Rules and Regulations

Federal Register
Vol. 60, No. 184
Friday, September 22, 1995

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

[INS No. 1727–95]

RIN 1115–AE22

Adding Daytona, Florida and Memphis, Tennessee to the List of Ports of Entry Accepting Applications for Direct Transit Without Visa

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the Immigration and Naturalization Service (the Service) regulations by adding Daytona, Florida, and Memphis, Tennessee, to the list of ports of entry where, except for transit from one part of foreign contiguous territory to another part of the same territory, an alien must make application for admission to the United States for direct transit without visa. This change is necessary to accommodate the increase in international commerce serving Daytona, Florida, and Memphis, Tennessee.

EFFECTIVE DATE: September 22, 1995.

FOR FURTHER INFORMATION CONTACT: Robert F. Hutnick, Assistant Chief Inspector, Immigration and Naturalization Service, 425 I Street, NW., Room 7228, Washington, DC 20536, telephone number (202) 616–7499.

SUPPLEMENTARY INFORMATION: This final rule adds Daytona, Florida, and Memphis, Tennessee, to 8 CFR 214.2(c)(1) as ports of entry where, except for transit from one part of foreign contiguous territory to another part of the same territory, application for direct transit without visa must be made. The Daytona Beach International Airport in Daytona, Florida, will be adding additional international passenger service, specifically arrivals transiting between Frankfurt, Germany, and San Andrés, Colombia. The Memphis International Airport in Memphis, Tennessee, has added international passenger service which will be arriving from Amsterdam, The Netherlands, transiting to Canada, Mexico, and the Caribbean. By allowing these airports to accept applications for direct transit without visa, both Daytona and Memphis will be able to accommodate these transit air passengers.

The Service's implementation of this rule as a final rule is based on the ''good cause'' exception found at 5 U.S.C. 553(d)(3). The reasons and necessity for immediate implementation are as follows: This rule is necessary to accommodate the increase in international carriers serving Daytona, Florida, and Memphis, Tennessee, and to facilitate travel for the public.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule merely allows the Daytona, Florida, and the Memphis, Tennessee, airports to accommodate international passengers by providing authority to accept applications for direct transit without visa. This rule with facilitate travel for the public.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 12612

The regulation proposed herein will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 8 CFR Part 214

Administrative practice and procedure, Aliens, Passports and Visas.

Accordingly, part 214 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 214—NONIMMIGRANT CLASSES

1. The authority citation for part 214 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1182, 1184, 1186a, 1187, 1221, 1281, 1282; 8 CFR part 2.

§ 214.2 [Amended]

2. In § 214.2, paragraph (c)(1) is amended, in the fourth sentence, by adding ''Daytona, FL,'' immediately after ''Dallas, TX,'' and by adding ''Memphis, TN,'' immediately after ''Los Angeles, CA,'' to the listing of ports of entry authorized to accept direct transit without visa applications.

Dated: September 13, 1995.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 95–23500 Filed 9–21–95; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF ENERGY

10 CFR Parts 210, 211, 212, 303, 305, 459, 465, 730, 761, 762, 763, 790, 791, 792, 794, 796, 797, 798, 799, and 1020

Removal of Obsolete Regulations

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy is amending the Code of Federal Regulations (CFR) to remove obsolete regulations. This action is being taken in response to the President's Regulatory Reform Initiative to eliminate obsolete regulations and streamline existing rules. The Department has targeted 33 percent of all CFR pages for elimination, and has now completed the elimination of 21 percent of all such pages.

EFFECTIVE DATE: October 23, 1995.

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 is engaged in a continuing and comprehensive review of its regulatory program. As part of that in depth 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, as well as regulations governing nonfunctioning and unfunded programs.

Several of the regulations being eliminated with this notice were included in the Department's November 14, 1994, Notice of Inquiry (59 FR 56421) seeking public input concerning specific regulations targeted for modification or elimination. No comments were received concerning the Notice of Inquiry.

Since the publication of the Notice of Inquiry, the Department expanded the number of regulations identified as obsolete and has included them in this notice for removal from the CFR.

The Department has reviewed all of its regulations and has identified obsolete regulations for removal as follows:

10 CFR Parts 210, 211 and 212—Mandatory Petroleum Price and Allocation Regulations

The Emergency Petroleum Allocation Act of 1973 (P.L. 93–159, as amended), authorizing the regulation of the allocation and pricing of crude oil and petroleum products, expired in 1981. The Department is eliminating the following sections from 10 CFR: 210.61, Part 211 (including Appendix A), 212.10, 212.126–7, and Appendix A to Part 212. Also being removed are Department of Energy Rulings 1974–1 through 1984–1 in Chapter II, Subchapter A which relate to the application of petroleum price and allocation regulations.

