

## DEPARTMENT OF TRANSPORTATION

## Maritime Administration

## 46 CFR Part 201

[Docket No. MARAD-98-3511]

RIN 2133-AB33

Removal of Obsolete Regulations;  
Revisions Removing Obsolete  
ReferencesAGENCY: Maritime Administration,  
Department of Transportation.

ACTION: Final rule.

**SUMMARY:** In connection with the review, by the Maritime Administration (MARAD), pursuant to the President's ongoing Regulatory Reinvention Initiative, certain regulations relating to agency practice and procedure have been identified for updating or for removal. The identified regulations in 46 CFR Charter II, or portions thereof, are obsolete and noncontroversial.

EFFECTIVE DATE: February 24, 1998.

**FOR FURTHER INFORMATION CONTACT:** Joel C. Richard, Secretary, Maritime Administration, Telephone No. (202) 366-5746.

**SUPPLEMENTARY INFORMATION:** The ongoing regulatory review of all agency regulations in force has identified certain MARAD regulations as being in need of either elimination or of revision. Obsolete regulations for removal or for revision by part, subpart, section or portion of a section include the following:

## 46 CFR Part 201—Rules of Practice and Procedure

*Section 201.1.* Mailing address; hours, is being revised since the address has changed. In the last sentence of this section "in room 7300" is being revised to "room 7210".

*Section 201.21.* Persons not attorneys at law, is being removed since it covers practice in MARAD proceedings by practitioners other than attorneys, who have actually never represented parties in these proceedings.

*Section 201.85.* Commencement of functions of Office of Hearing Examiners, is being revised in orders to make the terms consistent with the Department's nomenclature.

*Section 201.86.* Presiding Officer, was unintentionally removed, and is being restored revised consistent within the Department's nomenclature.

*Section 201.87.* Authority of Presiding Officer, is being revised consistent with the Department's nomenclature.

*Subpart U—Charges for Orders, Notices, Rulings, Decisions,* is being removed since this subpart concerns fees that are covered by the Department's Freedom of Information Act regulations at 49 CFR Part 7, Subpart I—Fees.

## 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 certified 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 approval under 5 CFR Part 1320, pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). The Maritime Administration has determined this rulemaking contains no unfunded mandates.

## List of Subjects in 46 CFR Part 201

Administrative practice and procedure.

Accordingly, for the reasons set forth, 46 CFR Part 201 is amended as set forth below:

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

**Authority:** 46 App. U.S.C. 1114(b); 49 CFR 1.66 and 1.69.

## § 201.2 [Amended]

2. Section 201.2 Mailing Address; hours, is amended in the last sentence by removing room number "7300" and adding "7210" in its place.

## § 201.21 [Removed and Reserved]

3. Section 201.21 is removed and reserved.

## § 201.85 [Amended]

4. Section 201.85 Commencement of functions of Office of Hearing Examiners, is amended in the heading and in the text by removing "Office of Hearing Examiners", and adding "Department of Transportation Office of Hearings" in its place.

## § 201.87 [Amended]

5. Section 201.87 Authority of Presiding Officer, is amended in the last sentence by removing "Chief Hearing Examiner" and adding "Chief Administrative Law Judge" in its place.

6. Section 201.86 is added to read as follows:

## § 201.86 Presiding Officer.

An Administrative Law Judge in the Department of Transportation Office of Hearings will be designated by the Department's Chief Administrative Law Judge to preside at hearings required by statute, or directed to be held under the Administration's discretionary authority in hearings not required by statute, in rotation so far as practicable, unless the Administration shall designate one or more of its officials to serve as presiding

officer(s) in hearings required by statute, or member(s) of the staff in proceedings not required by statute.

#### Subpart U—[Removed]

7. In part 201, Subpart U—Charges for Orders, Notices, Rulings, Decisions, is removed.

Dated: February 18, 1998.

