

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 32**

[FRL-5886-5]

Suspension, Debarment and Ineligibility for Contracts, Assistance, Loans and Benefits**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule; technical amendments.

SUMMARY: This rule makes certain technical amendments to the Environmental Protection Agency's rule governing suspension and debarment under nonprocurement programs (40 CFR Part 32), to reflect the Agency's internal reorganization of the Office of Administration and Resources Management (OARM) and the Office of Grants and Debarment (OGD).

EFFECTIVE DATE: September 8, 1997.

FOR MORE INFORMATION CONTACT: Robert F. Meunier, EPA Suspending and Debarment Official, (3901F), 401 M Street, S.W., Washington, DC 20460. Telephone: (202) 564-5399; or E-Mail to: meunier.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:**A. Background**

On October 1, 1995, the OARM and the OGD implemented plans of internal reorganization that, among other things, created the full-time position of the EPA Suspending and Debarment Official. Under that plan, the nonsupervisory suspension and debarment duties previously performed by the OGD Director were delegated to the Suspending and Debarment Official. Similarly, the appellate duties previously performed by the Assistant Administrator for OARM were delegated to the Director, OGD. The following rule changes are made to reflect those changes. In addition, a typographical error in the definition of the term "conviction" is corrected.

Rulemaking Analysis**B. Administrative Requirements**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action." However, it has been sent to the Office of Management and Budget for review for consistency with the OMB Common Rule. In addition, this rule will not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (P.L. 104-4), or require prior consultation with State officials as

specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the provisions of the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) The Paperwork Reduction Act does not apply because this rule does not contain information collection requirements for the approval of OMB under 44 U.S.C. 3501 *et seq.*

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

C. Public Comments

The EPA has not solicited public comments on this final rule.

List of Subjects in 40 CFR Part 32

Environmental protection, Administrative practice and procedure.

Dated: September 29, 1997.

Alvin M. Pesachowitz,

Acting Assistant Administrator, Office of Administration and Resources Management.

For the reasons set out in the preamble, 40 CFR Part 32 is amended as follows:

PART 32—[AMENDED]

1. The authority citation for part 32 continues to read as follows:

Authority: E.O. 701 *et seq.*; 12549; 42 U.S.C. *et seq.*; 7 U.S.C. 136 *et seq.*; 15 U.S.C. 2601 *et seq.*; 20 U.S.C. 4011 *et seq.*; 33 U.S.C. 1251 *et seq.*; 42 U.S.C. 300f, 4901, 6901, 7401, 9801 *et seq.*; E.O. 12689; E.O. 11738; Pub. L. 103-355 Sec. 2455.

§ 32.105 [Amended]

2. In § 32.105, the definition of "Conviction" is amended by removing the word "or" the first time it appears and adding in its place the word "of".

3. In § 32.105, the definition of "Debarment Official," is amended by removing paragraph (3).

4. In § 32.105, the definition of "Suspending Official," is amended by removing paragraph (3).

§ 32.335 [Amended]

5. In § 32.335, paragraph (a) is amended by removing the term

"Assistant Administrator for Administration and Resources Management" and adding in its place the term "Director, Office of Grants and Debarment". Paragraphs (a), (b), (c) and (d) are amended by removing the six references to the term "Assistant Administrator" and adding in their places the term "OGD Director".

§ 32.430 [Amended]

6. In § 32.430, paragraph (a) is amended by removing the term "Assistant Administrator for Administration and Resources Management" and adding in its place the term "Director, Office of Grants and Debarment". Paragraphs (a), (b), (c) and (d) are amended by removing the six references to the term "Assistant Administrator" and adding in their places the term "OGD Director".

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DEPARTMENT OF TRANSPORTATION**46 CFR Part 298**

[Docket No. R-171]

RIN 2133-AB31

Citizenship Requirements for Owners and Charterers of Vessels With Obligation Guarantees**AGENCY:** Maritime Administration, Department of Transportation.**ACTION:** Final rule.

SUMMARY: The Maritime Administration (MARAD) is amending its regulations at 46 CFR part 298 to conform with provisions contained in Pub. L. 104-239. These provisions eliminate certain U.S. citizenship requirements for participants in MARAD's obligation guarantee program ("Title XI program"). MARAD's citizenship requirements for participants in the Title XI program will be modified as follows: For vessels operating, or to be operated, in the U.S. foreign commerce, no proof of Section 2 citizenship is required; for eligible export vessels and general shipyard facilities, no proof of Section 2 citizenship is required; and for vessels to be operated in the domestic trade, the applicant and any bareboat charterer will be required to establish Section 2 citizenship by affidavit at the time of application only.

DATES: This rule is effective September 10, 1997.

FOR FURTHER INFORMATION CONTACT: Doris Lansberry, Office of the Chief Counsel, Telephone (202) 366-5712.