10 CFR Parts 303 and 305—Coal Utilization Program

The Energy Supply and Environmental Coordination Act of 1974 (ESECA), (P.L. 93–319), authorized the Federal Energy Administration (one of the Department's predecessor agencies) to require existing and new powerplants and major fuel burning facilities to burn coal rather than natural gas or petroleum products as their primary energy source. The regulations at 10 CFR Parts 303 and 305 establish the procedures and sanctions for ESECA's coal utilization program.

The Department's authority to issue orders and operate the ESECA coal utilization program was superseded by passage of the Powerplant and Industrial Fuel Use Act of 1978, (P.L. 100–42). Elimination of these regulations will not affect the recipients of prior ESECA orders. Should any existing orders require modification or recision, other administrative procedures within the Department will be utilized.

10 CFR Part 459—Residential Energy Efficiency Program

This part sets forth the procedures for awarding and administering financial assistance under the Residential Energy Efficiency Program. Authority for this program expired on June 30, 1989, (P.L. 99–412, § 105).

10 CFR Part 465—Energy Extension Service

Authority for the Energy Extension Service was repealed on October 24, 1992, (P.L. 102–486, Title I, § 143(a)).

10 CFR Part 730—Unusual Volumes Allocation Petition Procedure

The Low-Level Radioactive Waste Policy Amendments Act of 1985, (P.L. 99–240), included provisions regulating access by waste generators to commercially-operated, low-level radioactive waste disposal facilities between January 1, 1985, and December 31, 1992, known as the ''interim access period.'' With the expiration of the interim access period, this regulation no longer serves any useful purpose.

10 CFR Parts 761, 762, and 763—Uranium Regulations

For the years 1983 to 1992, the Department was required to report annually to the Congress and the President on the viability of the domestic uranium mining and milling industry, (P.L. 97–415, § 23). Specific criteria to be assessed in these annual reports were established in Part 761. Although the Energy Policy Act of 1992 (EPAct) requires the Department to report annually on the domestic uranium industry, the criteria in Part 761 do not apply to the Department's current reporting requirement, (P.L. 102–486, Title X).

Part 762 established the terms and condition under which the Department offered uranium enrichment services to its civilian customers. Part 763 determined how the Department would assess late payment charges for uranium enrichment services. The statutory authority for these regulations was superseded by the passage of EPAct, which, among other things, transferred the uranium enrichment function from the Department to the United States Enrichment Corporation.

10 CFR Part 790—The Geothermal Loan Guaranty Program

Authority for this program was granted on a year-to-year basis. Congress last authorized the issuing of loan guarantees for the commercial development of geothermal resources in 1981 and is unlikely to reinstate the program.

10 CFR Part 791—Electric and Hybrid Vehicle Research, Development, Demonstration, and Product Loan Guarantees

Authority for issuing loan guarantees to qualified borrowers for research, development, and production of electric and hybrid vehicles and components expired in September 1983, (P.L. 94–413, § 10).

10 CFR Part 792—Loans for Reservoir Confirmation Projects

Authority for issuing loan guarantees to finance the exploration and confirmation of geothermal reservoirs expired on September 30, 1986, (P.L. 96–294, § 614).

10 CFR Part 794—Loans for Development of Wind Energy Systems and Small Hydroelectric Power Projects

Authority for issuing loans for the development of wind energy projects expired September 30, 1988, (P.L. 96–345). Authority for issuing loans for the development of small hydroelectric power projects expired on September 30, 1980, (P.L. 95–617).

10 CFR Part 796—Federal Loan Guarantees for Alternative Fuel Demonstration Facilities

Authority for this program was granted on a year-to-year basis. The Congress last authorized the issuing of loan guarantees for alternative fuels demonstration facilities in 1982 and is unlikely to reinstate the program.

10 CFR Part 797—Loans for Small Hydroelectric Power Project Feasibility Studies and Related Licensing

No funds for this loan guarantee program were appropriated after 1981.

10 CFR Part 798—Urban Wastes Demonstration Facilities Loan Guarantee Program

Authority for issuing loan guarantees for urban wastes demonstration facilities expired September 30, 1984, (P.L. 96–294).

10 CFR Part 799—Loans Guarantees for Alcohol Fuels, Biomass Energy and Municipal Waste Projects

Authority for issuing loan guarantees for alcohol fuels, biomass energy and municipal waste projects expired September 30, 1984, (P.L. 96–294).

