

documentary and other evidence essential to establish the claimed citizenship, such as birth, adoption, marriage, death, and divorce certificates. Applicants will be notified, in writing, of the date and time to appear for an interview. If an applicant fails to appear for a required interview without good cause, the application will not be approved and may be denied. Upon completion of the interview, if all requirements are met, the applicant will be required to take the oath of allegiance, as prescribed under 8 CFR part 337, and will be issued a certificate of citizenship.

A person who currently resides abroad and is eligible for citizenship under section 301(h) may proceed to a United States embassy or consulate for an interview under oath concerning his or her claim of citizenship, in accordance with such regulations as may be prescribed by the Secretary of State.

The Service's implementation of this rule as an interim rule, with provisions for post-promulgation public comment, is based upon the "good cause" exceptions found at 5 U.S.C. 553(b)(B) and (d)(3). The reason for immediate implementation of this interim rule is as follows: This rule provides a benefit to the public by ensuring that all women receive equal treatment under laws relating to nationality.

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 the rule will not have a significant economic effect on a substantial number of small entities because of the following factors. This interim rule establishes procedures for certain United States citizen women to confer citizenship on their children born outside of the United States before May 24, 1934. The affected parties are not small entities, and the effect of the regulation is not an economic one.

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

This regulation 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.

Paperwork Reduction Act

The information collection requirements contained in this rule have been cleared by the Office of Management and Budget under the provisions of the Paperwork Reduction Act. The clearance number for this collection is contained in 8 CFR part 299.5, Display of Control Numbers.

List of Subjects in 8 CFR Part 301

Citizenship and naturalization, Reporting and recordkeeping requirements.

Accordingly, chapter I of title 8 of the Code of Federal Regulations is amended by adding a new part 301 to subchapter C to read as follows:

PART 301—NATIONALS AND CITIZENS OF THE UNITED STATES AT BIRTH

Sec.

301.0 Procedures.

Authority: 8 U.S.C. 1103, 1401; 8 CFR part 2.

§ 301.1 Procedures.

(a) *Application.* (1) A person residing in the United States who desires to become a United States citizen pursuant to section 301(h) of the Act shall submit an application on Form N-600, Application for Certificate of Citizenship, as provided in 8 CFR part 341. Such application shall be filed with the Service office having jurisdiction over the applicant's place of residence, or with such other Service office as the Commissioner may designate. It must be accompanied by the fee specified in 8 CFR 103.7(b)(1). The application also must be accompanied by supporting documentary and other evidence essential to establish the claimed citizenship, such as birth, adoption, marriage, death, and divorce certificates. The applicant will be notified in writing when and where to appear before a Service officer for examination on his or her application.

(2) A person residing outside of the United States who desires to become a United States citizen under subsection 301(H) of the Act shall make his or her claim at a United States embassy or consulate, in accordance with such regulations as may be prescribed by the

Secretary of State. (b) *Oath of allegiance; issuance of certificate* (1) Upon determination by the district director that a person is eligible for United States citizenship pursuant to section 301(h) of the Act, the person shall take the oath of allegiance, prescribed in 8 CFR part 337, before an officer of the Service designated to administer the oath of allegiance within the United States, and a certificate of citizenship shall be issued. The person shall be considered a United States citizen as of the date of his or her birth.

(2) A person residing outside of the United States who is eligible for United States citizenship under section 301(h) of the Act shall take the oath of allegiance abroad before any diplomatic or consular officer of the United States, in accordance with such regulations as may be prescribed by the Secretary of State. The person shall be considered a United States citizen as of the date of his or her birth.

Dated: May 23, 1996.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

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DEPARTMENT OF ENERGY

10 CFR Parts 205 and 1003

Administrative Procedures and Sanctions; Office of Hearings and Appeals Procedural Regulations; Removal of Unnecessary Regulations

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy is amending the Code of Federal Regulations (CFR) to apply existing procedural rules to certain petroleum proceedings and 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: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, (HG-20), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0107, (202) 426-1492.

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, and those regulations that are no longer necessary to the agency's mission, as well as regulations governing unfunded and nonfunctioning programs. The DOE has already published final rules removing 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 D Exception

10 CFR Part 205—Subpart E Exemption

10 CFR Part 205—Subpart H Appeal

10 CFR Part 205—Subpart I Stay and Temporary Exception

10 CFR Part 205—Subpart J Modification or Rescission

10 CFR Part 205—Subpart R Office of Private Grievances and Redress

Part 205 establishes the procedures to be utilized and identifies the sanctions that are available in proceedings before the Department of Energy concerning the pricing and allocation of crude oil under parts 209 and 214. 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. The Department has determined that subpart D, subpart E, subpart H, subpart I, subpart J, and subpart R of part 205, which set forth procedures that apply to crude oil regulation, are no longer necessary. Part 205 also provides certain procedural protections required by section 504 of the Department of Energy Organization Act for persons affected by oil-related regulations issued under authority of the Federal Energy Administration Act, the Emergency Petroleum Allocation Act of 1973, the Energy Supply and Environmental Coordination Act of 1974, or the Energy Policy and Conservation Act, 42 U.S.C. 7194. As described below, for the few oil-related cases currently under appeal in the courts or the Federal Energy Regulatory Commission, the procedural protections of 10 CFR part 1003, which are substantially the same as in part 205, will be available in the event of a remand to the Department.

The Department is aware of the possibility that, in certain instances, proceedings initiated under 10 CFR parts 209 through 214, and as yet not concluded, may be remanded to the Office of Hearings and Appeals for further proceedings. The Department

has, in place, regulations that govern the procedures for exceptions, appeals, stays, modifications, recessions, redress and resolution of private grievances that apply agency-wide, 10 CFR part 1003. To protect the rights of any party to a proceeding remanded to the Office of Hearings and Appeals, today's regulation amends part 205 to provide that a person's right to exceptions, exemptions, appeals, stays, modifications, recessions, redress or resolution of private grievances under the statutes set forth in section 504 of the Department of Energy Organization Act shall be governed by the procedural rules in 10 CFR part 1003. The Department is revising 10 CFR 1003.1 to permit the application of the Office of Hearings and Appeals procedural regulations to matters which relate to the federal oil regulations that are no longer covered by part 205. Finally, the Department is revising 10 CFR 1003.20 to apply to exemptions and adjustments as provided for in 42 U.S.C. 7194.

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. The procedural protections afforded by these subparts are available under 10 CFR part 1003. 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 final rules prior to their effective dates. 5 U.S.C. 801. That reporting requirement does not apply to the final rule in this notice because it falls within a statutory exception for procedural rules that do not substantially affect the substantive rights or obligations of non-agency persons. 5 U.S.C. 804(3)(C).

List of Subjects

10 CFR Part 205

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

10 CFR Part 1003

Administrative practice and procedure.

Issued in Washington, DC, on June 28, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

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 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 Rulemaking 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 Rulemaking 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