

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

Dated: July 19, 1995.

**Jack McGraw,**  
*Acting Regional Administrator.*

40 CFR part 81 is amended as follows:

**PART 81—[AMENDED]**

1. The authority citation for part 81 continues to read as follows:

**Authority:** 42 U.S.C. 7401-7671q.

2. In § 81.345 the table for Utah-PM-10 Nonattainment Areas is amended by adding an entry for Weber County to read as follows:

**§ 81.345 Utah.**  
\* \* \* \* \*

Designated area	Designation date	Designation type	Classification date	Classification type
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Ogden Area Weber County (part) city of Ogden.	September 26, 1995 .....	Nonattainment ....	September 26, 1995 .....	Moderate.
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *

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[FR Doc. 95-18520 Filed 7-27-95; 8:45 am]  
BILLING CODE 6560-50-P

**40 CFR Part 82**

[FRL-5266-4]

**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 expedite 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.

**EFFECTIVE DATE:** July 28, 1995.

**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 require 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 substitutes 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 substitutes 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. *Octamethylcyclotetrasiloxanes and decamethylcyclopentasiloxanes are acceptable as substitutes for CFC-11, CFC-12, CFC-113, CFC-114, CFC-115 in new and retrofitted heat transfer systems.* This class of compounds was reviewed under the risk screen for solvent cleaning 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.* Mineral oil has been used for decades as a heat transfer fluid. It is low in toxicity and poses no ozone depletion or global warming potentials. Note that local fire codes may contain requirements related to the use of mineral oil.

d. R-508. *R-508, which contains HFC-23 and R-116, is acceptable as a substitute for CFC-13, R-13B1, 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 280 years, and R-116, perfluoroethane, 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;" HARC, US Army, NFPA; March 1995) 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.* Peracetic acid/hydrogen peroxide solutions are in widespread 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 to extend 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

End-use	Substitute	Decision	Comments
CFC-11, CFC-12, CFC-113, CFC-114, CFC-115 Non-Mechanical Heat Transfer (Retrofit and New Equipment Designs/NIKs).	Volatile Methyl Siloxanes ..	Acceptable.	EPA strongly recommends the containment and reclamation of this substitute.
CFC-13, R-13B1, and R-503 Industrial Process Refrigeration and Very Low Temperature Refrigeration (Retrofit and New Equipment/NIKs).	Water .....	Acceptable.	
	Mineral Oil .....	Acceptable.	
	R-508 .....	Acceptable .....	
CFC-12 Household Refrigerators and Freezers, New Equipment/NIKs.	Ammonia absorption .....	Acceptable.	

REFRIGERATION AND AIR CONDITIONING—PENDING DECISIONS

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

FOAM BLOWING—PENDING SUBSTITUTES

End-use	Substitute	Comments
HCFCs, Polyurethane and Polyisocyanurate Laminated Boardstock Foam.	HFC-134a/HFC-143a Blend.	
HCFCs, Rigid Polyurethane Appliance Foam ..	HFC-134a/HFC-143a Blend.	
HCFCs, Rigid Polyurethane Commercial Refrigeration, Spray and Sandwich Panel Foam.	HFC-134a/HFC-143a Blend.	
HCFCs, Rigid Polyurethane Slabstock and Other Foam.	HFC-134a/HFC-143a Blend.	
HCFCs, Polyolefin Foams .....	HFC-134a/HFC-143a Blend.	
HCFCs, Polyurethane Flexible Foams .....	HFC-134a/HFC-143a Blend.	
HCFCs, Polyurethane Integral Skin .....	HFC-134a/HFC-143a Blend.	

FIRE SUPPRESSION AND EXPLOSION PROTECTION—ACCEPTABLE SUBSTITUTES

End-use	Substitute	Decision	Comments
Halon 1211, Streaming Agents .....	Water Mist Systems using Potable or Natural Sea Water.	Acceptable.	
Halon 1301 .....	Water Mist Systems using Potable or Natural Sea Water.	Acceptable.	
Total Flooding Agents .....	[Water Mist Surfactant Blend] A .....	Acceptable in Normally Unoccupied Areas.	

FIRE SUPPRESSION AND EXPLOSION PROTECTION PENDING SUBSTITUTES

End-use	Substitute	Comments
Halon 1211 .....	CF <sub>3</sub> I .....	Will be proposed acceptable in nonresidential applications in a forthcoming rulemaking.
Streaming Agents .....	HFC-227ea .....	Complete SNAP submission and personal monitoring data required.
	[Water Mist/Surfactant Blend] A .... Water Mist with Additives .....	Pending review by EPA Must be individually submitted to EPA and reviewed on a case-by-case basis.
Halon 1301 .....	[HFC Blend] A .....	Pending receipt of further data requested by the Agency.
Total Flooding Agents .....	IG-55 (formerly [Inert Gas Blend] B).	Proposed Acceptable (forthcoming).
	IG-01 (formerly [Inert Gas Blend] C).	Proposed Acceptable (forthcoming).

FIRE SUPPRESSION AND EXPLOSION PROTECTION PENDING SUBSTITUTES—Continued

End-use	Substitute	Comments
	[Water Mist Surfactant Blend] A .... Water Mist Systems with Additives	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.

SOLVENT CLEANING—PENDING SUBSTITUTES

End-use	Substitute	Comments
Metals cleaning w/ CFC-113, MCF, and HCFC-141b.	HCFC-122 .....	Agency is still reviewing ODP. This HCFC is a new chemical and must also complete Premanufacture Notice requirements under the Toxic Substances Control Act.
	HFC-4310mee .....	SNAP/Premanufacture Notice review under the Toxic Substances Control Act nearly completed.
Electronics cleaning w/ CFC-113, MCF and HCFC-141b.	Perfluoropolyethers .....	Agency evaluating global warming concerns.
Electronics cleaning w/ HCFC-141b.	Perfluorocarbons (C5F12, C6F12, C6F14, C7F16, C8F18, C5F11NO, C6F13NO, C7F15NO, and C8F16).	Agency in process of evaluating global warming concerns.
Precision cleaning w/ CFC-113, MCF.	HCFC-122 .....	Agency is still reviewing ODP. This HCFC is a new chemical and must also complete Premanufacture Notice requirements under the Toxic Substances Control Act.
	HFC-4310mee .....	SNAP and Premanufacture Notice review under the Toxic Substances Control Act is nearly completed.
	Chlorobromomethane .....	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.
Precision cleaning w/ HCFC-141b	Perfluorocarbons (C5F12, C6F12, C6F14, C7F16, C8F18, C5F11NO, C6F13NO, C7F15NO, and C8F16).	Agency in process of evaluating global warming concerns.

STERILANTS—ACCEPTABLE SUBSTITUTES

End-use	Substitute	Decision	Comments
12/88 CFC-12/Ethylene Oxide .....	Peroxyacetic Acid/Hydrogen Peroxide Gas Plasma Systems.	Acceptable.	
Sterilants .....	Hydrogen Peroxide Gas Plasma Systems.	Acceptable.	

STERILANTS—PENDING SUBSTITUTES

End-use	Substitute	Comments
12/88 CFC-12/Ethylene Oxide .....	HFC-125/EtO .....	Awaiting FIFRA registration.
Sterilants .....	HFC-227ea/EtO .....	Awaiting FIFRA registration.

AEROSOLS—PENDING SUBSTITUTES

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

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## 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