

DOE on January 19, 1996,<sup>10</sup> and by the Commission on February 14, 1996.<sup>11</sup>

List of Subjects of 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Accordingly, 16 CFR Part 305 is amended as follows:

**PART 305—[AMENDED]**

1. The authority citation for Part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

2. Appendix F to Part 305 is revised to read as follows:

Appendix F to Part 305—Clothes Washers

*Range Information*

“Compact” includes all household clothes washers with a tub capacity of less than 1.6 cu. ft. or 13 gallons of water.

“Standard” includes all household clothes washers with a tub capacity of 1.6 cu. ft. or 13 gallons of water or more.

Capacity	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Compact:		
Top Loading .....	607	1061
Front Loading .....	(*)	(*)
Standard:		
Top Loading .....	616	1335
Front Loading .....	241	280

(\*) No data submitted.

By direction of the Commission.

Donald S. Clark,  
*Secretary.*

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**DEPARTMENT OF STATE**

**Bureau of Consular Affairs**

**22 CFR Part 51**

**[Public Notice Number 2401]**

**Passports**

**AGENCY:** Bureau of Consular Affairs, State.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the regulations at 22 CFR Part 51, Subpart B to eliminate obsolete language

regarding release of passport information.

**EFFECTIVE DATE:** June 13, 1996.

**FOR FURTHER INFORMATION CONTACT:**

William B. Wharton, Director, Office of Passport Policy and Advisory Services, telephone (202) 955-0231.

**SUPPLEMENTARY INFORMATION:** Present regulations provide for the release of passport information in accordance with the provisions of the Privacy Act, the Freedom of Information Act and applicable provisions of 22 CFR Part 171 and Part 172. This rule is not expected to have significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. In addition, this rule does not impose information collection requirements under the provisions of the Paperwork Reduction Act of 1980. This rule has been reviewed as required by E.O. 12778 and certified to be in compliance therewith. This rule is exempt from review under E.O. 12866, but has been reviewed internally by the Department to ensure consistency with the objectives thereof. In addition, as this amendment involves “a matter relating to agency management,” it is exempt from the requirement of notice and comment pursuant to section 553(a)(2) of the Administrative Procedures Act; and, accordingly, it may be promulgated as a final rule.

List of Subjects in 22 CFR Part 51

Passports and visas, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 22 CFR Part 51 is amended as follows:

**PART 51—PASSPORTS**

**Subpart B—Application**

1. The authority citation for section 51.33 is revised to read as follows:

Authority: 22 U.S.C. 2658 and 3926; 5 U.S.C. 552, 552a.

2. Section 51.33 is revised to read as follows:

**§ 51.33 Release of passport information.**

Information in passport files is subject to the provisions of the Freedom of Information Act (FOIA) and the Privacy Act. Release of this information may be requested in accordance with the implementing regulations set forth in Subchapter R, Part 171 or Part 172 of this title.

Dated: May 20, 1996.

Mary A. Ryan,

*Assistant Secretary of State for Consular Affairs.*

[FR Doc. 96-14825 Filed 6-12-96; 8:45 am]

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**22 CFR Parts 81, 82, 83, 84, 85, 86, 87, and 88**

**[Public Notice 2406]**

**Shipping and Seamen**

**AGENCY:** Bureau of Consular Affairs, State.

**ACTION:** Final rule.

**SUMMARY:** As part of the President’s Regulatory Reinvention Initiative, the Bureau of Consular Affairs is repealing all of its regulations on Shipping and Seamen, which are found at 22 CFR Parts 81 through 88. Several of the current regulations are obsolete and some of the regulations are merely word-for-word repetitions of existing statutes. At the same time, most of the procedural aspects of consular work relating to shipping and seamen are covered in the Foreign Affairs Manual, which provides guidance and instructions to consuls performing these responsibilities worldwide, and do not need to be covered in regulations. The Bureau is currently considering whether to propose a replacement section, to be designated as 22 CFR Part 80. If the Bureau decides that such regulations are necessary, it will propose new regulations that will be up to date and more appropriate in scope and content.

In the interim, the Department will rely directly on its statutory authorities in this area and the procedures in the Foreign Affairs Manual to perform shipping and seamen functions.

**EFFECTIVE DATE:** June 13, 1996.

**FOR FURTHER INFORMATION CONTACT:**

Carmen A. DiPlacido, or Michael Meszaros, Overseas Citizens Services, Department of State, 202-647-3666 or 202-647-4994.

**SUPPLEMENTARY INFORMATION:** This rule eliminates Parts 81 through 88 of the Title 22 of the Code of Federal Regulations. These rules relate to consular services provided to seamen and in connection with U.S. registered vessels. In recent years, the number of U.S. citizens serving as merchant seamen has declined. Also, the number of merchant vessels registered in the United States has declined. Proportionately, the quantity of consular services provided to U.S. seamen has also declined. Currently, very few foreign service posts are called upon to

<sup>10</sup> 61 FR 1366.

<sup>11</sup> 61 FR 5679.

provide services related to shipping and seamen. Those they do perform are very routine functions. While historically important, protection of seamen is not any longer a significant function performed by consular officers.

