. In order to clarify the practical meaning of the panel's recommendation, EPA is defining "pure water" as either water that is potable (drinkable) or as natural seawater, that is, water coming from the sea. Thus, EPA is listing water mist systems composed of potable water and natural sea water as acceptable without restriction. However, water mist systems containing additives different than those in potable water, and water mist systems comprised of mixtures in solution, must be submitted to EPA for SNAP review on a case-by-case basis. At this time, no such submissions have been received by the agency.

(2) [Water Mist/Surfactant Blend] A. [Water Mist/Surfactant Blend] A is acceptable as a Halon 1301 substitute in normally unoccupied areas. Water mist systems with additives are beginning to be developed for use in applications such as the engine compartments of a variety of vehicles and in machinery spaces. Following the positive peer review of water mist particles, and considering the particular use in unoccupied areas, EPA is listing this agent as acceptable in such normally unoccupied areas. Consideration for use in occupied areas is pending a medical peer review panel.

b. Streaming Agents. (1) Water Mist Systems Using Potable Water or Natural Seawater. Water Mist systems using potable water or natural sea water are acceptable as a Halon 1211 substitute. See the discussion under "Total Flooding Agents," above.

C. Medical Sterilants

1. Acceptable

(a) Peroxyacetic Acid/Hydrogen Peroxide Gas Plasma Systems. Peroxyacetic Acid/Gas Plasma Systems are acceptable as a 12/88 substitute for medical sterilization. Peroacetic acid/hydrogen peroxide solutions are in wide use as sanitizers and disinfectants in food processing establishments and medical facilities. As they are currently manufactured, transported, and handled safely, incorporation of such solutions into medical sterilizing equipment should not pose increased risk of exposure either during value-added packaging or during use.

(b) Hydrogen Peroxide Gas Plasma Systems. Hydrogen Peroxide Gas Plasma Systems are acceptable as a 12/88 substitute for medical sterilization. Such systems are recognized by the Food and Drug Administration (FDA) as acceptable to proceed to market, and EPA has determined that they pose no unusual risk to human health or the environment.

III. Substitutes Pending Review

The Agency describes submissions as pending if data are incomplete or for which the 90-day review period is underway and EPA has not yet reached a final decision. For submissions that are incomplete, the Agency will contact the submitter to determine a schedule for providing the missing information if the Agency needs the 90-day review period. EPA will use its authority under section 114 of the Clean Air Act to gather this information, if necessary. Any delay of the review period does not affect a manufacturer's ability to sell a product 90 days after notification of the Agency. Substitutes currently pending completion of review are listed in Appendix A.

IV. Additional Information

Contact the Stratospheric Protection Hotline at 1–800–296–1996, Monday–Friday, between the hours of 10:00 a.m. and 4:00 p.m. (Eastern Standard Time) weekdays.

For more information on the Agency's process for administering the SNAP program or criteria for evaluation of substitutes, refer to the SNAP final rulemaking published in the Federal Register on March 18, 1994 (59 FR 13044). Federal Register notices can be ordered from the Government Printing Office Order Desk (202) 783–3238; the citation is the date of publication. This Notice can also be retrieved electronically from EPA's Technology Transfer Network (TTN), Clean Air Act Amendment Bulletin Board. If you have a 1200 or 2400 bps modem, dial (919) 541–5742. If you have a 9600 bps modem, dial (919) 541–1447. For assistance in accessing this service, call (919) 541–5384. Finally, this notice may be obtained on the World Wide Web at http://www.epa.gov/docs/Ozone/index.html.

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

Dated: July 18, 1995.

Mary D. Nichols,
Assistant Administrator.

