

DEPARTMENT OF ENERGY**10 CFR Parts 475, 476, and 478****Removal of Obsolete Regulations**

AGENCY: Department of Energy.

ACTION: Direct final rule.

SUMMARY: The Department of Energy is amending the Code of Federal Regulations (CFR) to remove obsolete regulations relating to defunct programs of financial assistance for electric and hybrid vehicle research and methane transportation research. This action is being taken in furtherance of the President's Regulatory Reinvention Initiative to eliminate obsolete regulations and streamline existing rules.

EFFECTIVE DATE: This action is effective on January 16, 1996, unless significant adverse or critical comments are received by January 4, 1996. The Department will publish a timely notice in the Federal Register if comments are received that require the effective date to be suspended or delayed for any of the CFR parts included in this direct final rule.

FOR FURTHER INFORMATION CONTACT: Mr. Romulo L. Diaz, Jr., Director, Rulemaking Support, Office of the General Counsel, (GC-75), U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585, (202) 586-2902.

SUPPLEMENTARY INFORMATION: In furtherance of the President's Regulatory Reinvention Initiative, the Department of Energy is engaged in a continuing and comprehensive review of its regulatory program. As part of that review, the Department is removing from Title 10 of the CFR regulations for which statutory authority has expired or has been superseded by subsequent legislation, as well as regulations governing nonfunctioning and unfunded programs. Elimination of these regulations will not interfere with the Department's ongoing activities in the area of alternative fueled vehicles. On September 22, 1995, the Department published a final rule that eliminated numerous obsolete regulations from Title 10 of the CFR. 60 FR 49195. As a result of this and prior actions, the Department has reduced its pages in the CFR by 514 pages, or 71 percent of its goal of 726 pages.

Today's action will remove the following obsolete regulations:

10 CFR Part 475—Electric and Hybrid Vehicle Research, Development and Demonstration Program

The Electric and Hybrid Vehicle Research, Development and Demonstration Act of 1976, 15 U.S.C. 2501 et seq., authorized the Department to support research, development and demonstration of electric and hybrid vehicle technologies. Part 475 contains performance standards for electric vehicles which DOE developed for purposes of the demonstration program. The demonstration period extended, by law, through fiscal year 1986. 15 U.S.C. 2506(c)(3). Because the demonstration program has ended, these regulations are obsolete.

10 CFR Part 476—Electric and Hybrid Vehicle Research, Development and Demonstration Program Small Business Planning Grants

Section 9 of the Electric and Hybrid Vehicle Research, Development and Demonstration Act of 1976, 15 U.S.C. 2508(c)(2), authorized the Department to make grants to qualified small businesses that needed assistance in developing and submitting proposals for contracts. Part 476 contains regulations implementing the Act's provision for these small business planning grants. Congress has not appropriated funds for this program for the past 15 years. DOE does not expect the program to be revived.

10 CFR Part 478—Methane Transportation Research and Development; Review and Certification of Contracts, Grants, Cooperative Agreements and Projects

Part 478 provides procedures for grants, contracts, or cooperative agreements to support research and development for methane-fueled vehicles. The regulations implement section 4(d) of the Methane Transportation Research, Development, and Demonstration Act. 15 U.S.C. 3801 et seq. The Department has not requested, and Congress has not provided, funds for this program for many years. The Department has no plans to seek revival of this program, and it considers these regulations to be obsolete.

Rulemaking Analyses*Regulatory Planning and Review*

The elimination of obsolete regulations does not constitute a "significant regulatory action" as defined in section 3(f) of Executive Order 12866 (58 FR 51735); therefore, this rulemaking has not been reviewed by the Office of Information and

Regulatory Affairs of the Office of Management and Budget.

Federalism

The Department has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 12612, and has determined that there are no federalism implications that would warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

Given that the programs for which these regulations were promulgated are now inactive, the Department certifies that this rulemaking will not have a "significant economic impact on a substantial number of small entities."

National Environmental Policy Act

This rule amends Title 10 of the Code of Federal Regulations by removing regulations governing programs that are funded. This rulemaking will not change the environmental effect of the programs governed by the regulations being eliminated because the programs have been inactive for many years and have no current environmental effect. The Department has therefore determined that this rule is covered under the Categorical Exclusion found at paragraph A.5 of Appendix A to Subpart D, 10 CFR Part 1021, which applies to a rulemaking amending an existing regulation that does not change the environmental effect of the regulation being amended.

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.).

Direct Final Rulemaking

The Code of Federal Regulation parts being removed by this rule are regulations that involve programs for which there has not been an appropriation since the mid-1980's. It is unlikely that the President will request, or that Congress will again provide, an appropriation for these programs. In the absence of funding, retention of these regulations does not serve any useful purpose. Their removal will have no direct effect on any person and, therefore, this action is expected to be uncontroversial. Accordingly, the Department has determined, pursuant to 5 U.S.C. 553, that there is good cause to conclude that prior notice and opportunity for public comment is unnecessary and contrary to the public interest.

Nevertheless, in a separate document in this Federal Register publication, the Department is publishing a notice of proposed rulemaking to remove these regulations. If the Department receives significant adverse or critical comments, it will withdraw this action before the effective date by publishing a subsequent notice of withdrawal in the Federal Register. If significant adverse comments clearly apply only to removal of certain of the affected CFR parts, the Department will withdraw this action only for the parts that are the subject of adverse or critical comments. This action would become effective for the part or parts that were not the subject of such comments.

Any public comments received on the separate notice of proposed rulemaking,

which incorporates the substance of this action, will be addressed in a subsequent final rule. The Department will not institute a second comment period on this action. If no significant adverse or critical comments are received, this action will be effective January 16, 1996.

List of Subjects

10 CFR Part 475

Electric Power, Energy conservation, Motor vehicles, Research.

10 CFR Part 476

Electric power, Energy conservation, Grant programs-business, energy, Motor vehicles, Research, Small businesses.

10 CFR Part 478

Energy conservation, Government contracts, Methane, Motor vehicles, Natural gas, Research.

Issued in Washington, DC on November 29, 1995.

Robert R. Nordhaus,
General Counsel.

PARTS 475, 476, 478—[REMOVED]

For the reasons set forth in the preamble, under the authority of 42 U.S.C 7101, Title 10 of the Code of Federal Regulations is amended by removing parts 475, 476, and 478.

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