

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

1. The authority citation for part 205 is revised to read as follows:

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275 (88 Stat. 96; E.O. 11790, 39 FR 23185); 42 U.S.C. 7101 *et seq.*, unless otherwise noted.

2. Section 205.1 is revised to read as follows:

§ 205.1 Purpose and scope.

This part establishes the procedures to be utilized and identifies the sanctions that are available in proceedings before the Department of Energy and State Offices, in accordance with parts 209 through 214 of this chapter. Any exception, exemption, appeal, stay, modification, recession, redress or resolution of private grievance sought under the authority of 42 U.S.C. 7194 shall be governed by the procedural rules set forth in 10 CFR part 1003.

Subparts D, E, H, I, J and R [Removed]
3. Subparts D, E, H, I, J, and R of Part 205 are removed and reserved.

PART 1003—OFFICE OF HEARINGS AND APPEALS PROCEDURAL REGULATIONS

4. The authority citation for Section 1003 continues to read as follows:

Authority: 15 U.S.C. 761 *et seq.*; 42 U.S.C. 7101 *et seq.*

5. The last sentence of § 1003.1 is revised to read as follows:

§ 1003.1 Purpose and scope.

* * * These rules also do not apply to matters before the DOE Board of Contract Appeals or other procurement and financial assistance appeals boards, which are covered by their own rules.

6. The first sentence of § 1003.20(a) is revised to read as follows:

§ 1003.20 Purpose and scope.

(a) This subpart establishes the procedures for applying for an exception or exemption, as provided for in section 504 (42 U.S.C. 7194) of the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*), from a rule, regulation or DOE action having the effect of a rule as defined by 5 U.S.C. 551(4), based on an assertion of serious hardship, gross inequity or unfair distribution of burdens, and for consideration of such application by the OHA. * * *

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10 CFR Parts 205 and 463

Administrative Procedures and Sanctions; Annual Reports From States and Nonregulated Utilities on Progress in Considering the Ratemaking and Other Regulatory Standards Under the Public Utility Regulatory Policies Act of 1978; Removal of Unnecessary or Obsolete Regulations

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy is amending the Code of Federal Regulations (CFR) to remove unnecessary regulations. This action is being taken in response to the President's Regulatory Reform Initiative to eliminate unnecessary regulations and streamline existing rules.

EFFECTIVE DATE: August 5, 1996.

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, SW., Washington, DC 20585, (202) 586-2902.

SUPPLEMENTARY INFORMATION: In connection with the President's Regulatory Reinvention Initiative, the Department of Energy (Department or DOE) 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 those regulations for which statutory authority has expired or been superseded by subsequent legislation, those regulations that are no longer necessary to the agency's mission, as well as regulations governing unfunded and nonfunctioning programs. DOE removed obsolete regulations on September 22, 1995 (60 FR 49195) and December 5, 1995 (60 FR 62316).

The Department has identified the following regulations for removal:

10 CFR Part 205—Subpart L
Rulemaking

10 CFR Part 205—Subpart P
Investigations, Violations, Sanctions, and Judicial Actions

Part 205 establishes the procedures to be utilized and identifies the sanctions that are available in proceedings before the Department of Energy, in accordance with parts 209 through 214 concerning the pricing and allocation of crude oil. Parts 209 through 214 implement the provisions of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159, as amended) which expired in 1981. Subpart L establishes the procedures

that govern a rulemaking proceeding. Subpart P establishes procedures relating to investigations, violations, sanctions, and judicial actions. The Department has determined that subpart L and subpart P of part 205, which set forth procedures and sanctions that apply to crude oil regulation, are no longer necessary.

10 CFR Part 463—Annual Reports From States and Nonregulated Utilities on Progress in Considering the Ratemaking and Other Regulatory Standards Under the Public Utility Regulatory Policies Act of 1978

Part 463 was promulgated to implement sections 116 and 309 of the Public Utility Regulatory Policies Act of 1978 ("Act"), 16 U.S.C. 2626 and 15 U.S.C. 3209. Sections 116 and 309 required each State regulatory authority and nonregulated gas utility to submit annually a report to the Secretary of Energy on actions taken with respect to standards in the Act. The Act required these reports for a 10-year period, which expired at the end of 1989 (*see* 10 CFR § 463.3(a)). Because the authority for the reporting requirement has expired, this part is now obsolete.

Rulemaking Analyses

Regulatory Planning and Review

The elimination of unnecessary 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.

National Environmental Policy Act

This rule amends Title 10 of the Code of Federal Regulations by removing regulations that are unnecessary. This rulemaking will not change the environmental effect of the regulations being amended because the regulations 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.).

Final Rulemaking

As the foregoing discussion indicates, the Code of Federal Regulation subparts being removed are no longer necessary. 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.