10 CFR Part 1020—Grand Junction Remedial Action Criteria

The regulation sets forth criteria for remediating certain properties in Grand Junction, Colorado, that were contaminated with uranium mill tailings. P.L. 92–314 authorized the cleanup of such properties, upon application of the affected property owners before June 16, 1980. The Grand Junction remedial action program under this law ended in 1987.

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

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 for which statutory authority has expired or been superseded by subsequent legislation, as well as regulations governing nonfunctioning and unfunded programs. This rulemaking will not change the environmental effect of the regulations being amended because they are already obsolete regulations which 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, most of the Code of Federal Regulation parts being removed are based on statutory authorities that have expired, been executed or been superseded. The remainder of the regulations being removed involve loan or loan guarantee authorities for which there has not been an appropriation since the early 1980's. Although these statutory authorities have not expired technically, the regulations are dormant because there is no reason to expect that the President will request, or that Congress will again provide, an appropriation. In the Department's view, retention of dormant regulations could not serve any useful purpose. 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.

List of Subjects

10 CFR Part 210

Petroleum allocation, Petroleum price regulations.

10 CFR Part 211

Oil Imports, Petroleum allocation, Reporting and recordkeeping requirements.

10 CFR Part 212

Petroleum price regulations, Reporting and recordkeeping requirements.

10 CFR Part 303

Administrative Practice and Procedure, Air pollution control, Coal Conversion program, Investigations, Penalties.

10 CFR Part 305

Coal conversion program, electric power plants, energy conservation, environmental impact statements.

10 CFR Part 459

Energy conservation, Grant programs—energy, Housing

10 CFR Part 465

Administrative Practice and Procedure, Energy conservation, Grant programs, Reporting and recordkeeping requirements, Small businesses, Technical assistance.

10 CFR Part 730

Hazardous waste, Nuclear Power Plants and reactors.

10 CFR Part 761

Public lands—mineral resources, Reporting and Recordkeeping requirements, Uranium.

10 CFR Part 762

Nuclear materials, Uranium.

10 CFR Part 763

Nuclear materials, Uranium.

10 CFR Part 790

Geothermal energy, Loan programs—energy, Research.

10 CFR Part 791

Electric power, Energy conservation, Loan programs—energy, Motor vehicles, Research, Small businesses.

10 CFR Part 792

Geothermal energy, Loan programs—energy.

10 CFR Part 794

Electric power, Energy conservation, Loan programs—energy.

10 CFR Part 796

Administrative practice and procedure, Coal conversion program, Energy conservation, Grant programs—housing and community development, Loan Programs—energy, Petroleum, Reporting and Recordkeeping requirements, Research.

10 CFR Part 797

Electric power, Loan programs—energy, Reporting and recordkeeping requirements, research.

10 CFR Part 798

Energy, Loan programs—energy, Waste treatment and disposal.

10 CFR Part 799

Administrative practice and procedure, Alcohol and alcoholic beverages, Energy conservation, Loan programs—energy, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 1020

Radiation Protection, Uranium.

Issued in Washington, DC on September 18, 1995.

Robert R. Nordhaus,

General Counsel.

For the reasons set forth in the preamble, under the authority of 42

U.S.C. 7101, Chapter II, III, and X of title 10 of the Code of Federal Regulations are amended by removing parts 211, 303, 305, 459, 465, 730, 761, 762, 763, 790, 791, 792, 794, 796, 797, 798, 799, and 1020.

Title 10 of the Code of Federal Regulations is further amended as follows:

PART 210—GENERAL ALLOCATION AND PRICE RULES

1. The authority citation for part 210 continues to read as follows:

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, EO 11748, 38 FR 33577; Economic Stabilization Act of 1970, as amended, Pub L. 92–210, 85 Stat. 743; Pub L. 93–28, 87 Stat. 27; E.O. 11748, 38 FR 33575; Cost of Living Council Order Number 47; 39 FR 24.

Subpart D [Removed]

2. Subpart D, which includes § 210.61, of part 210 is removed.

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

3. The authority citation for Part 212 continues to read as follows:

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, EO 11748, 38 FR 33577; Economic Stabilization Act of 1970, as amended, Pub L. 92–210, 85 Stat. 743; Pub L. 93–28, 87 Stat. 27; E.O. 11748, 38 FR 33575; Cost of Living Council Order Number 47; 39 FR 24.

Subpart A, Subpart I, Appendix A to Part 212—[Removed]

4. Subpart A, which consists of § 212.10, Subpart I, which consists of §§ 212.126 and 212.127, and Appendix A to Part 212 are removed.