Note: The following Appendix will not appear in the Code of Federal Regulations.
## Appendix A: Summary of Acceptable and Pending Decisions

### Refrigeration and Air Conditioning—Acceptable Substitutes

<table>
<thead>
<tr>
<th>End-use</th>
<th>Substitute</th>
<th>Decision</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>CFC–13, R–13B1, and R–503 Industrial Process Refrigeration and Very Low Temperature Refrigeration (Retrofit and New Equipment/NIKs)</td>
<td>Water ..</td>
<td>Acceptable.</td>
<td>EPA strongly recommends the containment and reclamation of this substitute.</td>
</tr>
<tr>
<td></td>
<td>R–508 ..</td>
<td>Acceptable.</td>
<td></td>
</tr>
</tbody>
</table>

### Refrigeration and Air Conditioning—Pending Decisions

<table>
<thead>
<tr>
<th>Application</th>
<th>Substitute</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>All CFC–12 End-Uses</td>
<td>Blend Zeta</td>
<td>EPA has requested additional data.</td>
</tr>
<tr>
<td>Heat Transfer</td>
<td>HCFC–225</td>
<td>MVAC refrigerants will be used in accordance with use conditions, which require full notice-and-comment rulemaking.</td>
</tr>
<tr>
<td>Motor Vehicle Air Conditioning</td>
<td>R–406A, HCFC Blend Delta</td>
<td></td>
</tr>
</tbody>
</table>

### Foam Blowing—Pending Substitutes

<table>
<thead>
<tr>
<th>End-use</th>
<th>Substitute</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>HCFCs, Polyurethane and Polysiocyanurate Laminated Boardstock Foam.</td>
<td>HFC–134a/HFC–143a Blend.</td>
<td></td>
</tr>
<tr>
<td>HCFCs, Rigid Polyurethane Appliance Foam ..</td>
<td>HFC–134a/HFC–143a Blend.</td>
<td></td>
</tr>
<tr>
<td>HCFCs, Rigid Polyurethane Slabstock and Other Foam.</td>
<td>HFC–134a/HFC–143a Blend.</td>
<td></td>
</tr>
<tr>
<td>HCFCs, Polyolefin Foams</td>
<td>HFC–134a/HFC–143a Blend.</td>
<td></td>
</tr>
<tr>
<td>HCFCs, Polyurethane Flexible Foams</td>
<td>HFC–134a/HFC–143a Blend.</td>
<td></td>
</tr>
<tr>
<td>HCFCs, Polyurethane Integral Skin</td>
<td>HFC–134a/HFC–143a Blend.</td>
<td></td>
</tr>
</tbody>
</table>

### Fire Suppression and Explosion Protection—Acceptable Substitutes

<table>
<thead>
<tr>
<th>End-use</th>
<th>Substitute</th>
<th>Decision</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Halon 1301</td>
<td>Water Mist Systems using Potable or Natural Sea Water.</td>
<td>Acceptable.</td>
<td></td>
</tr>
</tbody>
</table>

### Fire Suppression and Explosion Protection Pending Substitutes

<table>
<thead>
<tr>
<th>End-use</th>
<th>Substitute</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Halon 1211</td>
<td>CF4</td>
<td>Will be proposed acceptable in nonresidential applications in a forthcoming rulemaking.</td>
</tr>
<tr>
<td>Streaming Agents</td>
<td>HFC–227ea</td>
<td>Complete SNAP submission and personal monitoring data required.</td>
</tr>
<tr>
<td></td>
<td>[Water Mist/Surfactant Blend] A</td>
<td>Pending review by EPA</td>
</tr>
<tr>
<td></td>
<td>Water Mist with Additives</td>
<td>Must be individually submitted to EPA and reviewed on a case-by-case basis.</td>
</tr>
<tr>
<td>Halon 1301</td>
<td>[HFC Blend] A</td>
<td>Pending receipt of further data requested by the Agency.</td>
</tr>
<tr>
<td></td>
<td>IG–61 (formerly [Inert Gas Blend] C)</td>
<td></td>
</tr>
</tbody>
</table>


## Fire Suppression and Explosion Protection Pending Substitutes—Continued

<table>
<thead>
<tr>
<th>End-use</th>
<th>Substitute</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Water Mist Surfactant Blend] A .... Water Mist Systems with Additives</td>
<td></td>
<td>Pending peer review for use in normally occupied areas. Must be individually submitted to EPA and reviewed on a case-by-case basis. No submissions have been received to date.</td>
</tr>
</tbody>
</table>