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 et seq., directs agencies to prepare a regulatory flexibility analysis whenever an agency is required to publish a general notice of proposed rulemaking for a rule. As discussed above, the Department has determined, that prior notice and opportunity for public comment is unnecessary and contrary to the public interest. In accordance with 5 U.S.C. 604(a), no regulatory flexibility analysis has been prepared for today's rule.

Congressional Notification

The Small Business Regulatory Enforcement Fairness Act of 1996 requires agencies to report to Congress on the promulgation of certain rules prior to their effective dates. 5 U.S.C. 801. The Department is reporting today's rulemaking to Congress in accordance with 5 U.S.C. 801(a)(1)(A). The Office of Management and Budget has determined that this is not a major rule as defined in 5 U.S.C. 804(2)

List of Subjects

10 CFR Part 205

Administrative practice and procedure, Petroleum allocation, Petroleum price regulations.

10 CFR Part 463

Public utilities.

Issued in Washington, DC on June 28, 1996.

Robert R. Nordhaus,
General Counsel.

For the reasons set forth in the preamble, title 10 of the Code of Federal Regulations is amended as set forth below:

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

1. The authority citation for part 205 continues to read as follows:

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275 (88 Stat. 96; E.O. 11790, 39 FR 23185); 42 U.S.C. 7101 et seq., unless otherwise noted.

Subpart L and P—[Removed]

2. Subparts L (§§ 205.160–205.162) and P (§§ 205.200–205.204) of part 205 are removed.

PART 463—ANNUAL REPORTS FROM STATES AND NONREGULATED UTILITIES ON PROGRESS IN CONSIDERING THE RATEMAKING AND OTHER REGULATORY STANDARDS UNDER THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 [REMOVED]

3. Part 463 of 10 CFR is removed.

[FR Doc. 96-17116 Filed 7-3-96; 8:45 am]

BILLING CODE 6450-01-P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 367

RIN 3064-AB76

Suspension and Exclusion of Contractors and Termination of Contracts

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Interim final rule; request for comments.

SUMMARY: The Board of Directors of the Federal Deposit Insurance Corporation (FDIC or Corporation) is adopting an interim final rule concerning suspension and exclusion of FDIC contractors and termination of contracts. The interim final rule is adopted pursuant to section 12(f) (4) and (5) of the Federal Deposit Insurance Act (FDI Act), and the rule-making authority of the FDIC found at section 9 of the Act. Additional provisions implementing these statutory directives appear in the FDIC's regulation, as published in the Federal Register on June 6, 1996, governing contractor conflicts of interest and the requirements that FDIC contractors meet minimum standards of competence, experience, fitness and integrity. This interim final rule is a companion to the conflict of interest regulation in that it sets forth procedures for the suspension and/or

exclusion of contractors that have violated the conflicts of interest regulations (and hence, fail to meet minimum standards of fitness and integrity), or have otherwise acted in a manner warranting such action. In addition to FDIC contractors, this interim final rule also applies to subcontractors, key employees, management officials and affiliated business entities of FDIC contractors (all such terms are defined herein), and is designed to inform such contractors regarding their rights to notice and an opportunity to be heard on FDIC suspension and exclusion actions.

DATES: Effective date. This interim final rule is effective July 5, 1996.

Comment period date. Comments must be received on or before September 3, 1996.

ADDRESSES: Send written comments to Jerry L. Langley, Executive Secretary, FDIC, 550 17th Street, NW., Washington, DC 20429. Comments may be hand-delivered to room 400, 1776 F Street, NW., Washington, DC 20429 on business days between 8:30 a.m. and 5:00 p.m. (FAX number: (202) 898-3604; Internet: comments@FDIC.gov). Comments will be available for inspection and photocopying in the FDIC Public Information Center, room 100, 801 17th Street, NW., Washington, DC 20429, between 9:00 a.m. and 5:00 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Peter A. Ziebert, Counsel, Legal Division, (202) 736-0742; or Richard M. Handy, Assistant Executive Secretary (Ethics), Office of the Executive Secretary, (202) 898-7271.

SUPPLEMENTARY INFORMATION:

I. Background

This interim final rule sets forth standards and procedures governing suspension and exclusion of FDIC contractors, which includes subcontractors, management officials, key employees and affiliated business entities of such contractors, for violations of 12 CFR part 366, the FDIC's contractor conflict of interest regulation (61 FR 28725, June 6, 1996). This interim final rule also provides for the termination of awarded contracts of FDIC contractors. For the most part, this rule is modeled after the suspension and exclusion regulation used by the Resolution Trust Corporation (RTC) until RTC sunset on December 31, 1995, which had been codified at 12 CFR part 1618. This rule also bears similarity to the suspension and debarment procedures utilized by other federal entities, which have been developed after extensive public comment and