By Order of the Maritime Administration.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 98-4505 Filed 2-23-98; 8:45 am]

BILLING CODE 4910-81-P

## DEPARTMENT OF AGRICULTURE

### Office of Procurement and Property Management

#### 48 CFR Chapter 4

#### Use of Direct Final Rulemaking

**AGENCY:** Office of Procurement and Property Management, USDA.

**ACTION:** Policy Statement.

**SUMMARY:** The Office of Procurement and Property Management (OPPM) publishes rules governing USDA acquisition in 48 CFR chapter 4. OPPM also has proposed adding 7 CFR chapter XXXII to publish rules governing personal property management (63 FR 3481-3483, January 23, 1998). OPPM is implementing a new rulemaking procedure to expedite making noncontroversial changes to its regulations. Rules that the agency judges to be non-controversial and unlikely to result in adverse comments will be published as "direct final" rules. ("Adverse comments" are comments that suggest that a rule should not be adopted or suggest that a change should be made to the rule.) Each direct final rule will advise the public that no adverse comments are anticipated, and that unless written adverse comments or written notice of intent to submit adverse comments are received within 30 days, the revision made by the rule will be effective 60 days from the date the direct final rule is published in the **Federal Register**. This new policy should expedite the promulgation of routine or otherwise noncontroversial rules by reducing the time that would be required to develop, review, clear, and publish separate proposed and final rules.

**EFFECTIVE DATE:** February 24, 1998.

**FOR FURTHER INFORMATION CONTACT:** Joseph J. Daragan, U.S. Department of Agriculture, Office of Procurement and Property Management, Procurement

Policy Division, STOP 9303, 1400 Independence Avenue SW, Washington, DC 20250-9303, telephone (202) 720-5729.

**SUPPLEMENTARY INFORMATION:** OPPM is committed to improving the efficiency of its regulatory process. In pursuit of this goal, we plan to employ the rulemaking procedure known as "direct final rulemaking" to promulgate some of OPPM's rules.

#### OPPM Regulations

OPPM promulgates USDA-wide policies, standards, techniques and procedures pertaining to procurement (acquisition), property management, disaster management, and coordination of emergency programs. To accomplish this function, OPPM may publish rules governing USDA acquisition in 48 CFR chapter 4. In a notice of proposed rulemaking (63 FR 3481-3483, January 23, 1998) OPPM proposed to publish rules governing personal property management by adding 7 CFR chapter XXXII.

#### The Direct Final Rule Process

Rules that OPPM judges to be noncontroversial and unlikely to result in adverse comments will be published as direct final rules. Each direct final rule will advise the public that no adverse comments are anticipated, and that unless written adverse comments or written notice of intent to submit adverse comments are received within 30 days, the revision made by the direct final rule will be effective 60 days from the date the direct final rule is published in the **Federal Register**.

"Adverse comments" are comments that suggest that the rule should not be adopted, or that suggest that a change should be made to the rule. A comment expressing support for the rule as published will not be considered adverse. Further, a comment suggesting that requirements in the rule should, or should not, be employed by OPPM in other programs or situations outside the scope of the direct final rule will not be considered adverse.

In accordance with the rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 553), the direct final rulemaking procedure gives the public general notice of OPPM's intent to adopt a rule, and gives interested persons an opportunity to participate in the rulemaking through submission of comments. The major feature of direct final rulemaking is that if OPPM receives no written adverse comments and no written notice of intent to submit adverse comments within 30 days of the publication of the direct final rule, the rule will become effective without the

need to publish a separate final rule. However, OPPM will publish a notice in the **Federal Register** stating that no adverse comments were received regarding the direct final rule, and confirming that the direct final rule is effective on the date stated in the direct final rule.

If OPPM receives written adverse comments or written notice of intent to submit adverse comments within 30 days of the publication of a direct final rule, a notice of withdrawal of the direct final rule will be published in the **Federal Register**. If OPPM intends to proceed with the rulemaking, the direct final rule will be republished as a proposed rule and we will proceed with the normal notice-and-comment rulemaking procedures.

#### Determining When to Use Direct Final Rulemaking

Not all OPPM rules are good candidates for direct final rulemaking. OPPM intends to use the direct final rulemaking procedure only for rules that we consider to be non-controversial and unlikely to generate adverse comments. The decision to use direct final rulemaking for a rule will be based on OPPM's experience with similar rules.

#### Electronic Access Address

You may request additional information by sending electronic mail (E-mail) to JDARAGAN@USDA.GOV, or via fax at (202) 720-8972.

Done in Washington, D.C., this 7th day of January, 1998.

W.R. Ashworth,

Director, Office of Procurement and Property Management.

[FR Doc. 98-919 Filed 2-23-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 970930235-8028-02; I.D. 021798E]

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Fishery Openings

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Opening of Fisheries.