In addition, there have been major legislative changes since Chapters 81–88 were promulgated. Many of the current regulations have been unchanged since 1957, and a good portion have become obsolete. For example, 22 CFR section 87.1 authorizes consular officers to issue a certificate of American Ownership or a Provisional Certificate of Registry. In fact, Provisional Certificates of Registry have not been issued since 1981. Another example is 22 CFR section 84.8(b), which refers to “shipping commissioners.” There are no longer any shipping commissioners. In addition, some of the statutes on which the regulations are based have been repealed (e.g., 46 U.S.C. 593, and 46 U.S.C. 621 to 628) and replaced by new and different legislation.

In repealing the regulations on Shipping and Seamen, the Bureau of Consular Affairs has consulted with the Coast Guard and the United Seamen’s Service. It was determined that many of the current regulations merely restate statutory or common law, or deal with the internal policy of the Department of State. As such, they are unnecessary and can be removed.

If new regulations are proposed, they will be much simpler and consistent with the current State Department dealings with shipping and seamen. The core functions (responsibilities to vessels, relief and repatriation of individual seamen) will be spelled out as necessary.

It is hereby certified that the repeal of these regulations will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, 5 U.S.C. 605(b), because the issues addressed are not of an economic nature and a very small number of U.S. vessels will be affected. In addition, the repeal of these regulations will not impose information collection requirements under the provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35. Nor do these rules have federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612.

Review under E.O. 12988 is not required, because no new regulations are being proposed at this time. This regulatory action is exempt from review under E.O. 12866, but has been undertaken consistent with the policies and principles thereof. This action is

being taken as a final rule, pursuant to the “good cause” provision of 5 U.S.C. section 553 (b); notice and comment are not necessary in light of the fact that Department is merely repealing regulations that are obsolete or repetitive of other statutory or procedural guidance. Moreover, the Department will continue to have authority to act with respect to shipping and seamen by relying directly upon existing statutory authority.

List of Subjects in 22 CFR Parts 81, 82, 83, 84, 85, 86, 87, and 88

Foreign Service, Seamen, Vessels.

Pursuant to the above authorities, Title 22 of the Code of Federal Regulations is amended as set forth below:

#### **PARTS 81 THROUGH 88—[REMOVED]**

1. Parts 81 through 88 are removed.

Dated: May 31, 1996.

Mary A. Ryan,

*Assistant Secretary for Consular Affairs.*

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#### **Bureau of Economic and Business Affairs**

[Public Notice 2396]

#### **22 CFR Part 89**

#### **Foreign Prohibitions on Longshore Work by U.S. Nationals**

**AGENCY:** Bureau of Economics and Business Affairs, State.

**ACTION:** Final rule.

**SUMMARY:** In accordance with the Immigration and Nationality Act of 1952, as amended, the Department of State is issuing a rule updating the list, of longshore work by particular activity, of countries where performance of such a particular activity by crewmembers aboard United States vessels is prohibited by law, regulation or in practice in the country.

**EFFECTIVE DATE:** June 13, 1996.

**ADDRESSES:** Office of Maritime and Land Transport (EB/TRA/MA), Room 5828, Department of State, Washington, D.C. 20520-5816.

**FOR FURTHER INFORMATION CONTACT:** Richard T. Miller, Office of Maritime and Land Transport, Department of State, (202) 647-6961.

**SUPPLEMENTARY INFORMATION:** Section 258 of the Immigration and Nationality Act of 1952, 8 U.S.C. 1288, determines that alien crewmen may not perform longshore work in the United States.

Longshore work is defined broadly to include “any activity relating to the loading or unloading of cargo, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when the vessel is made fast or let go, in the United States or the coastal waters thereof.” The Act goes on, however, to define a number of exceptions to the general prohibition on such work.

Section 258(b)(2), in what is known as the “Exception for Safety and Environmental Protection,” excludes from the definition of longshore work under this statute “the loading or unloading of any cargo for which the Secretary of Transportation has, under the authority contained in chapter 37 of title 46, United States Code (relating to Carriage of Liquid Bulk Dangerous Cargoes), section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), section 4106 of the Oil Pollution Act of 1990, or section 105 or 106 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1804, 1805) prescribed regulations which govern—(A) the handling or stowage of such cargo, (B) the manning of vessels and the duties, qualifications, and training of the officers and crew of vessels carrying such cargo, and (C) the reduction or elimination of discharge during ballasting, tank cleaning, handling of such cargo.”

Section 258(c), in what is known as the “Prevailing Practice Exception,” exempts particular activities of longshore work in and about a local port if there is a collective bargaining agreement covering at least 30 percent of the longshore workers in the area that permits the activities or if there is no such collective bargaining agreement and the employer of the alien crew files an appropriate attestation, in a timely fashion, that the performance of the activity by alien crewmen is permitted under the prevailing practice of the particular port. The attestation is not required for activities consisting of the use of an automated self-unloading conveyor belt or vacuum-actuated system on a vessel unless the Secretary of Labor finds, based on a preponderance of evidence which may be submitted by any interested party, that the performance of such particular activity is not the prevailing practice in the area or that certain labor actions are underway.

Section 258(d), the “State of Alaska Exception,” provides detailed conditions under which alien crewmembers may be allowed to perform longshore activities in Alaska, including the filing of an attestation