## Solvent Cleaning—Pending Substitutes

<table>
<thead>
<tr>
<th>End-use</th>
<th>Substitute</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metals cleaning w/ CFC–113, MCF, and HCFC–141b.</td>
<td>HCFC–122</td>
<td>Agency is still reviewing ODP. This HCFC is a new chemical and must also complete Premanufacture Notice requirements under the Toxic Substances Control Act. SNAP/Premanufacture Notice review under the Toxic Substances Control Act nearly completed.</td>
</tr>
<tr>
<td></td>
<td>HFC–4310mee</td>
<td>Agency evaluating global warming concerns.</td>
</tr>
<tr>
<td></td>
<td>Perfluoropolyethers</td>
<td>Agency in process of evaluating global warming concerns.</td>
</tr>
<tr>
<td>Electronics cleaning w/ CFC–113, MCF and HCFC–141b.</td>
<td>Perfluorocarbons (C5F12, C6F12, C6F14, C7F16, C8F18, C5F11NO, C6F13NO, C7F15NO, and C8F16)</td>
<td></td>
</tr>
<tr>
<td><strong>Electronics cleaning w/ HCFC–141b.</strong></td>
<td>HCFC–122</td>
<td>Agency is still reviewing ODP. This HCFC is a new chemical and must also complete Premanufacture Notice requirements under the Toxic Substances Control Act. SNAP and Premanufacture Notice review under the Toxic Substances Control Act is nearly completed.</td>
</tr>
<tr>
<td></td>
<td>HFC–4310mee</td>
<td>EPA is completing a more detailed analysis on the range of ODP for this substitute and is reviewing updated information on the toxicity of this substitute.</td>
</tr>
<tr>
<td></td>
<td>Chlorobromomethane</td>
<td>Agency in process of evaluating global warming concerns.</td>
</tr>
<tr>
<td><strong>Precision cleaning w/ CFC–113, MCF.</strong></td>
<td>HCFC–122</td>
<td></td>
</tr>
<tr>
<td></td>
<td>HFC–4310mee</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Chlorobromomethane</td>
<td></td>
</tr>
<tr>
<td><strong>Precision cleaning w/ HCFC–141b</strong></td>
<td>Perfluorocarbons (C5F12, C6F12, C6F14, C7F16, C8F18, C5F11NO, C6F13NO, C7F15NO, and C8F16)</td>
<td></td>
</tr>
</tbody>
</table>

## Sterilants—Acceptable Substitutes

<table>
<thead>
<tr>
<th>End-use</th>
<th>Substitute</th>
<th>Decision</th>
<th>Comments</th>
</tr>
</thead>
</table>

## Sterilants—Pending Substitutes

<table>
<thead>
<tr>
<th>End-use</th>
<th>Substitute</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/88 CFC–12/Ethylene Oxide</td>
<td>HFC–125/EtO</td>
<td>Awaiting FIFRA registration.</td>
</tr>
<tr>
<td>Sterilants</td>
<td>HFC–227ea/EtO</td>
<td>Awaiting FIFRA registration.</td>
</tr>
</tbody>
</table>

## Aerosols—Pending Substitutes

<table>
<thead>
<tr>
<th>End-use</th>
<th>Substitute</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>CFC–11, HCFC–22, and HCFC–142b. CFC–113, MCF, HCFC–141b as solvents.</td>
<td>SF6</td>
<td>Review nearly completed; extremely high GWP is major consideration. Compressed gas a viable alternative. EPA evaluating feasibility of controlling occupational exposures during use. EPA evaluating feasibility of controlling occupational exposures during use. EPA evaluating global warming concerns.</td>
</tr>
<tr>
<td></td>
<td>HCFC–225</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Volatile methyl siloxanes</td>
<td>EPA evaluating feasibility of controlling occupational exposures during use.</td>
</tr>
<tr>
<td></td>
<td>Perfluoropolyethers</td>
<td>EPA evaluating global warming concerns.</td>
</tr>
</tbody>
</table>
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.


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.

46 CFR Part 202—Revision of Chart Regulations

Section 202.25, Revision of chart regulations, is being removed since it 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