Appendix A to Subchapter A—DOE Rulings [Removed]

5. 10 CFR Chapter II, Subchapter A—Oil, is amended by removing Appendix A to Subchapter A—DOE Rulings.

[FR Doc. 95–23567 Filed 9–21–95; 8:45 am]
BILLING CODE 6450–01–P

FEDERAL HOUSING FINANCE BOARD

12 CFR Parts 900 and 922

[No. 95–23]

Revision of Board of Directors Reporting Requirements

AGENCY: Federal Housing Finance Board.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Board is amending its regulation on Board of Directors Responsibilities and Conduct to eliminate the required submission of Form FB–1, the Personal Certification and Disclosure Form, and the certification and disclosure requirements applicable to the four Federal Housing Finance Board Directors appointed by the President upon appointment and annually thereafter, in order to avoid duplicative and burdensome reporting requirements.

EFFECTIVE DATE: This final rule is effective on September 22, 1995.

FOR FURTHER INFORMATION CONTACT: David A. Guy, Associate General Counsel, Office of General Counsel, (202) 408–2536, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Background

As a result of an ongoing internal review of its regulations, the Federal Housing Finance Board (Board) has identified the certification and disclosure requirements applicable to the four Board Directors appointed by the President, by and with the advice of the Senate (appointed Board Directors), *see* 12 U.S.C. 1422a(b)(1)(B), upon appointment and annually thereafter, *see* 12 CFR 922.6(a), (c), and the use of Form FB–1, *see id.* §§ 922.7, 900.51, as unnecessarily burdensome and duplicative. Accordingly, the Board intends to eliminate Form FB–1 and the certification and disclosure requirements.

Currently, under § 922.6 of the Board's regulations, each appointed Board Director, upon appointment and annually thereafter, must certify in writing to the Board's designated agency ethics official (DAEO) on Form FB–1, that he or she meets all of the requirements for appointment mandated by the Federal Home Loan Bank Act (Bank Act) and part 922, and, further, must disclose in writing to the DAEO on Form FB–1, certain financial relationships with any member of any Federal Home Loan Bank (FHLBank). *See id.* § 922.6(a), (c).

Both the Bank Act and part 922 of the Board's regulations require that appointed Board Directors be citizens of the United States, *see* 12 U.S.C. 1422a(b)(1)(B), 12 CFR 922.2(a), and prohibit appointed Board Directors from serving as a director or officer of any FHLBank or any member of any FHLBank, or holding shares of, or any other financial interest in, any member of any FHLBank. *See* 12 U.S.C. 1422a(b)(2)(C), 12 CFR 922.3. In addition to the duty of an appointed Board Director to comply with the law, Part 922 imposes on each appointed Board Director an affirmative obligation to obey the regulations and policies established by the Board. *See* 12 CFR 922.2(b). The additional requirement that appointed Board Directors certify their compliance with the mandatory conditions for appointment is unnecessarily burdensome.

The financial disclosures required of appointed Board Directors under part 922 also are unnecessarily burdensome and duplicative. Under the Ethics in Government Act of 1978, as amended, 5 U.S.C. App. 101, *et seq.*, and the implementing regulations promulgated by the Office of Government Ethics (OGE), 5 CFR Part 2634, appointed Board Directors already are required to disclose, as a part of the Senate confirmation process and annually thereafter in writing to the DAEO and the OGE, detailed information regarding their financial interests, including the information required to be reported to the DAEO on Form FB–1. *See* 5 U.S.C. App. 101(c), 5 CFR 2634.201, 2634.202. In fact, the financial disclosures required by the OGE are more exacting than the financial disclosures required under part 922.

Part 922 also requires that, if an appointed Board Director knows or suspects at any time that he or she does not meet any of the statutory or regulatory requirements for appointment, he or she must report the specific factual basis for noncompliance to the DAEO in writing on Form FB–1 within 30 days of the date noncompliance did or may have occurred. *See* 12 CFR 922.6(b). Because contemporaneous disclosure of known or suspected noncompliance is not otherwise required, the Board will retain this written disclosure requirement, although it will no longer require that appointed Board Directors report the noncompliance on Form FB–1. Further, the phrase ''suspected noncompliance'' is being substituted for the phrase ''should have known of the noncompliance'' in 12 CFR 922.6(b) because it forms a more reasonable basis for a report of this kind.

II. Analysis of the Final Rule

Since the certification and disclosure requirements applicable to appointed Board Directors upon appointment and annually thereafter, and the use of Form FB–1 currently required by § 922.6(a) and (c), and § 922.7 of the Board's regulations, are unnecessarily burdensome and duplicative for the reasons stated in part I of the Supplementary Information, repeal of these sections is appropriate.