



## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### 15 CFR Part 255

[Docket No. 260415-0103]

RIN 0693-AB74

### Eliminating Regulations Establishing Fellowships in Laboratory Standardization and Testing for Foreign Citizens

**AGENCY:** National Institute of Standards and Technology (NIST), Department of Commerce (Department).

**ACTION:** Final rule.

**SUMMARY:** By this rule, NIST removes its regulations establishing fellowships in laboratory standardization and testing for foreign citizens of “other American republics.” This action is necessary because no statute specifically requires or contemplates the promulgation of these regulations and because there has not been any active program under these regulations in decades. The removal of these regulations will streamline the Code of Federal Regulations, thereby promoting administrative simplicity and efficiency, and also reprioritize U.S. interests.

**DATES:** The rule is effective [insert date of publication in the Federal Register].

**FOR FURTHER INFORMATION CONTACT:** Daniel Sweeney, Senior Counsel, Office of the General Counsel, at (202) 482-1395.

#### **SUPPLEMENTARY INFORMATION:**

This action eliminates NIST’s regulations at 15 CFR part 255, titled “Fellowships in Laboratory Standardization and Testing for Qualified Citizens of Other American Republics.” These regulations were originally promulgated by final rule on December 28, 1948 (13 FR 8374), pursuant to section 1 of 53 Stat. 1290, a statutory provision enacted on August 9, 1939. That statutory provision authorized the President to “utilize the services of the departments,

agencies, and independent establishments of the Government in carrying out the reciprocal undertakings and cooperative purposes enunciated in the treaties, resolutions, declarations, and recommendations signed by all of the twenty-one American republics at the Inter-American Conference for the Maintenance of Peace held at Buenos Aires, Argentina, in 1936, and at the Eighth International Conference of American States held at Lima, Peru, in 1938.” Sec. 1, 53 Stat. 1290; *see also* 22 U.S.C. 501. The purpose of the authorization, according to the statute, was to enable the President “to render closer and more effective the relationship between the American republics.” *Id.*

Upon review, the Department has determined that 15 CFR part 255 is now appropriate for removal. No statute specifically requires or contemplates the promulgation of the regulations at part 255, and the policy considerations that drove such promulgation in 1948 are, at the very least, dated. Indeed, there has not been an active program under part 255 in decades. Moreover, the removal of part 255 is consistent with the Department’s broader efforts to streamline its body of regulations and to re-emphasize and -prioritize U.S. interests.

## **REGULATORY CLASSIFICATIONS**

### ***A. Administrative Procedure Act***

Pursuant to 5 U.S.C. 553(b)(B), the Department finds good cause to waive the prior notice and opportunity for public participation requirements of the Administrative Procedure Act for this final rule. The Department considers this rule to be uncontroversial, and has determined that prior notice and opportunity for public participation is unnecessary, because this rule only removes dated regulatory language that is neither specifically required nor specifically authorized by any statute. Moreover, there is no active program under part 255 that will be affected by this removal, as there has not been an active program under part 255 for decades. For the same reasons, the Department has determined that delaying the effectiveness of this elimination would be contrary to the public interest; eliminating part 255 will simplify and streamline the Department’s body of regulations, thereby promoting accessibility and efficiency,

and will help ensure statutory conformity. The Department thus finds good cause to waive the public notice and comment period under 553(b)(B) and to waive the 30-day delay in effectiveness under 553(d).

***B. Executive Orders 12866, 14192, and 13132***

The Office of Management and Budget has determined this rule is not significant pursuant to Executive Order (E.O.) 12866. This rule is an E.O. 14192 deregulatory action. This rule does not contain policies having federalism implications as the term is defined in E.O. 13132.

***C. Regulatory Flexibility Act***

Because a notice of proposed rulemaking and an opportunity for public participation are not required to be given for this rule by 5 U.S.C. 553(b)(B), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

***D. Paperwork Reduction Act***

This rule will not impose additional reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.*

**List of Subjects for 15 CFR Part 255**

Administrative practice and procedure, Fellowships, Foreign relations, Laboratories, Measurement standards, Research, Technical assistance.

Alicia Chambers,  
NIST Executive Secretariat.

**PART 255 – [REMOVED AND RESERVED]**

Accordingly, for the reasons set forth above and under the authority of 15 U.S.C. 277 and 5 U.S.C 301, part 255 of title 15 of the Code of Federal Regulations is removed and reserved.

